



# *Hays County Employee Personnel Policy*

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# **SECTION 1: GENERAL POLICIES**

# ***HAYS COUNTY GOVERNMENT***

## ***SERVICE TO THE PUBLIC***

*We are here to serve the people of Hays County.*

*It is your responsibility to provide fair, efficient service in a courteous manner.*

*Strive to learn and stay informed about the activities of the county.*

*Be a good and sincere listener. Our visitors and callers want us to understand and care about the reason for their communication.*

*Help others solve their concerns and problems in the most efficient manner, even if the situation must be referred to another employee or department.*

*Write down all the information you will need to complete a task for a citizen, including their name, the date and time of a call or request, and a telephone number, email or physical address where the person can be contacted.*

*Fulfill all promises you make. If you cannot complete a promised task as anticipated, get back in touch and explain the circumstances.*

*Respect the dignity of every individual. Try honestly and sincerely to see the other person's point of view. Speak kindly to and about others. Avoid arguments and be friendly.*

*Be punctual in your work and for appointments.*

*Make suggestions to your supervisor about ways we can improve our services to the citizens of Hays County or can get our work done in a more efficient manner.*

*Dress and appearance must be appropriate for your job. A neat and orderly appearance is important.*

*County employees are trustees of public funds. Please conserve county money, time and equipment as if it were your own. Public service not only requires that we obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.*



# **PROVISIONS**

## **PURPOSE**

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the Hays County Commissioners Court. This policy governs all aspects of employment. The policies are not a contract of employment between Hays County and any of its employees, they are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind. Additionally, the Hays County Personnel Policy should not be interpreted as forming an express or implied contract or promise that these policies will be applied in all cases. Commissioners Court adopted these policies to promote consistent, equitable, and effective practices by both employees and supervisors. These provisions may be amended or canceled at any time by a Commissioners Court action except for the policy of employment-at-will.

In addition to the Hays County Personnel Policy, elected officials and department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with or supersede these policies. Employees must comply with their departmental rules. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail.

These personnel policies apply equally to all employees, volunteers, interns, and reserves of Hays County unless law or the terms of these policies specifically exempt a class of employees.

## **SEVERABILITY**

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

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

## **LEGAL AUTHORITY**

References to statutory or other legal authority contained in these policies are for informational purposes only and are subject to change. As changes occur in statutory or other legal authority, Hays County and its personnel will modify practices accordingly.

## **DISSEMINATION OF PERSONNEL POLICIES**

Hays County maintains the official record of the personnel policies with all revisions. Commissioners Court must approve all deletions, amendments, revisions, or additions to the Hays County Personnel Policy.

The Human Resources Department will provide a copy of this policy to all new employees. Every employee is required to sign an acknowledgement of having received the Hays County Personnel Policy. All employees, including elected officials, have an obligation to familiarize themselves with these policies and to abide by them, including any future amendments to these policies.

Employees will be notified of subsequent revisions via email and updates will be posted to the policy on the county intranet. For employees who do not have a computer, supervisors will be directed to share with employees.

## **A. COUNTY EMPLOYMENT**

### **1A101 EMPLOYMENT AT WILL**

All employment with Hays County will be considered “at will” employment. No contract of employment will exist between any individual and Hays County for any duration, either specified or unspecified. No provision of this policy will be construed as modifying the employment at will status.

Hays County will have the right to terminate the employment of any employee for any legal reason, or no reason, at any time, with or without notice.

Hays County will also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of Hays County will have the right to leave their employment with Hays County at any time, with or without notice.

### **1A102 EQUAL EMPLOYMENT OPPORTUNITY**

Hays County is an equal opportunity employer. The county will not tolerate unlawful discrimination on the basis of race, color, religion, national origin, sex, age, genetic information, pregnancy, veteran status, disability, or any other condition or status protected by law. The county will not discriminate on the basis of any condition or status protected by law for any benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. Such employment privileges may include but are not limited to hiring, promotion, demotion, raises, termination, training, discipline, and use of employee facilities or programs. If an employee needs an accommodation as a result of a condition or status protected by law, please advise the elected official, appointed official, department head, Hays County General Counsel or Human Resources Director.

### **1A103 POSITION POSTINGS**

All positions are approved through Commissioners Court during the budget process. Every vacant position must be posted through the Human Resources Department. There will be no promotions or new hires without a position posting. The hiring official determines the length of time a position is posted and the type of posting that is appropriate.

The hiring official may choose to use any of the following types of postings:

- Public posting – The position is posted on the county website and is available for all members of the public and all county employees to apply. The hiring

official may also request the position to be advertised in newspapers, posted on other job posting and recruiting internet sites and organizations.

- County posting – Only current Hays County employees may apply for the position. The position is posted on the county website.
- Departmental posting – Only current employees and interns within the department in which the vacancy exists may apply for the position. The position is posted on the county website, and the job posting is labeled as only open to department employees.

The official job postings are located on the county website.

### **1A104 EMPLOYMENT APPLICATIONS**

All applications must be submitted to the Human Resources Department or, for Sheriff's Office positions, to the Sheriff's Human Resources office.

Hays County does not accept resumes without a fully completed, appropriate Hays County employment application. The county does not accept applications for employment unless a specific vacancy exists. Applications are valid for 90 days and the hiring official may consider previously submitted applications for the same position within the previous 90 days.

Any misrepresentations, falsifications or material omissions in any submitted application or resume may result in exclusion of the individual from further consideration of employment, or if the person has been hired, termination of employment.

Examples of reasons for which Hays County may reject an applicant are as follows:

- applicant does not meet the minimum requirements established for the position.
- application includes false information.
- applicant has exercised or attempted to exercise political pressure, bribery or any threat to secure an advantage in selection; or
- applicant has failed to submit the application correctly or within the prescribed time limit.

### **1A105 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT (ADAAA)**

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

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

### **1A106 EMPLOYEE STATUS**

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court.

- Regular Full Time - A regular full-time employee is any employee in a position who has a normal work schedule of at least forty (40) hours per week. Full time regular employees are eligible for county health insurance and TCDRS retirement benefits. Other county policies will dictate eligibility for other benefits.
- Three-quarter ( $\frac{3}{4}$ ) Regular Time - A  $\frac{3}{4}$  time regular employee is any employee in a position who has a normal work schedule of at least thirty (30) hours per week but less than forty (40) hours per week.  $\frac{3}{4}$  regular time employees are eligible for county health insurance and TCDRS retirement benefits. Other county policies will dictate eligibility for other benefits.
- One half ( $\frac{1}{2}$ ) Regular Time - A  $\frac{1}{2}$  regular time employee is any employee in a position who has a normal work schedule of at least twenty (20) hours per week but less than thirty (30) hours per week. All  $\frac{1}{2}$  regular time employees must contribute to the TCDRS retirement system regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

- Regular Part Time - A regular part time employee is any employee in a position who has a normal work schedule of less than twenty (20) hours per week. All regular part-time employees must contribute to the TCDRS retirement system regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.
- Temporary - A temporary employee is any employee who is expected to work each week in a position that is expected to last for a specific period of time or until a specific project is completed, not to exceed 12 months. Temporary employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.
- Unpaid – An unpaid employee may be an intern, volunteer, or reserve deputy.

An employee whose status has changed from temporary to regular is considered hired on the date of acceptance of regular employment.

### **1A107 PRE-EMPLOYMENT**

In an effort to provide and maintain the safest possible environment for the public and staff, and enhance the security of physical resources, Hays County will, consistent with the requirements of the law and prudent practices, conduct background and reference checks on applicants who are under final consideration for a position.

The hiring official is responsible for making appropriate checks to verify education, experience, character, work ethic, required certificates and skills of an applicant.

Human Resources or the department with statutory requirements will conduct criminal background investigations, driver's license record checks, and obtain criminal history record information in accordance with the statutory support of Texas Government Code 411.1295 as may be amended from time to time.

To help ensure that employees are able to perform their duties safely, medical examinations may be required. After a conditional offer has been made to an applicant entering a designated job category, a health professional of Hays County's choice will perform a medical examination at Hays County's or the applicant's expense, depending on the position and funding available. This exam may include a physical exam, a psychological exam, and a drug test.

The continuation of employment is contingent upon satisfactory completion of all exams. Employees who are required to pass physical examinations must be cleared for duty in writing by the medical authority chosen by Hays County. Anyone not successfully completing or refusing to take these exams will not be considered

for employment. Information of an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

### **1A108 IMMIGRATION LAW COMPLIANCE**

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Verification Form I-9 and present appropriate documents establishing identity and employment eligibility within the prescribed timeframe. Employees that are required to update their immigration records must do so prior to the expiration of their documents in order to continue employment.

### **1A109 NEPOTISM**

Texas Government Code Chapter 573 states a public official of Hays County is prohibited from appointing or hiring an individual related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over. Hays County forbids the practice of nepotism in hiring employees or awarding contracts. No person may be hired who is related within the third degree by consanguinity (blood) or within the second degree by affinity (marriage) to any member of the Commissioners Court, or to the elected official or department head for whom they would work. Relatives of people currently employed by Hays County may be hired only if they will not be a subordinate to or supervising the relative. This policy applies to any relative who has the authority to review work or make employment decisions regardless of their position in the organizational hierarchy. The hiring of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Pursuant to Chapter 573 of the Texas Government Code, if an elected official is newly elected in the general election, they may supervise relatives only if the relative has already been working in the same position for at least one year prior to the election and will continue to work in that position. If an elected official is newly elected in an election other than the general election, they may supervise relatives only if the relative has already been working in the same position for at least six months prior to the election and will continue to work in that same position. If the elected official is appointed, they may supervise relatives only if the relative has already been working in the same position for at least 30 days.

Current Hays County employees cannot be transferred into a position that would create a supervisory or reporting relationship for a relative. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days of the establishment of the relationship, a supervising elected official, appointed official,

or department head will decide. In other cases where there is a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

Relationship of Consanguinity				
	1st Degree	2nd Degree	3rd Degree*	4th Degree*
<b>Person</b>	child or parent	grandchild, sister, brother or grandparent	great-grandchild, niece, nephew, aunt, * uncle* or great-grandparent	great-great-grandchild, grandniece, grandnephew, first cousin, great aunt, * great uncle* or great-great-grandparent

\* An aunt, uncle, great aunt or great uncle is related to a person by consanguinity only if he or she is the sibling of the person's parent or grandparent.

Relationship of Affinity		
	1st Degree	2nd Degree
<b>Person</b>	spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepmother or stepfather	brother-in-law, sister-in-law, spouse's grandparent, spouse's grandchild, grandchild's spouse or spouse of grandparent



Pursuant to Chapter 573 of the Texas Government Code, the ending of a marriage by divorce ends relationship by affinity unless a child of that marriage is living, in which case the marriage is considered to have continued for the purposes of nepotism.

### **1A110 DATING**

Hays County recognizes that social dating and romantic relationships may develop between two employees. Employees who work in the same department and are dating have an obligation to inform their supervisor(s). Romantic or sexual liaisons that develop in the workplace are potentially problematic. Any relationship that results in performance problems, disruptive conduct, or affects county operations will result in disciplinary action up to and including termination. In cases where there is a conflict and the employees do not work in the same department; the parties may be disciplined up to and including termination of employment. Employees found to be engaging in sexual activity while on county time or in a county facility will be disciplined up to and including termination.

Hays County expressly prohibits supervisors from dating or becomes intimately involved with employees they supervise. Supervisors who provide special benefits to employees whom they are dating are guilty of sexual discrimination and will be disciplined up to and including termination.

### **1A111 DRESS CODE AND CONDUCT**

Hays County expects all employees to be well groomed, clean, and neat at all times and to dress according to the requirements of their positions. Each department head will determine the type of attire that is acceptable for their department.

Employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

### **1A112 ORIENTATION AND TRAINING**

Each new employee is required to attend an orientation on or before the first three days of employment. During orientation, the new employees will meet with the Payroll Office to receive payroll, retirement, and accrued leave material dependent on eligibility. New employees will also meet with the Human Resources Department to complete required employment forms and to receive required policies and meet with the HR Benefits representative to receive material and information on insurance plans offered, dependent on eligibility.

Each new full-time employee is also required to attend a benefits enrollment session where they will meet with various insurance representatives and make insurance enrollment selections. The Benefits representative will schedule each new employee to attend the required benefit enrollment session.

Training an employee is the responsibility of the department head for which he or she works. Training is necessary to prepare the employee for new duties that are required for the employee's current position. Whenever possible, employees receive on-the-job training under close supervision. If it is necessary to have two employees in one position in order to train a new employee, there must be funds available in the department's budget to do so. Positions may not be shared for more than two weeks without Commissioners Court approval.

### **1A113 PERSONNEL FILES**

The Hays County Human Resources Department retains basic employee information in an individual personnel file. This file includes all pertinent employment documents such as resume, application, insurance information, tax information, retirement information and other similar paperwork pertaining to the employee, as well as records concerning performance and compensation.

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

The Public Information Act allows county employees to keep certain personal information confidential: home addresses, personal telephone numbers, social security numbers, emergency contact information, and information that reveals whether the employee has family members. This information may be kept private by requesting in writing no later than 14 days after the first day of employment not to allow this information to be released to the public. To close or open public access at a later date, submit a request in writing to the Payroll Office.

### **1A114 EMPLOYMENT VERIFICATION**

The Hays County Payroll Office responds to verifications of employment. Normally, responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. The Payroll Office will only release public information. Any additional information will only be released with the employee's authorization.

## **1A115 PERFORMANCE EVALUATIONS**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal day-to-day basis. Normally, formal performance evaluations are scheduled approximately every 12 months in June for all employees. Additional formal performance evaluations are conducted to provide both supervisors and employees with the opportunity to discuss tasks, correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

An employee's progress will be carefully reviewed. Each formal evaluation will be given to the employee and discussed in detail by the supervisor and/or department head. The department head, or his or her designee, may conduct the employee discussion and review. Signed evaluation forms are to be forwarded to the Human Resources Office for permanent retention in the employee's personnel file.

Evaluations do not change employment status. The county retains the right to dismiss an employee at any time regardless of evaluation scores.

## **B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

### **1B101 TOBACCO AND VAPE FREE WORKPLACE**

Hays County supports the health and wellness of employees and officials by discouraging the use of tobacco products and vapor delivery devices. Hays County prohibits the use of tobacco or vapor delivery devices within 15 feet of entrances to county buildings, within county buildings, and within county vehicles.

### **1B102 CONFLICT OF INTEREST, SOLICITATION AND INTER-DEPARTMENT COMMUNICATION**

Employees of Hays County will 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 their ability to make objective decisions in regard to their work and responsibility as a Hays County employee.

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

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

- 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 the intent to influence the employee's performance.
- accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties.
- accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the county.
- making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the county; or

- 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.

In an effort to ensure a productive and harmonious work environment, people not employed by Hays County may not solicit or distribute anything in the workplace at any time for any purpose without department head approval. Hays County recognizes that employees may have interest in events and organizations outside the workplace. However, employees may not solicit or distribute items concerning these activities during work time. Working time does not include lunch periods, work breaks or any other periods in which employees are not on duty. Employees also are prohibited from using county equipment to distribute or solicit such items.

From time to time an employee may be given directions from people other than his or her immediate supervisor or department head. In such cases, it is the employee's responsibility to notify his or her supervisor about the directions, their purpose, and relevant facts of the situation.

### **1B103 HARASSMENT**

Hays County is committed to a workplace free of harassment. Harassment gender identity, transgender status, or sexual orientation, race, color, religion, national origin, age, genetic information, pregnancy, disability, FMLA or military leave status or veteran's status. Such conduct becomes harassment when:

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

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

Employees who feel they have been harassed should immediately report the situation to the department head, elected official or appointed official who is responsible for the department in which they work. If the harassment is from the department head, elected official or appointed official, employees should report the situation to the Human Resources Director or the County Judge.

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to

the department head, elected official 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 Human Resources Director or to the County Judge.

Once a report of harassment is received by a supervisor or department head, the Human Resources Director must be notified immediately.

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

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.

### **1B104 SEXUAL HARASSMENT**

Sexual harassment is strictly prohibited by Hays 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 Hays County to provide a workplace free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment will be subject to discipline, up to and including termination of employment. Sexual harassment includes, but is not limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where:

- the submission to such conduct is either an expressed or implied condition of employment.
- the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

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

Employees who feel they have been sexually harassed should immediately report the situation to the department head, elected official 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 Human Resources Director or the County Judge.

Once a report of harassment is received by a supervisor or department head, the Human Resources Director must be notified immediately.

The official or department head to which a claim has been reported will be responsible for seeing that prompt action is taken to investigate the claim. Use the following procedures so that the complaint may be resolved quickly and fairly.

- when practical, confront the harasser and tell them to stop the unwanted behavior.
- record the time, place and specifics of each incident, including any witnesses; and
- report sexual harassment to the supervisor or department head responsible for the department or to the Human Resources Director.

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

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.

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the department head, elected official 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 Human Resources Director or to the County Judge.

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

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

## **1B105 WORKPLACE VIOLENCE**

Hays County is committed to providing a workplace free of violence. Hays County will not tolerate or condone violence of any kind in the workplace. Hays County will also not tolerate or condone any threats of violence, direct or indirect, including jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicions from the public, former employees or current employees to their immediate supervisor or the Sheriff's Office. Employees may possess a firearm or other weapon only if legally authorized. However, employees may not carry firearms in unauthorized locations within Hays County property. If employees believe that a person is violating this policy, they should immediately report the violation to their immediate supervisor or the Sheriff's Office. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

## **1B106 GRIEVANCE PROCESS**

The purpose of the Hays County grievance process is to settle grievances as quickly as possible to ensure efficient work operations and maintain positive employee morale. Elected officials, department heads and supervisors are encouraged to work with employees to resolve grievances informally. A grievance may be filed by current employees on one or more of the following grounds:

- improper application of Hays County rules, regulations, and procedures;
- improper working conditions, and health and safety issues;
- improper application of Hays County fringe benefits;
- misapplication of a salary ladder;
- harassment/retaliation; or
- illegal discrimination based on sex, race, color, religion, national origin, age, genetic information, pregnancy, disability, FMLA or military leave status or veteran's status.

The grievance process does not apply to:

- performance evaluations; or
- performance improvement plans.



No adverse action will be taken against an employee for exercising his or her grievance right. However, Hays County reserves the right to proceed with any disciplinary action that is not related to or in retaliation of the use of the grievance process. Further, the act of filing a grievance does not alter the employment at will relationship in any way. It is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or repeatedly raises grievances that are without merit.

If the employee wishes to appeal, they must appeal to the next step of the grievance process within the stated time period or lose the right to carry the case any further. Once a grievance is appealed to the Employee Grievance Committee and a decision is reached, that decision is final. Grievances will not be accepted regarding the same incident or issue without substantial new evidence that was not considered in the previous investigation. Final decisions on grievances will not set precedence nor bind any circumstance except the specific complaint that is in question.

- **INFORMAL DEPARTMENT LEVEL GRIEVANCES**

The first step in the grievance process is for the employee to attempt to resolve the grievance by an informal conference with their supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, then the employee must file the grievance with their department head, elected official or appointed official. If this too does not result in a resolution that is satisfactory to the employee, he or she must file a formal, written grievance.

- **FORMAL GRIEVANCES**

Formal grievances must be in writing, signed by the employee and presented to the Human Resources Director within 14 calendar days after the alleged grievance occurred. If the grievance is against the Human Resources Director, then it will be filed with the Commissioners Court members. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the formal grievance process by another county employee of his or her choice provided that the employee chosen has not been an employee representative in any other grievance proceeding within the previous 12-month period. After being presented with a written and signed grievance, the Human Resources Director or Commissioners' Court representative will:

- Meet with the employee and other people as may be necessary to gather the facts.
- Attempt to resolve the grievance with the employee.

- Communicate the decision to the employee in writing within 14 calendar days after the receipt of the formal grievance. More time may be requested to allow adequate investigation.

If the complainant is dissatisfied with the findings of the investigation, they may appeal to the Employee Grievance Committee.

- **APPEALS TO THE EMPLOYEE GRIEVANCE COMMITTEE**

An employee may appeal the written decision of the Human Resources Director or Commissioners Court representative to the Hays County Employee Grievance Committee within 14 calendar days of receiving the written decision of the formal grievance. During the Employee Grievance Committee hearing, the Human Resources Director or Commissioners Court representative will be allowed to submit any evidence gathered during any previous investigation. The Human Resources Director or Commissioners' Court representative will remain as part of the Employee Grievance Committee even though they may have conducted a separate investigation into these matters.

The Commissioners Court will appoint the Employee Grievance Committee. If a committee member has a personal relationship to the incident or any party involved that would constitute a conflict of interest, the remaining committee members must appoint an alternate for the remainder of this grievance. All members of the committee must be present for a quorum.

An appeal to the Employee Grievance Committee will be the last step of the grievance procedure. The employee will have 14 calendar days after receiving the formal written decision by the Human Resources Director or Commissioners Court representative from the Formal Grievance to submit an appeal to the Employee Grievance Committee. Failure to submit the appeal in the required time period will result in the rejection of the grievance. If an appeal is accepted, all parties must abide by the solution(s) proposed.

The appeal must be in writing and include the following:

- the complainant's name, job title, immediate supervisor, and department head;
- the full complaint including details of events;
- the action(s) the complainant has taken to solve the problem;
- response from each level of management to all aspects of the complaint; and
- recommended action to solve the problem.

Parties will be notified in writing no less than 14 calendar days before, of all dates and times set for the hearings. All parties to the grievance will have the right to be represented and or accompanied by one other person. They also have the right to attend all formal hearings involving their case. Committee proceedings will be conducted as a formal hearing. Subject to the rules of natural justice, the committee will, at its absolute discretion, decide all matters of procedure and evidence. The committee has the right and obligation to investigate all aspects of the grievance. All proceedings for the Employee Grievance Committee will be kept confidential. All formal hearings will be tape recorded for investigative reference.

The parties involved in the grievance may present witnesses and evidence. Any evidence involved in the grievance either oral or written must be submitted to the committee during the hearing process. A list of all witnesses to be called as well as a copy of all evidence must be submitted to the committee within three calendar days prior to the hearing. Failure or refusal to produce such evidence, withholding evidence or false representation of evidence will be considered as insubordination and proper disciplinary action may be taken. The committee reserves the right to call further witnesses as well as to request and submit additional evidence during the investigation process. The committee is empowered to decline evidence or witness testimony when it cannot be shown to be relevant to the case under consideration. Both parties have the right to examine all evidence and question witnesses during formal proceedings. The committee will determine the date by which final submissions are to be made. No party to the grievance will be present while the committee considers its decision. The committee has the right to seek legal advice. It also has the right to re-examine any evidence presented in the formal hearings.

The Employee Grievance Committee will prepare a written report of its findings and its determination as to whether the grievance is or is not well founded. The committee will include in the report a proposal for the solution to the grievance. Disciplinary action may be taken up to and including termination, if the committee finds that a party in the grievance has performed an action that warrants such discipline. The decision of the Employee Grievance Committee is final.

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

## **1B107 POLITICAL ACTIVITY**

Employees of Hays County have the right to support candidates of their choice and to engage in political activity during their personal time only. Hays County employees will not participate in political activities while on county duty, including but not limited to wearing campaign clothing. Employees are expected to remove county uniforms before participating in political activity. In addition, no county owned property, vehicle, building, equipment, material and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

County employees are not required to contribute to any political fund or render any political service to any person or party.

This section does not apply to the use of the courthouse, courthouse grounds or county buildings when used for the purpose of political announcements approved by Commissioners Court.

Any county employee who is subject to the provisions of the federal Hatch Act may not be a candidate for an elective position in a partisan election. A partisan election is an election in which the candidates are to be nominated or elected to represent a party. County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity that is financed in whole or part by loans or grants made by the federal government.

Hays County employees will not:

- use their official authority or influence to interfere with or affect the result of any election or nomination for office; or
- directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason.

## **1B108 OUTSIDE EMPLOYMENT**

New employees must notify their immediate supervisor of any outside employment when they are hired by Hays County. If there is a conflict of interest, the employee will be required to terminate the outside employment.

Employees may accept outside employment while employed with Hays County as long as their outside employment and volunteer activities do not create a conflict of interest or the appearance of one. Express prior approval must be in writing from the immediate supervisor before accepting the outside job, including self-employment. Hays County employees are expected to give their full and undivided attention to their job duties. If a department head, elected official or appointed official determines that an employee's outside work interferes with their

performance or the ability to meet the requirements of Hays County, the employee may be asked to terminate the outside employment.

Employees may not receive any income, compensation or personal gain from individuals other than Hays County for materials produced or services rendered while performing their Hays County jobs. Employees also may not use Hays County facilities, property, or equipment for outside employment, income, compensation, or personal gain unless authorized by the Commissioners Court. Employees should not use their association with Hays County to carry on a private business or profession.

## **1B109 DISCIPLINE**

Each supervisor has the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior, or any other 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 Hays County.

Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.

When determining disciplinary action, the supervisor may consider previous infractions although they might not be for the same violation. The supervisor may choose any or none of the following disciplinary actions for a violation. They may choose to perform these actions in any order.

- **Oral Warnings** – Oral warnings are given verbally to the employee by a supervisor or department head and documented by the official, department head, or supervisor in the form of a summary. There may be situations where it is recommended to have the presence of a witness.
- **Written Reprimand** – Written reprimands are given with an oral discussion. The supervisor, department head and employee must sign the reprimand. The employee's signature on a written reprimand does not mean that the employee is admitting guilt; they are simply acknowledging the receipt of the reprimand. The employee may submit a rebuttal statement within 14 calendar days of receiving the reprimand. If he or she does not submit a rebuttal statement, it will be assumed that the employee agrees with the description of unacceptable conduct as stated. If the employee refuses to sign the reprimand, a witness may sign that the employee received a copy of the reprimand and he or she refused to sign it.
- **Reduction in Pay** – As a disciplinary measure, an employee's pay may be reduced for doing the same job. The reduction cannot exceed 6% of the employee's current salary and must be documented as temporary or permanent and given with a written reprimand. If permanent, the

employee's previous salary may not be reinstated but the employee may receive merit or promotion salary increases.

- **Demotion** – As a disciplinary measure, an employee may be demoted to a lesser paying or less responsible position. The demotion must be documented as temporary or permanent and given with a written reprimand. Refer to DEMOTIONS Section 2A113 for salary administration guidelines.
- **Suspension from Duty** – An employee may be suspended with or without pay for up to 30 calendar days as a disciplinary measure. The suspension must be given with a written reprimand.
- **Termination** - An employee may be terminated at any time with or without notice.

**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.**

Hays 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.

### **1B110 LICENSE AND CERTIFICATIONS**

Hays County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

### **1B111 CONFIDENTIALITY**

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

The county will adhere to the Public Information Act requirements for the release of information maintained in employee personnel file.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information related to family members confidential. Employees may keep this information private by requesting in writing no later than 14 calendar days after their first day of employment not to allow this information to be released to the public. If employees wish to close or open public access to their information at a later date, they must submit a request in writing to the Hays County Treasurer's Office.

### **1B112 REPORTING FRAUD**

One of the ways employees can help protect public trust is to report instances of fraud or abuse of authority by county employees. Fraud can involve employees, vendors, volunteers, and external organizations doing business with the county. Fraud must be reported to an employee's supervisor. Reports of fraud may also be reported to the Hays County Auditor, who oversees all fraud reporting, the District Attorney or appropriate law enforcement officer.

Examples of fraud include, but are not limited to, the following:

- Missing Cash
- Embezzlement
- Timesheet Fraud
- Falsified Documents
- Personal Use of County Assets
- Theft of Equipment and Supplies
- Inspection Kickbacks/Bribery
- Conflict of Interest
- Workers' Compensation Abuse
- Vendor Kickbacks

Retaliation against or penalizing any employee for reporting fraud, giving testimony, or cooperating with an audit investigation proceeding or hearing is prohibited. Appropriate disciplinary action will be taken against those found to have retaliated against the employee. See Appendix 1 Antifraud Policy for steps and procedures for reporting fraud.

### **1B113 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of Hays County policy or federal or state law to their elected official, department head, supervisor, or the Hays County Auditor, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed people are alleged to be involved in the violation, the employee may report the allegation to the County Judge, District Attorney or the Hays County Sheriff. The county will investigate the reported activity.

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

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

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

Contact the Hays County Auditor for questions regarding this policy. See Appendix 2 Whistleblower Policy for steps and procedures.



## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C101 COUNTY PROPERTY USAGE**

Each Hays County employee is responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to them. County employees will only use equipment, tools, and other county property that they are authorized to use. Hays County does not permit anyone to use county paid postage for personal use. Personal use of county equipment, supplies, tools, and any other county property is not permitted unless authorized by the Commissioners Court and may result in discipline up to and including termination. Improper use may subject employees to criminal prosecution.

Employees must return all Hays County property immediately upon request or upon termination of employment. Where permitted by applicable laws, Hays County may withhold from the employee's paycheck the cost of any items that are not returned when required. Hays County may also take all action deemed appropriate to recover or protect the property.

### **1C102 COUNTY CREDIT CARDS**

In rare cases, credit cards are needed when it is not practical to wait for issuance of a check or if a purchase order is not acceptable. Departments needing a credit card must have prior approval from Commissioners Court before a credit card will be issued to them and the department head must sign off on the "Hays County Policy for Credit Card Use" form. Credit cards are to be used for county business only and receipts must be turned in to Accounts Payable within 72 hours. Unauthorized or personal use of Hays County credit cards is strictly prohibited and may result in disciplinary action up to and including termination.

### **1C103 COUNTY ISSUED KEYS AND BADGES**

Hays County employees that are issued keys or badges to facilities or equipment will be required to sign the key agreement and/or badge agreement. Employees are solely responsible for any keys or badges issued to them. Any violation of this policy will result in disciplinary action up to and including termination. Employees must strictly adhere to the following:

- employees will not attempt to duplicate or knowingly permit the duplication of any key or badge;
- employees will not loan out any key or badge to any person whether to an employee or non-county personnel, unless given written consent by their department head;

- employees must report any lost or stolen keys or badges to their department head immediately.
- employees are responsible for paying \$15.00 for the replacement of lost or stolen keys and/or employee badges;
- employees must return all keys and badges upon request or termination of employment; and
- the employee's last paycheck will reflect payment to replace the locks for any key that is not returned.

### **1C104 COUNTY VEHICLE USAGE**

Some employees may be required to use county vehicles as a part of their job. Employees who are assigned county vehicles will be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow non-county employees to operate the vehicles they have been assigned.

With the exception of Law Enforcement Officers and Emergency Management personnel hired prior to October 1, 2015, employees within the positions listed above may not take a county vehicle home without Commissioners Court approval unless they reside: a) in Hays County or b) within 20 miles from their principal office location if they reside outside of Hays County. All employees hired on or after October 1, 2015, for any position listed above must reside: a) in Hays County or b) within 20 miles of their principal office location if they reside outside of Hays County, in order to take a county vehicle home without Commissioners Court approval.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in status of their license, they must immediately notify their supervisor and the Human Resources Director. An employee whose job involves operation of a vehicle requiring a license for its legal operation will be subject to possible job change, demotion or termination if that license is suspended or revoked.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed ineligible to operate county vehicles or equipment, regardless of whether the license is still active, will be subject to possible job change, demotion or termination.

Any employee involved in an accident while operating Hays County equipment or vehicles will immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately. Employees must submit to a drug and alcohol screening by the end of the day of the accident. A copy of all

accident and incident reports prepared by the employee will be sent to the supervisor and the Human Resources Director.

For a complete Use of County Equipment and Vehicles Policy see Appendix 3 Use of County Equipment and Vehicles.

### **1C105 PERSONAL VEHICLE USAGE ON COUNTY BUSINESS**

Employees who drive personal vehicles to perform county business are required to maintain state minimum liability vehicle insurance coverage. Failure to maintain insurance or a valid driver license could result in disciplinary action up to and including termination. Employees may not drive their vehicle on county business if their license has been suspended or revoked. Doing so could result in disciplinary action up to and including termination.

For a complete Use of County Equipment and Vehicles Policy see Appendix 3 Use of County Equipment and Vehicles.

### **1C106 CELL PHONE USAGE**

Certain Hays County positions will require a Hays County provided cell phone. Hays County cell phones are to be used for business purposes only. In some cases, employees will receive a phone stipend for using a personal phone when required for county business.

Hays County discourages employees from using cellular phones while driving a Hays County owned/leased vehicle, including any machinery. Employees are advised to use hands free methods to communicate on a cell phone. Employees should either stop the vehicle to safely use the cell phone or advise the caller that they will be contacted when the employee is not driving.

Hays County requires employees to adhere to state law regarding texting and driving. County employees who drive a 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. Doing so may result in fines and penalties, up to and including loss of CDL.

Employees in possession of a Hays County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

Each department head may set rules and regulations regarding personal cell phone usage while at work.

For complete guidelines see Appendix 4 Landline and Cell Phone Policy.

## **1C107 COMPUTER AND INTERNET USAGE**

The use of Hays County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Hays County business and for authorized purposes only. Brief and occasional personal use of 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.

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 Hays County's business, distract, intimidate, or harass coworkers or third parties, or disrupt the workplace.

Use of Hays 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.

Reasonable efforts must be made by all users to preserve the overall security of all computers, e-mail, and Internet systems used by Hays County. The information in all computer systems must be protected against unintentional damage due to human and technical errors. Doing regular backups for each system can offer some insurance for this. Information Technology will be responsible for protecting the primary or central systems. Each individual user will be responsible for backing up their computer.

Other protective efforts include maintaining an updated, proper and secure password. Passwords should be changed often and never shared. A forgotten password or unauthorized use of a password should be reported to Information Technology at once.

Attempts to access unauthorized information, files, or a system are violations of this policy and will result in disciplinary action up to and including termination of employment. Employees that find they accidentally have access to something they should not, should report the gap in security to Information Technology at once. Employees should refrain from investigating any area that they do not have express authority to review.

E-mail is public record and subject to public record regulations with respect to inspection, disclosure, scheduled retention and disposition. Hays County owns the rights to all data and files in any computer, network, or other information system used in the county. Hays 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 Hays County's equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Hays 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 will break any copyright laws, download any illegal or unauthorized documents or files. Hays County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

Employees should not connect personal computers or equipment to Hays County electronic systems, unless expressly permitted to do so by their supervisor and or the Information Technology Department. Violation of this policy may result in disciplinary action, up to and including termination of employment.

Every elected official and employee have a responsibility to maintain and enhance Hays County's public image and to use the county e-mail and access to the Internet in a productive manner. Messages or information sent by elected officials or employees are a reflection on Hays County. Each elected official or employee is responsible for the content of all text, audio, or images that they place or send over the county's e-mail and Internet system. Employees are expected to communicate in a professional manner that will reflect positively on them and Hays County. While some users might include personal "disclaimers" in electronic messages, there is still a connection to the county, and the messages might be tied to the county. Users are encouraged to use some constraint in reacting to messages. Do not send emotional responses.

The following guidelines have been established for using e-mail and the Internet:

- **The County e-mail and Internet access may not be used for transmitting, retrieving, or storing any communications or materials that are obscene, sexually explicit or X-rated. Hays County has a zero-tolerance policy in such cases. Such improper use of county equipment will result in immediate termination.**
- The County e-mail and Internet access may not be used for transmitting, retrieving, or storing any communications of a discriminatory, or harassing nature. No e-mail messages with derogatory or inflammatory remarks about an individual's race, age, sexual orientation, disability, religion, national origin, physical attributes or sexual preference will be transmitted.
- No abusive, profane, or offensive language is to be transmitted through the county's e-mail system or accessed on the Internet.

- The County e-mail and Internet access may not be used for transmitting, retrieving, or storing any communications that are intended to threaten or instill fear in the recipient.
- Electronic media may not be used for any purpose that is illegal, against county policy, or contrary to the County's best interest.
- Solicitation of non-county business or any use of the county e-mail system or Internet access for personal gain is strictly prohibited.
- No e-mail or other electronic communications may be sent which hides the identity of the sender, represents the sender as someone else, or represents the sender as someone from another company or county. All messages communicated on the county e-mail or Internet system should contain the elected official or employee's name.
- The County Network may not be used to express any views or ideas that are contrary to official policy. All communications must comply with county policy.
- Communications cannot disclose any confidential or proprietary County information.

See Appendix 5 for a complete copy of the Hays County Email Policy.

### **1C108 PROPERTY DAMAGE**

Any damage to a citizen's property or Hays County property in the course of an employee's work must be reported to the supervisor immediately and remain at the scene until released by law enforcement. The supervisor will notify the property owner and the Human Resources Department.

Any vehicle or equipment accident that causes damage to county or personal property will require that the employee be tested for drugs and alcohol by the end of the day of the accident. Failure to comply could result in disciplinary action up to and including termination.

### **1C109 SOCIAL MEDIA**

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Snapchat, and Myspace.

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

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

- If posts on social media mention Hays County, make it clear that the views posted do not represent the views of Hays County.
- Do not mention Hays County supervisors, employees, customers or vendors without their express consent.
- Employees are personally responsible for what they write or present on social media. Individuals can be sued by other employees, supervisors, customers or vendors, and any individual that views 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 Hays County computer equipment for non-work related activities without written permission. Social media activities should not interfere with duties at work. Hays County monitors its computers to ensure compliance with this restriction.
- Employees must comply with copyright laws and cite reference sources accurately.
- Employees are not permitted to link to Hays County's website or post Hays County material on a social media site without written permission from their supervisor.
- All Hays 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 employees obtained through a position at Hays County must be kept confidential and should not be discussed through a social media forum.

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

It is the recommendation of Hays County that supervisors do not engage in social media activities with their employees.

See Appendix 6 for a complete copy of the Hays County Social Media policy.



## **D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY**

### **1D101 WORKERS' COMPENSATION**

Hays County provides workers' compensation insurance for employees who sustain a job-related illness or injury. Workers' Compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job. Hays County provides salary continuation during the 40-hour waiting period. Afterwards, workers' compensation will pay Temporary Income Benefits (TIBs) for time lost from work in excess of 40 hours as the result of eligible work-related injuries or illnesses. Employees may not utilize accrued leave during absences for workers' compensation injuries. Additional benefits may be applicable in the event of an eligible serious injury or death.

Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries. Any employee who suffers a job-related illness or injury, no matter how minor, is required to notify their supervisor immediately. The supervisor is responsible for filing an Accident Report with the Human Resources Department immediately upon being notified of the incident. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

Employees injured while at work must submit to a drug and alcohol screening by the end of the day of the accident. This screening is required regardless of whether the employee needs medical treatment or not. Refusal to test may result in disciplinary action up to and including termination.

All workers' compensation time off requires medical certification; therefore, the employee must seek medical treatment immediately. Employees that may have been exposed to communicable diseases or exposure to body fluids must seek medical treatment within 24 hours.

An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or non-prescribed drugs or while the employee is engaging in horseplay or intentional injury to oneself.

Any change in the employees' condition must be communicated to the supervisor and the Hays County Human Resources Department. While on workers' compensation leave, the injured employee is responsible for:

- maintaining weekly contact with their supervisor and Hays County Human Resources Department;
- keeping all medical appointments and follow the prescribed treatment;

- not engaging in activities that would aggravate or worsen the condition or delay recovery;
- providing required/requested documentation to their supervisor and Hays County Human Resources Department; and
- complying with “Return to Work” directives once released by physician.

Failure to meet responsibilities could result in loss of benefits and possible disciplinary action up to and including termination.

Before an employee may return to work, the Hays County Human Resources Department must receive a DWC-73 or authorization from the physician that certifies the employee has been released to “Return to Work”. This documentation communicates if the release is with or without restrictions.

If an employee is released to work with restrictions or limitations, the supervisor and Hays County Human Resources Department will make every effort to place the employee in a temporary position with reasonable accommodation. Restricted duty may require the employee to work in a different department and perform different tasks. Restricted duty assignments may not exceed 90 days.

When an employee is assigned to a temporary light duty, they may be paid the rate of pay for the restricted duty position. In this situation, an employee may receive reduced workers’ compensation TIBS.

A bona fide job (work) offer will be tendered to the employee outlining the conditions, extent, and duration of the restricted duty position. An employee who refuses a bona fide offer may forfeit workers’ compensation benefits.

All eligible employees who are placed on Worker’s Compensation leave will fall under the Family Medical Leave Act (FMLA) pursuant to FMLA regulations. Hays County will run FMLA and workers’ compensation concurrently.

Holiday Pay is not granted to employees on workers’ compensation leave. When on workers’ compensation, if absent for 30 calendar days, accruals for sick and vacation leave will be suspended until the employee returns to work.

Timesheets must reflect the hours and days off due to workers’ compensation. Notification of the employee’s return to work must be communicated to their supervisor, Hays County Human Resources Department and Treasurer’s Office by the employee so payroll benefits and accruals may resume.

Hays County will continue to provide medical, dental and life insurance coverage for employees on workers’ compensation leave for a period not to exceed 180 calendar days of absence. Employees on workers’ compensation leave will be responsible for paying all supplemental or dependent coverage by the 5<sup>th</sup> working

day of each pay period to the Treasurer's Office. Failure to do so may cause the coverage to be canceled.

### **1D102 EMPLOYEE SAFETY**

Hays County is committed to providing a safe workplace for our employees.

Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures may differ at each county department. Supervisors will provide employees with specific information pertaining to their position.

Failure to follow the safety standards set by Hays County or a supervisor subjects an employee to disciplinary action, up to and including termination.

Employees who see unsafe working conditions will either take steps to correct those conditions or report the unsafe conditions to their supervisor.

### **1D103 CONTAGIOUS DISEASES**

In the interest of workplace health and safety, it is highly recommended that employees disclose any health conditions that could be detrimental to the work environment, co-workers, customers, and the public. An employee that has contracted an airborne contagious disease or has a highly contagious medical condition, should consider who they have been in contact with. If an employee feels that they have exposed co-workers or members of the public to such an illness, they should contact the Human Resources Department immediately. HIPAA compliance procedures will be followed and respect for employee personal privacy will be of utmost importance when addressing such concerns.

### **1D104 DRUG AND ALCOHOL- ALL EMPLOYEES**

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

While on Hays County premises and while conducting county business-related activities off Hays County premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. 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 and does not endanger other individuals in the

workplace. An employee must keep prescription medications used at work in their original container.

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, or request change of duty).

Supervisors must immediately report to the any action by an employee who demonstrates an unusual behavior pattern.

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

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

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

To help ensure a safe and healthy work environment, job applicants and current employees may be asked to submit to a drug and/or alcohol test. Refusal to submit to drug testing or the failure of a drug test may result in not being hired, or disciplinary action, up to and including termination of employment.

Hays County may allow eligible employees who test positive for illegal substances or alcohol in the workplace to participate in the Second Chance Program in lieu of immediate termination. The program is available for a maximum of two (2) times during the employee's entire term of employment with Hays County, regardless if there is a break in service. Participation requires strict compliance with all program procedures and guidelines and does not protect the employee from reassignment or other employment action based on the nature of their role or offense. Employees may be eligible for leave under the Family and Medical Leave Act (FMLA) or reasonable accommodations under the Americans with Disabilities Act (ADA) during time off required for treatment, subject to standard eligibility and approval processes.

All participation decisions are subject to final approval by Human Resources and the Department Head. In cases of an employee of an elected official, the Elected Official has final authority over an employee's participation in the program and continued employment.

Failure to comply with these provisions or any of the Drug Free Workplace Act's other requirements can result in serious consequences. If an employee is convicted of a drug crime that occurred in the workplace, Hays County must take certain actions against the employee and notify the contracting or granting government agency. If a contractor violates the above-stated requirements, their contract may be suspended or terminated.

### **1D105 DRUG AND ALCOHOL- CDL EMPLOYEES**

Hays County prohibits CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Highway Administration (FHWA) has issued regulations, which require the county to implement a controlled substance testing program. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with Hays County.

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

A separate Hays County DOT CDL policy and The Effects of Alcohol and Controlled Substance is provided to all CDL licensed employees for their signed acknowledgement and receipt.

# **SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS**

## **A. EMPLOYEE PAYROLL**

### **2A101 FAIR LABOR STANDARDS ACT SAFE HARBOR**

Hays County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes happen and are called to the County Treasurer's attention, Hays County will promptly make any corrections necessary. Employees should review their pay stub once they receive it to ensure accuracy. If a mistake has occurred or if there are any questions, employees must contact the Hays County Treasurer's Office immediately. If overpaid or underpaid, the county will make the necessary corrections at the next payroll or in a reasonable time period.

Employees who are in non-exempt positions must maintain an accurate record of the total hours worked each day. It is the responsibility of each employee to verify that their timesheets are correct. Timesheets must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Timesheets must not be signed or submitted unless they are accurate. When employees receive each paycheck, they should verify immediately that they were paid correctly.

Non-exempt employees, unless approved by the supervisor, must not work any hours that are not authorized. Employees should not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless authorized to do so. Time worked is to be recorded on the employee's timesheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work performed but not reported on the employee's timesheet. Any employee who fails to report or inaccurately reports hours worked will be subject to disciplinary action, up to and including termination. If anyone directs an employee to work without documenting time worked, the County Treasurer or the Human Resources Director must be notified.

It is a violation of Hays County policy for any employee to falsify a timesheet, or to alter another employee's timesheet. It is also a violation of Hays 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 timesheet to under- or over-report hours worked. If anyone instructs someone to incorrectly or falsely under- or over-report hours worked, or alter another employee's time records to inaccurately or falsely report that employee's hours worked, it should be immediately reported to the Hays County Treasurer or the Human Resources Director.

Employees in an exempt position will receive a salary which is intended to compensate them for all hours worked for the County. This salary will be established at the time of hire. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount for each pay period.

Salary is not a designation of exempt or nonexempt status. Both exempt and nonexempt employees may be paid a salary. The salary for both exempt and nonexempt employees may be reduced for leave bank shortfalls. Department heads will determine schedules for all employees. All time worked is to be recorded on a timesheet. Timesheets will be kept for all employees. Nonexempt employees are required to record all hours worked. Department heads may determine if exempt employees record their time by the hour. At a minimum, exempt employees must record their time at least by the day. Elected Official/Department Head discretion, exempt employees may be required to record all hours worked without affecting their exempt status. Exempt employees will only have their salaries reduced for leave bank shortfalls of one full working day or more.

For questions about pay, employees should immediately contact their supervisor or the Treasurer's Office. For any concerns about improper deductions or pay that does not accurately reflect hours worked, immediately report the matter to the Hays County Treasurer's Office.

## **2A102 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS**

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

## **2A103 COMPENSATION**

Pay for county elected officials and employees are set each year by the Commissioners Court through the adoption of the county budget. Commissioners Court also establishes rules governing salary administration and pay classification.

The county maintains a classification plan that applies to all employees except elected officials. The classification plan assigns each position to a pay grade based on similarities among positions, duties, and market values. All positions in a grade require comparable knowledge, skills and abilities and have equivalent levels of responsibility. The job description of each position determines the grade of a position. Each grade has a minimum and a maximum salary and is divided into 15 step salaries between the minimum and maximum. Pursuant to budget allocations, employees in the step plan will advance a minimum of one step per year. Employees in a position with a progression plan will not receive the annual step increase during the year of advancement. Employees on a performance improvement plan (PIP) will not advance until successfully completed at the Elected Official/Department Head discretion. Employees may not exceed the maximum pay specified for their grade.



Employees are hired at the pay corresponding to the pay grade assigned to the classified position. The starting pay is based on the individual's years of verifiable related experience, as outlined below, and is determined by Human Resources using an individual's job application.

Placement within the pay grade is determined by the number of years of verifiable related experience exceeding the minimum requirement for the position. Department Heads and Elected Officials (DH/EO) have the discretion to place candidates at the appropriate step, provided the criteria below are met:

- Step 1–2: 0–3 years over the required experience
- Step 3: 3–5 years over the required experience
- Step 4: 5–7 years over the required experience
- Step 5: 7–9 years over the required experience
- Step 6: 9+ years over the required experience
- Step 7: 10+ years over the required experience

DH/EO discretion applies at each step, as long as the minimum experience requirement for that step is satisfied. Credit for relevant educational degrees may be applied toward experience only if the degree is not required for the position:

- Associate degree: 2 years of experience
- Bachelor's degree: 4 years of experience
- Master's degree: 2 years of experience
- Doctorate degree: 3 years of experience

Offers of employment must not be extended until the base pay has been reviewed and approved by both Human Resources and the Budget Office.

Requests for salary exceptions—defined as any offer outside the established base pay guidelines above—must be approved by the Commissioners' Court prior to the employee beginning work in the position.

Department Heads and Elected Officials may submit a salary exception request within 90 days of the employee's start date. If approved, the new base pay will take effect on the date the exception is approved by Commissioners Court.

Hays County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel including Sheriff's Office non-civilian positions, Juvenile Supervision Officers and Lieutenants, and Deputy Constables are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. See the current Collective Bargaining Agreement between Hays County and the Hays County Law Enforcement Association for additional information regarding members of the current bargaining unit.

Hays County does not provide any pay advances on unearned wages to employees. State law prohibits issuing a paycheck to a county employee if the employee is indebted to the county or to the state.

## **2A104 LONGEVITY PAY**

Eliminated 2.1.2024

## **2A105 PAYROLL DEDUCTIONS**

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

Employees eligible for membership in the Texas County and District Retirement System will have their contributions to that system deducted from each paycheck. Any county authorized deduction approved by the employee will also be deducted from the employee's paycheck. No optional deduction will be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

## **2A106 WORK SCHEDULES**

Each department head will determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

## **2A107 ON-CALL TIME**

Due to the nature of some positions, some employees will be asked to be on-call. Employees will be told upon accepting the position that they must be on-call periodically. Employees will only be paid for on-call time when they are physically performing the duties of their position. Any hours spent on-call while not physically performing the duties of their position will be unpaid.

Hays County employees are rotated through an on-call schedule so that they are not on-call every day. When an employee is on-call, it is their responsibility to be available and able to handle work issues relating to their duties. It is the employee's responsibility to notify their supervisor and try to find someone else to be on call if they cannot meet the responsibility of a scheduled on call. Employees are allowed to conduct personal activities while on-call as long as they are available to respond to the requirements of the necessity to perform work. Employees failing to respond within the required response time or fulfill their duties while on-call are subject to disciplinary action up to and including termination.

## **2A108 WORK WEEKS AND WORK PERIODS**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the work week for Hays County will begin at 12:01 a.m. on each Sunday and end seven (7) consecutive days later. Non-exempt employees will earn compensatory time at the rate of 1 ½ hours per hour worked over 40 hours in the same work week. Departments that have a budget and positions authorized by Commissioners Court for overtime pay, may choose to pay the overtime at the rate of 1 ½.

The Sheriff's Law Enforcement employees and the Deputy Constables who fall under the FLSA 207(k) exemption will follow the current Hays County Collective Bargaining Agreement.

The Juvenile Supervision Officers and Lieutenants who fall under the FLSA 207(k) exemption will have a work period of 14 days. These non-exempt employees will earn compensatory time or be paid at the rate of 1 ½ for hours worked over 80 in the 14-day cycle.

## **2A109 PAY PERIODS**

Employees have the option to be paid monthly or semi-monthly. The first pay period is the 1<sup>st</sup> of the month through the 15<sup>th</sup>. The following pay period is from the 16<sup>th</sup> of the month through the last day of the month. Employees choosing to be paid semimonthly will be paid on the 15<sup>th</sup> and the last working day of the month. Employees choosing to be paid monthly, will be paid at the end of the month. If a payday falls on a holiday or a weekend, paychecks will be issued on the last workday immediately preceding the holiday or weekend.

Full-time employees' paychecks will include wages earned for work performed through the pay period. Part-time hourly employees will get paid the following pay period. Example: part-time employee works the 1<sup>st</sup> – 15<sup>th</sup>, they will get paid for those hours at the end of the month. Example: part-time employee works the 16<sup>th</sup> – 31<sup>st</sup>, they will get paid on the 15<sup>th</sup> of the following month.

Hays County does not provide any pay advances on unearned wages to employees.

Each employee will report to work unless prior approval for absence is given by the supervisor. If the employee is unable to report for work because of circumstances beyond their control, the employee must contact the supervisor as soon as reasonably practical.

Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times as well as variations in the total hours that may be scheduled each day of the week. All Hays County employees are expected to report punctually for duty at the beginning of each assigned shift and work the full schedule established.

If an employee is unable to be at work at their normal reporting time, they will follow the established department procedures for notifying their supervisor prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

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.

Frequent unexcused absences or tardiness, as determined by an immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

An employee who does not report for work for three (3) consecutive scheduled work days, and who fails to notify his or her supervisor, will be considered to have resigned their position by abandonment.

## **2A110 BREAKS**

Employee breaks are determined by each department head. Unused break time cannot be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for nursing mothers. However, if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

The Texas Right to Express Breast Milk in the Workplace Act and 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. Hays County supports the practice of expressing breast milk.

Hays County will provide reasonable paid or unpaid breaks for nursing mothers to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

The mother will be given a private location, other than a bathroom, for the expression of breast milk. 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.

Hays County does not allow any discrimination or retaliation against nursing mothers for asking for this break.

## **2A111 TIMESHEETS**

The Hays County Commissioners Court has established UKG as the official timekeeping system for Hays County. For the offices that do not have access, a paper timesheet will be completed. Each employee must submit their timesheet to their supervisor for approval. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper timesheet has been completed and turned into the Payroll Office.

Federal and state laws require employees to keep accurate records of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Each department head will submit a timesheet for each employee by the designated deadline every month to the Payroll Office which is to be used in calculating the employees' pay. Employees are to round their hours to the quarter hour. The seven-minute rule should apply when recording time. Anything prior to and including the seventh minute rounds back to the nearest quarter hour and anything beyond the seventh minute rounds forward to the nearest quarter hour.

If a timesheet is incorrect, an amended timesheet must be submitted to reflect the day that was changed. Amendments must be submitted within 60 days.

All corrections will be made on the next regularly scheduled payroll. The timesheet prepared by the employee will show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Timesheets are governmental documents and as such require accurate and truthful information. Falsifying a timesheet, a governmental record, is a criminal offense.

## **2A112 COMPENSATORY AND OVERTIME**

For the purposes of this policy, compensatory and overtime are used interchangeably.

When operating needs or other requirements cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime accrual is calculated for all nonexempt employees in accordance with federal and state wage and hour restrictions. Compensatory time is based upon actual hours worked. For the purposes of overtime accrual, only actual hours worked in excess of forty (40) during a workweek will be counted. Time off on sick leave, vacation leave, holiday or any leave of absence will not be considered hours worked for the purposes of performing overtime calculations. Additional hours worked on weeks that include leave taken or holidays may qualify for straight compensatory time. Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action up to and including termination of employment.

Non-exempt employees may be compensated for overtime in the ways listed below. The list is in Hays County's order of preference.

- equal time off within the same official workweek;
- compensatory time off at one and one-half times the number of hours worked;
- paid overtime for positions authorized by Commissioners Court may be made at any time when overtime is budgeted in department budgets and have department head approval; or
- paid overtime if specifically authorized by order of the Commissioners Court and approved by the department head.

If the employee is out of compliance with compensatory time, the supervisor must identify a deliberate course of action to reduce the accrued hours in a reasonable amount of time. It is the elected official's/department head's responsibility to monitor the plan and comply with following the overtime policy.

Employees are encouraged to use compensatory time within 12 months after it is accrued.

**Compensatory time off must be in compliance before employees can use accrued vacation.**

The maximum amount of unused compensatory time an employee will be allowed to have at any one time is 60 hours for regular employees and 120 hours for the Juvenile Supervision Officers and Lieutenants. Refer to the Collective Bargaining Agreement for overtime as it relates to positions covered by the agreement.

Employees will 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. Hays County will have the right to require employees to use earned compensatory time at the convenience of the county.

If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, they will be paid for unused compensatory time in accordance with the requirements of the FLSA.

Hays County will 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. Hays County will retain the right to pay all or part of the overtime worked in any workweek. Hays County reserves the right to pay out compensatory time balances to an employee receiving a promotion, demotion, FLSA status change, or transferring departments at the rate prior to a change in pay rate.

Each employee will be responsible for recording any compensatory time used within a pay period on the timesheet for that pay period.

## **2A113 DEMOTIONS**

Demotions are the movement of an employee from one position to another in a lower pay grade with a decreased responsibility or complexity of job duties. Elected officials, appointed officials or department heads may choose to demote or reassign employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon voluntary demotion, an employee's salary will be placed at their current step in the lower grade. Upon disciplinary demotion, an employee's salary will be placed at one step below their current step in the lower grade. Employees cannot be paid over the maximum for their grade.

## **2A114 LATERAL TRANSFERS**

Lateral transfers are the lateral movement of an employee from one position to another in the same grade with the same responsibility or complexity of job duties with no change in salary. Employees cannot be paid over the maximum for their grade.

## **2A115 COLLECTIVE BARGAINING TO NON-COLLECTIVE BARGAINING POSITION**

Employees that move from a position in the Collective Bargaining Agreement (CBA) to a non-CBA position will receive the salary in the non-CBA salary schedule at the same step as their CBA Step in the CBA position. For disciplinary demotions from a position in the CBA to a non-CBA position an employee's salary will be placed at one step below their current CBA Step in the non-CBA salary schedule.

## **2A116 PROMOTIONS**

A promotion is defined as the movement of an employee from one position to another in a higher pay grade with increased responsibilities and/or greater job complexity. When an employee is promoted, they will generally be placed at the same salary step within the new, higher pay grade. Department Heads and Elected Officials (DH/EO) may also set the base pay for the promoted employee in accordance with Compensation Policy 2A103. Under no circumstances may an employee's salary exceed the maximum of the assigned pay grade.

## **2A117 SEPARATIONS**

Both Hays County and the employee have the right to terminate employment at will, with or without reason or notice, at any time. A separation will be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Hays County will be designated as one of the following types:

- resignation;
- retirement;
- dismissal;
- reduction in force;
- death; or
- separation by neutral termination.

It is the responsibility of the employee and department head to notify the Human Resources Department and the Payroll Office of a separation as soon as possible. An employee's separation date is considered the last day the employee physically



works. An employee's separation date may not be extended due to accrued leave or other benefits without prior approval of that employee's supervisor, department head, and/or supervising elected official. All accrued benefits that are eligible for payment will be paid to the employee at the next scheduled payday after separation. Before an employee's departure, they should schedule an exit interview with the Human Resources Department to discuss the reasons for termination and the effect on benefits. Some benefits may be continued at the employee's expense.

A resignation will be classified as any situation in which an employee voluntarily leaves employment with Hays County and the separation does not fall into one of the other categories. Employees who are resigning must submit a written notice of resignation to their supervisor.

A retirement will be any situation in which an employee meets the requirements to collect a monthly annuity benefit under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify their supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

A dismissal will be any involuntary separation of employment that does not fall into one of the other categories of separation. Hays County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

An employee will be separated from employment because of a reduction in force when their position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

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

Hays County has the following neutral absence termination policy. With the exception of leaves of absence for military duty, no leave of absence by itself or in combination with other periods of leave, may last longer than six months. Any employee who for any reason or combination of reasons misses a total of six months of work in a twelve-month period will be separated from employment due to unavailability for work, subject to any reasonable accommodation duties the county may have under the ADA or similar law. Hays County uses a rolling 12 month period measured backwards.

Terminating employees that withdraw their TCDRS funds by a refund or rollover due to a bona fide separation of employment are not eligible for rehire for at least 6 weeks after their termination date.

## **2A118 RETIREE REHIRES**

Retired employees will be eligible to apply for open positions with Hays County as long as ALL of the following provisions are met:

- the retiree has been retired for at least 6 calendar months;
- no prior arrangement or agreement was made between Hays County and the retiree for re-employment; and
- strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of 6 calendar months. A bona fide separation means there is no prior agreement or understanding between Hays 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.

Elected officials who have retired from the county and are receiving a monthly annuity cannot draw their retirement if 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. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor for the county.

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 Hays County, its participating members and all previously retired employees.

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.

## B. EMPLOYEE BENEFITS

### 2B101 MEDICAL, DENTAL, LIFE AND SUPPLEMENTAL BENEFITS

All regular employees of Hays County that work 30 hours or more per week will be eligible to enroll in the group medical plan, dental plan and basic term life insurance. Insurance coverage is effective on the first of the month following a 55-day enrollment period.

Each new full-time employee is required to attend a benefits enrollment session where they will meet with various insurance representatives and make insurance enrollment selections. The county benefits representative will schedule each new employee to attend the required benefit enrollment session.

Details of coverage for all plans are available in the Hays County Human Resources Department and on the Hays County Website.

During budget deliberations each fiscal year, the Hays County Commissioners Court may authorize county contributions towards a portion of these benefits. If the employee desires further benefits beyond what Hays County contributes, deductions will be taken from the employee's paycheck to cover additional expenses.

Employees will be responsible for paying the Hays County premium portion of their medical, dental and life insurances for the time period of leave without pay as defined in section 2B106 on Leave without Pay.

Hays County provides a limited amount of life insurance on eligible employees as part of the group plan coverage. Additional life insurance coverage is offered at the employee's expense. Other voluntary insurances are also offered at the employee's expense. Deductions for supplemental and dependent coverage will be made through payroll deduction from the employee's paycheck.

Employees and their eligible dependents (legal spouse, child or spouse's child under the age of 26, or an unmarried child age 26 or over, that is or becomes disabled) must enroll in all insurance plans of their choosing within 30 days of their effective date. If the employee denies benefits for themselves or dependents at initial employment, they will not be able to sign up for insurance until the next open enrollment.

However, if an employee experiences a qualifying event per 26CFR Part 1 that triggers a special enrollment, they must contact the Hays County Human Resources Department, provide appropriate backup, and complete the benefits form **within 30 days of the qualifying event**.

A qualifying event is an event or change in status which allows an individual to make changes to their level of coverage outside the open enrollment period. Changes due to qualifying events must be consistent with the change in status.

The following are examples of some qualifying events that may entitle you to a special enrollment right:

- change in legal marital status – marriage, divorce or death of a spouse;
- change in number of dependents – birth, death, adoption or placement for adoption or legal guardianship by court order of a child;
- change in the employment status of the employee (or a spouse or dependent of the employee);
- a dependent satisfying or ceasing to satisfy dependent eligibility requirements; or
- change in residence for the employee, spouse or dependent as defined by the coverage document.

An employee or dependent must request special enrollment within **60 days** for the following:

- loss of coverage under a state CHIP or Medicaid program; or
- entitlement to Medicare or Medicaid.

### **2B102 SECTION 125 CAFETERIA PLAN**

Hays County employees that are eligible for insurance will have the opportunity to participate in the Section 125 Cafeteria Plan at the time of enrollment. IRS 26 U.S. Code § 125 Cafeteria Plans allows employees to convert a taxable cash benefit (salary) into non-taxable benefits. Under Section 125 Cafeteria Plan, an employee may choose to pay for qualified benefit premiums before any taxes are deducted from the employee's paycheck. If participating in the Section 125 Cafeteria Plan, any changes outside of open enrollment must be the result of a qualifying event. Changes must be made **within 30 days of the qualifying event**. Changes due to qualifying events must be consistent with the change in status.

Employees not participating in the Section 125 Cafeteria Plan may drop coverages throughout the year and do not have to have a qualifying event. However, once coverage is dropped, coverage cannot be added back until the next open enrollment.

## **2B103 BENEFITS CONTINUATION (COBRA)**

COBRA notifications will be provided to all employees within 30 days of their hire date. Employees who leave the employment of Hays County or who lose their coverage eligibility may be eligible for an extension of the medical and/or dental plan they are enrolled at the time of separation for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). All eligible employees and qualified dependents will also be provided with COBRA information following their termination.

COBRA requires that employees and qualified beneficiaries and dependents have the opportunity to continue health and dental insurance coverage under the Hays County group health and dental plans when a “qualifying” event would normally result in the loss of coverage. Qualifying events include death, divorce, and loss of employment, dependent child no longer meeting eligibility requirements, reduction in employee’s hours or leave of absence.

COBRA notification and direct billing is handled by the county’s group healthcare provider. COBRA payments are to be sent directly to the insurance company by the former employee. If COBRA is elected, qualified beneficiaries will pay the premium paid by both the employee and the county portion plus an additional 2% for administrative costs. If a qualified former employee, beneficiary, or dependent fails to make a COBRA payment before the end of the initial 45-day period or by the 30-day grace period for each payment period, the plan will terminate the COBRA rights and coverage.

Information on extension of benefits under COBRA is available in the Hays County Human Resources Department.

## **2B104 VACATION LEAVE**

Vacation time off with pay is available to non-temporary employees working 20 hours or more per week. The amount of paid vacation time employees receive each month increases with the length of their employment as follows:

### ***Vacation Accrual for Employees Working 40 Hours per Week or more*** **YEARS OF SERVICE HOURS EARNED MONTHLY**

First year of employment	4.00 hours
1 year to 4 years	7.00 hours
5 years to 9 years	8.00 hours
10 years to 14 years	10.00 hours
15 years or more	12.00 hours

### ***Vacation Accrual for Employees Working 30-39 Hours per Week***

## **YEARS OF SERVICE HOURS EARNED MONTHLY**

First year of employment	3.00 hours
1 year to 4 years	5.25 hours
5 years to 9 years	6.00 hours
10 years to 14 years	7.50 hours
15 years or more	9.00 hours

### ***Vacation Accrual for Employees Working 20-29 Hours per Week***

## **YEARS OF SERVICE HOURS EARNED MONTHLY**

First year of employment	2.00 hours
1 year to 4 years	3.50 hours
5 years to 9 years	4.00 hours
10 years to 14 years	5.00 hours
15 years or more	6.00 hours

An employee hired on the first working day of the month will earn a full month's accrual. An employee hired after the first working day of the month will not earn a month's accrual until the following month. Vacation leave accruals will be applied on the first of every month.

Before vacation time can be used, a waiting time of 180 calendar days must be completed. After 180 days of employment, employees can request to use time accrued during the 180 days. Years of service are based on the employee's anniversary date. Service for an employee that works less than 20 hours per week does not count towards years of service for vacation accrual purposes. Service for an employee that is classified as temporary or seasonal does not count towards years of service for vacation accrual. Once an employee enters an eligible employment classification, they begin to earn paid vacation time according to the schedule. A break in continuous service with the county forfeits any vacation accrual benefits. Rehired employees will earn leave as if they were a new hire. Vacation will not be accrued while an employee is on leave without pay for 30 days or more. Accrual of vacation will begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of 180 days in such a position before being eligible to take any vacation.

At the end of each fiscal year (September 30), employees may carry any unused vacation time forward as long as it does not exceed 240 hours for full-time employees, 180 hours for three-quarter-time and 120 hours for half-time employees. Employees may accrue hours above this ceiling throughout the fiscal year but will only be allowed to carry the maximum amount into the new fiscal year. Any hours above the ceiling will be reduced as of October 1 and will not be available for the employee to use.

Upon termination of employment, employees will be paid at the current rate of pay for unused vacation time that has been earned through the last day of work. An employee terminating on or before the 15th of the month will earn ½ of a month's accrual. An employee terminating after the 15th of the month will earn a full month's accrual. Employees who leave employment for any reason during the first 180 days of employment will not be paid for any vacation time. The maximum amount an employee will be paid upon termination is 240 hours for full-time, 180 hours for three-quarter-time and 120 hours for half-time employees.

Scheduling of vacations will be at the discretion of the individual department heads. Not all requests will be approved. Requests will be reviewed based on a number of factors, including county needs and staffing requirements.

When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or the incapacity. The employee's sick leave balance will be reduced by the number of applicable hours and the hours will be added back to vacation time if previously deducted.

Employees will only be able to use vacation which has already been accrued and will not be allowed to borrow vacation against possible future accruals. Employees will not be allowed to receive pay for vacation in lieu of taking time off.

Each employee will be responsible for accurately recording all vacation time used on their timesheet. Paid time off for vacation will not be counted as hours worked for the purposes of determining overtime.

Employees earning vacation leave for more than 6 months that transfer to a position that does not earn leave such as an elected, appointed or part-time position will be paid for their vacation leave balance up to 240 hours at the rate prior to the transfer.

Compensatory time must be in compliance with the Hays County policy before employees can use accrued vacation.

## **2B105 SICK LEAVE**

All non-temporary employees working over 20 hours per week are eligible for sick leave.

Eligible employees will accrue sick leave benefits at the rates shown below:

- employees working 40 hours per week or more will earn 8 sick hours per month;
- employees working 30-39 hours per week will earn 6 sick hours per month;  
or

- employees working 20-29 hours per week will earn 4 sick hours per month.

An employee hired on the first working day of the month will earn a full month's accrual. An employee hired after the first working day of the month will not earn a month's accrual until the following month. Sick leave accruals will be applied on the first of every month.

Sick leave may be used for the following purposes:

- for illness or injury of the employee;
- for appointments with physicians, optometrists, dentists, and other qualified medical professionals; or
- to attend to the illness or injury of a member of the employee's immediate family who resides in the employee's household.

For purposes of this policy, immediate family will be defined as spouse, child, parent, sibling, grandparent, grandchild or spouse' child, parent, sibling, grandparent, grandchild, or a son-in-law or daughter-in-law, living in the employee's home who is dependent on the employee for care.

When sick leave is to be used for medical appointments, an employee will be required to notify their supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Employees are expected to return to work when the scheduled appointment is over. When use of sick leave is not known in advance, an employee will notify their supervisor of the intent to use sick leave within the established department procedures for notifying their supervisor prior to the scheduled start of their shift or as reasonably practicable in the case of an emergency. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify their supervisor of the anticipated length of absence. Unless otherwise approved by the supervisor, employees must call in on each day of absence. Where the nature of the absence necessitates, the supervisor may approve longer reporting intervals for extended periods of time off. If an employee uses three or more consecutive days of sick leave, it is required that an employee submit a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees may be required to provide a physician's statement for absences less than 3 days as required by their supervisor.

Sick leave covers a reasonable time for travel to and from doctor's appointments. The employee must receive pre-approval for the use of vacation and/or compensatory time for the balance of the absence beginning with the ending time of the appointment.



When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or the incapacity. The employee's sick leave balance will be reduced by the number of applicable hours, and the hours will be added back to vacation time if previously deducted.

Employees will not be allowed to borrow sick leave against future accruals.

There is no maximum amount of sick that can be carried forward into future fiscal years.

Upon voluntary retirement (not discharged), drawing an annuity with TCDRS, with at least 20 years of continuous service with Hays County, eligible employees will be paid at the county's lowest hourly rate at the time of retirement up to 480 hours of accrued sick leave for regular full-time employees, 360 hours for  $\frac{3}{4}$  regular employees, and 240 hours for part-time employees. This amount will not exceed a gross of \$6,000.00. Sick leave in excess of these amounts will not be paid to employees under any other circumstances.

Each employee will be responsible for accurately recording all sick time used on their timesheet. Paid time off for sick will not be counted as hours worked for the purposes of determining overtime.

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

## **2B106 LEAVE WITHOUT PAY**

Leave without pay when absent from work requires prior supervisory approval.

Not all requests will be approved. Requests will be reviewed based on a number of factors, including county needs and staffing requirements. Leave without pay will not be counted as hours worked for the purposes of determining overtime.

Employees must show all leave without pay taken on their timesheet as leave without pay.

Employees **must** extinguish all accrued vacation and compensation time before using leave without pay. Sick leave must also be exhausted if the reason for the absence is eligible for the use of sick leave.

Employees on leave without pay receive no compensation for the hours not worked while on leave without pay.

Employees on leave without pay for one month or more receive no benefits or accruals of leave. Employee insurance coverage can only be continued if the employee pays their premiums by the 5th working day of every month to the Treasurer's Office. These premiums, based on certain circumstances, may include

the county's portion. Hays County will continue to pay the employer portion of the medical, dental, and life insurance premiums for the employee while on FMLA.

An employee on leave without pay must contact his or her supervisor at the beginning of every work week. Failure to contact the supervisor as required is grounds for disciplinary action up to and including termination.

When an employee is out on leave without pay for circumstances other than FMLA or military leave, the position and shift that they are assigned is not guaranteed when they return. When the employee returns to work, the employee will return to the same position and shift if it is available. If it is no longer available, the employee may request a similar available position for which they are qualified.

If the employee fails to report to work promptly at the expiration of the approved leave period and the employee has not communicated with their supervisor regarding their return to work, Hays County will assume that the employee has abandoned their employment.

When an employee is on leave without pay, they will be charged an hourly rate for each hour of leave without pay for their Hays County medical, dental and life insurance premiums. This hourly rate is calculated based on the total annual premium divided by 2,080 (the total number of annual full-time hours worked). This amount will be deducted from the employee's pay during the pay period of leave without pay.

This does not affect the following employees:

- employees who have not been employed or earning accruals for one year;
- employees on disciplinary leave without pay;
- employees on FMLA;
- employees on sick leave pool;
- employees on workers' compensation;
  
- employees absent due to the death of an immediate family member as defined in Bereavement Leave;
- employees on military leave; or
- weather related absences where there is no alternate work available.

## **2B107 SICK LEAVE POOL**

Hays County operates a sick leave pool for non-temporary employees working over 20 hours per week who have catastrophic injury or illness. A catastrophic injury or illness is defined as a severe condition or combination of conditions that is life-threatening, affecting the mental or physical health of the employee requiring the services of a licensed practitioner for a prolonged period of time and forces the employee to exhaust all leave time earned by the employee and therefore to lose compensation.

People qualifying for sick pool may also qualify for FMLA leave. FMLA leave and sick pool will run concurrently if eligible for both.

Employees are encouraged to voluntarily contribute to the pool to assist other Hays County employees in their time of need. Employees may contribute 8 to 40 hours each fiscal year. Terminating employees may donate up to 80 hours of their accrued sick leave at termination. Employees cannot stipulate who receives the contribution, nor can they receive contributed sick leave unless they are eligible to use it.

To qualify for sick leave pool, the employee must have been employed on a non-temporary part-time basis for at least 12 consecutive months prior to the request and the absence from work must exceed 4 weeks. Employees with a catastrophic illness or injury are not required to have contributed to the pool before they can use the pool, nor are they required to pay back the pool.

Once an employee realizes the need for additional sick leave, they will submit a request form along with medical certification to the Hays County Human Resources Director. The Human Resources Director will consult with the Sick Leave Pool Committee which consists of the County Auditor, County Treasurer, and County Judge. Sick leave pool usage will be on a first come first serve basis. The Sick Leave Pool committee will normally review requests within 5 days and recommend the amount of leave to the County Judge for final approval. The amount of leave given and taken is not to exceed the lesser of one-third of the total time in the pool or 1440 hours. Employees may request to use the pool once per fiscal year, per catastrophic illness, unless they did not use the total amount granted to them on their first request.

Once the committee has approved sick leave pool, to use sick pool hours the employee must exhaust all of their own leave before they may use sick leave pool time allocated to them. Sick leave pool hours granted will begin after 4 weeks of absence or after the employee has extinguished all accrued leave, whichever is greater. Employees using sick leave pool continue to accrue vacation and sick leave at their regular rate while they are out but are expected to exhaust it as it is needed. Employees must show all leave taken for sick leave pool on their timesheet as sick leave pool.

## **2B108 HOLIDAY**

All non-temporary employees working over 20 hours or more per week are eligible for holiday pay.

Hays County holidays will be determined by the Hays County Commissioners Court annually.

- employees working 40 hours per week or more will get 8 hours per holiday;
- employees working 30-39 hours per week will get 6 hours per holiday; or
- employees working 20-29 hours per week will get 4 hours per holiday.

If a designated holiday falls on an eligible employee's day off, the employee will be allowed to take the amount of hours as described above on another day with pay as coordinated with their supervisor. These hours will be banked as compensatory time until the employee is able to take time off.

If an eligible employee is called into work on a holiday because of an emergency, or other special need of the county, they will be given paid time off equivalent to the amount of time worked on the holiday. These hours will be banked as compensatory time until the employee is able to take time off.

An employee who is absent without approved leave on the workday immediately preceding or following a holiday will receive leave without pay for the holiday and the additional day off.

Special consideration will be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Hays County. Each supervisor is responsible for granting this leave based on the needs of their individual departments. Vacation and/or compensatory time may be used for special leave granted. If the employee does not have accrued leave, they may use the leave without pay option.

## **2B109 CLOSINGS AND EMERGENCIES**

As a general practice, Hays County does not close its operations unless the health, safety, and security of county employees are at risk. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating and authorizing the closing.

Public announcements regarding county office closings will be sent out to area television stations and information will be posted on the Hays County website, Facebook, Twitter and Hays Informed ([www.haysinformed.com](http://www.haysinformed.com)). The employee information line is (512) 878-6600. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. The

County Judge's official closure will determine how many hours the non-essential employees will be paid for the closure depending on their normal scheduled hours. Offices that must provide public safety and public services may be required to stay open. Some county employees will be required to work during emergency closings. Compensation or accrued time may be provided to employees that are required to work during emergency closings when they would otherwise not be required to work. Each department head is responsible for designating their essential employees and providing information to them during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

If an employee takes off due to an emergency when the County Judge has not officially closed the facility, the employee will be expected to use accrued vacation or compensatory leave or leave without pay if they do not have vacation or compensatory leave available. Time off for an emergency is paid at the employee's base pay rate at the time of the leave. It does not include overtime or any special forms of compensation. Paid time off for an emergency will not be counted as hours worked for the purpose of determining overtime. Employees must show all leave taken for emergencies on their timesheet as emergency leave.

Emergency leave is not accrued leave, and no additional compensation or benefit will be given if an employee does not use emergency leave during an official closure.

## **2B110 JURY DUTY**

All employees of Hays County who are called for jury duty will receive their regular pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time they actually serve on the jury. Pay for serving on a jury will only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

All hours for employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of Hays County will be counted as time worked for such period as their court attendance may require. If an employee is subpoenaed or ordered to appear in personal litigation, the time away from work will be charged to vacation, other eligible paid leave, or leave without pay if no leave is available.

Timesheets should reflect the hours for juror time. A copy of the juror summons must be forwarded to the Payroll Office for the employee's timesheet file.

## **2B111 BEREAVEMENT LEAVE**

Full time employees will be allowed up to 24 hours leave with pay for a death in the immediate family (18 hours for  $\frac{3}{4}$  time employees and 12 hours for regular part-time employees working at least 20 hours per week). For purposes of this policy, immediate family will be defined as spouse, child, parent, sibling, grandparent, grandchild or spouse's child, parent, sibling, grandparent, grandchild, or a son-in-law or daughter-in-law.

Special consideration may also be given to any other person whose association with the employee is similar to the above relationships.

## **2B112 MILITARY LEAVE**

All Hays County employees who are members of the Armed Forces, the Military reserves, the National Guard, State Guard or certain Public Health Service positions will be allowed up to 120 hours off per Hays County fiscal year with pay to attend authorized training sessions and exercises.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided during this period of leave. The employee will pay premiums for any dependents or supplemental insurance. Vacation and sick leave will also continue to accrue. Employees may use available accrued paid time for additional leave. If an employee chooses to use accrued leave, they must use it consecutively.

Employees on military leave that extends beyond one month will lose eligibility for paid insurance coverage and leave accrual. In such cases, medical insurance can only be continued if the employee pays the premiums to the County Treasurer including the county's portion by the 5th working day of every pay period.

Once an employee returns to work from extended leave, their insurance will be reinstated on that day without a waiting period.

Employees on active-duty training assignments are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous positions or to a comparable one. Time off to serve is paid at the employee's base pay rate at the time of the leave. It does not include overtime or any special forms of compensation. Paid time off to serve will not be counted as hours worked for the purposes of determining overtime. Employees must show all leave taken for service in the military on their timesheet as military leave.

Any unused military leave balance at the end of the fiscal year will not be carried forward into the next Hays County fiscal year. Pay for attendance at training sessions or exercises will be authorized only for periods which fall within the employee's normal work schedule. An employee may use vacation leave, earned

compensatory time, or leave without pay if they must attend training sessions or exercises in excess of the 120-hour limit maximum.

An employee going on military leave will provide his or her supervisor with a set of orders immediately upon notification.

Hays 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 will be eligible for re-employment in accordance with state and federal laws in effect at the time of their release from duty.

### **2B113 TIME OFF TO VOTE**

Hays County encourages employees to vote in elections. Assuming that an employee has not already voted in early voting, the employee is entitled to take paid time off for voting on election days, unless the employee has at least two consecutive hours to vote outside of the voter's working hours. Such time off will not be paid if the two hours are available outside of normal working hours.

To take time off to vote, employees who are entitled to vote must receive approval from their supervisor in advance. Not all leave will be approved based on a number of factors, including county needs and staffing requirements. Requests must be submitted at least two days before the Election Day. Normally, the time off to vote will be scheduled at the beginning or end of the scheduled shift, whichever provides the least disruption to the normal work schedule. Time off to vote is paid at the employee's base pay rate at the time of the leave. It does not include overtime or any special forms of compensation. Paid time off to vote will not be counted as hours worked for the purposes of determining overtime. Employees must show all leave taken off to vote on their timesheet as time off to vote. When the employee has completed voting, he or she must report to the county for duty and work the remainder of the scheduled shift if applicable.

## **2B114 RETIREMENT**

Hays County is a member of the Texas County and District Retirement System (TCDRS). All non-temporary employees must contribute to the retirement system. The Hays County Treasurer's Office maintains and provides all information regarding the Hays County TCDRS retirement benefit information.

The employee's contribution rate is 7% of their gross pay and is deducted from each paycheck. Hays County's contribution rate is determined annually by the Hays County Commissioners Court.

Employees that have had prior service with TCDRS through either Hays County or another Texas county will automatically receive credit for their service time whether they withdrew their funds or not. Those that withdrew their funds will have no financial amount associated with their prior service time.

TCDRS also recognizes service time if an employee worked under the following Texas public retirement systems:

- Employees Retirement System of Texas (ERS)
- Teacher Retirement System of Texas (TRS)
- Texas Municipal Retirement System (TMRS)
- Judicial Retirement System of Texas (JRS); and
- City of Austin Employees' Retirement System (COAERS)

In addition to the above retirement systems, TCDRS allows credit for prior active military service.

### **Military Service Credit**

Employees with 8 years of service with Hays County may be eligible for additional TCDRS service credit for their military time. Military service credit may be granted for up to 60 months (5 years) of military service.

Under USERRA (Uniformed Services Employment and Reemployment Rights Act), current employees that are called away for active duty in the military and return to their position within 90 days of their service release may apply for additional TCDRS service credits for their military time.

The Hays County Payroll Office maintains and provides all information regarding the military service credit.



## **Withdrawing Retirement Funds**

Federal and State laws prohibit an employee from withdrawing their retirement funds for any reason other than a bona fide separation of employment. A bona fide separation of employment means there has been no discussion of the employee returning to work and neither the employee nor Hays County has any intention of the employee returning to work at any time in the future.

Employees leaving employment have 4 options regarding their TCDRS account:

- Leave their funds in their TCDRS account - The account will continue to earn 7% interest. If a former employee reaches retirement eligibility, the county's contribution will be calculated into the annuity amount when the employee completes the proper retirement forms.
- Withdrawal – The employee will receive all of their deductions plus the interest it has earned less 20% Federal Withholding. In cases where the employee is under age 59½, they may owe an additional 10% excise tax. The employee forfeits the county's contribution.
- Roll it into an IRA – The employee will need to roll their funds within 60 days after terminating employment to avoid any potential tax consequences. The employee's designated bank for their IRA will receive a check for all of their deductions plus the interest their TCDRS account has earned. The employee forfeits the county's contribution.
- Retiring – The employee will receive a monthly annuity for life. The county's contribution will be calculated into the annuity check.

Employees that withdraw their funds through a refund or rollover will not receive the County's contribution portion. The only way to receive the County's portion is to meet retirement eligibility requirements and draw a monthly annuity.

Terminating employees that withdraw their TCDRS funds by a refund or rollover due to a bona fide separation of employment are not eligible for rehire for at least 6 weeks after their termination date.

## **Termination of Employment**

Terminated employees are not required to withdraw their TCDRS funds.

Terminated employees with 8 years of service or more that do not withdraw their retirement funds can draw a retirement annuity when they meet retirement eligibility requirements.

Terminated employees that are eligible for rehire and have not withdrawn their TCDRS funds by a refund, rollover, or monthly retirement annuity, are eligible for re-employment immediately.

## **Retiring**

Employees considering retiring should contact the Hays County Human Resources Department and Payroll Office to discuss their retirement options. When an employee elects to retire and receive a retirement annuity, it must be a bona fide retirement. This means that there has been no discussion of the employee returning to work and neither the employee nor Hays County has any intention of the employee returning to work at any time in the future. An employee is considered a retiree once they begin receiving a retirement annuity.

Hays County considers retirement to be a bona fide genuine termination of employment. The laws and rules under Section 401 (a) of the Internal Revenue Code and Rule and 107.4 adopted by TCDRS regarding a bona fide retirement are very specific. If it is ever determined that a rehired retiree did not have a bona fide separation of employment, the retiree may owe a 10 percent excise tax on their TCDRS account and be required to repay all of the monthly retirement payments that they have received. Abusing the retirement provisions in such a manner violates a qualification requirement for retirement plans under Section 401 (a) of the Internal Revenue Code, potentially resulting in significant tax consequences for Hays County, all current employees, and all past retirees.

Therefore, all retirements must be carefully planned and there must not be any intention of the employee returning to work at the time of retirement. Retirees will not be considered for re-employment until at least 6 months of separation from their retirement date.

There are four ways to retire:

- employee is age 60 and has at least 8 years of service credits;
- employee has at least 8 years of service credits and service credits plus their age equals 75 or more (Rule of 75);
- employee has 30 years of service credits at any age; or
- employee has been approved for Disability Retirement through TCDRS.

## **Disability Retirement**

TCDRS disability retirement is for members who cannot work and will not be able to work in the future because of their injuries or illness. When a Hays

County employee becomes disabled, on or off the job, and can no longer work at all, not just in their current position, they may be able to apply for disability retirement with TCDRS. The employee must submit the proper medical information to the TCDRS medical board for evaluation. This board reviews all requests and approves or denies disability claims on an individual basis.

## **Retiree Insurance**

Retirees receiving a retirement annuity are eligible to continue insurance coverage through the Hays County group plan at their own cost. Terminating employees that are eligible for retirement but have not elected to receive an annuity are not considered retirees and not eligible for retiree insurance benefits.

Hays County may fund some of the medical insurance premiums for certain qualified retirees. The portion of the medical premiums paid by Hays County for qualified retirees is determined annually by Commissioners Court. Current and future funding may change or be eliminated at any time based on Commissioners Court approval. Approved partial funding of retiree insurance will be for the retiree's medical coverage only and not exceed \$12,000 annually. Dependent coverage does not qualify for county funding. For the retiree to qualify for partial county funding of medical benefits, the retiree must have at least 20 years continuous service with Hays County and must be receiving Hays County funded insurance at the time of retirement. Qualified retirees must be retiring with the Texas County and District Retirement System and have been covered by Hays County medical insurance for at least 75% of their Hays County career.

Qualified employees that meet the requirements above and have 20 years continuous **full-time** service with Hays County will pay 15% of the cost of the total medical premium per month towards the cost of the medical insurance premium.

Qualified employees that meet the requirements above but whose 20 years of continuous service is not entirely full-time, will pay 25% of the cost of the total medical premium per month towards the cost of the insurance premium.

Retirees may elect to cover the same persons (spouse and/or eligible dependents) who were covered under the retiree's plans at the time of retirement. A retiree's spouse and/or dependents cannot be enrolled in the county's group plan without the retiree also being enrolled. Retirees may not add a spouse or dependents to their retiree insurance at any time after initial enrollment into the retiree insurance plan. Once a spouse or dependent is no longer covered on the retiree's insurance, they cannot be reinstated at a later date.

## **Disability Retirement for a Public Safety Officer**

If TCDRS approves Disability Retirement for a Public Safety Officer that has been disabled on the job, the officer may be eligible for medical insurance coverage at no cost to the retiree. Hays County will pay 100% of the disabled retiree's health insurance premiums if the officer was disabled while on duty for Hays County in a "hot pursuit" or in an "emergency situation" as defined by law. The officer must be unable to work in any capacity. The Disability Retirement must be through TCDRS for years of service with Hays County. County funding of insurance premiums does not include any dependents which may be covered at the retiree's own cost through the county's group plan or certain medical insurance plans that coincide with Medicare. In order for the dependents to be on the county's group plan, they must have been on the plan at the time of retirement.

## **Medicare Eligible Retirees**

Medicare eligible retirees and their spouses have the option to participate in medical insurance plans that coincide with Medicare. Hays County offers two Medicare insurance plans; Silver Choice through the Texas Association of Counties and the Hays County Humana Advantage plan. The Medicare eligible retiree and/or spouse must be enrolled in both Part A and Part B of Medicare. Retirees do not have to participate in one of the two Hays County Medicare insurance plans in order for their spouse to participate in one of them. Medicare eligible retirees and their spouses may participate in these plans at their own cost. Once a retiree chooses to enroll with Silver Choice, or Humana, the retiree and/or the retiree's dependents will not be allowed to return to the Hays County group medical coverage in the future.

Medicare eligible retirees participating in either Silver Choice through the Texas Association of Counties or the Hays County Humana Advantage plan may qualify for partially funded health insurance. The portion of the medical premiums paid by Hays County for qualified retirees is determined annually by Commissioners Court. Current and future funding may change or be eliminated at any time based on Commissioners Court approval. Approved funding of retiree insurance will be for retiree medical coverage only and not exceed \$12,000 annually. Dependent coverage does not qualify for county funding. For the Medicare eligible retiree to qualify for county funding of medical benefits, the retiree must have at least 20 years continuous service with Hays County and must be currently receiving Hays County funded insurance. Qualified retirees must be retiring with the Texas County and District Retirement System and must have been covered by Hays County medical insurance for at least 75% of their Hays County career. Employees that retired prior to being Medicare eligible must currently receive county funding for all or part of their medical insurance coverage to qualify for the county funding of certain Medicare insurance plans. Qualified Public Safety officers retiring under Disability Retirement will also be given the opportunity to elect a medical insurance plan that coincides with Medicare.

- Qualified Medicare eligible retirees that meet the requirements above, and have 20 years continuous **full-time** service with Hays County will pay nothing towards the cost of the insurance premium to either Silver Choice through the Texas Association of Counties or the Hays County Humana Advantage plan.
- Qualified Medicare eligible retirees that meet the requirements above, but whose 20 years of continuous service is not entirely full-time, will pay 25% towards the cost of the insurance premium to either Silver Choice through the Texas Association of Counties or the Hays County Humana Advantage plan.

### **Past Retirement Rules and Regulations**

All Hays County Retirees that retired with TCDRS must meet and abide by the Hays County policy and procedures in place at the time of their retirement. As per the Texas Local Government Code Chapter 175, retirees are not eligible for any benefits established after their date of retirement. Hays County retirees must meet the qualifications established for retirement and retirement benefits at the time of their retirement. Retirees that retired prior to November 2017 may continue at the percentage and qualifications established at the time of their retirement; however, Hays County Commissioners Court may change or eliminate any county funded insurance at any time. The portion of medical insurance premiums paid by Hays County for qualified retirees is determined annually by Commissioners Court and is not a guaranteed benefit. Individual retirees may be affected by future changes to retiree medical benefits regardless of the benefits offered at the time of their retirement. Current and future funding for medical insurance may be changed or eliminated at any time based on Commissioners Court approval.

### **Retirement Benefits Review Committee**

The Retirement Benefits Review Committee, appointed by the Commissioners Court, will review current retirement benefits no less than annually. The committee will make recommendations to Commissioners Court regarding the funded benefits provided to both current and future retirees.

### **Rehiring Retirees**

At the time of retirement, Hays County will have no preplanned intention of the retiring employee returning to work at any time in the future. Retirees will not be considered for rehire for at least 6 months after their retirement date. Any retiree who is rehired consistent with this policy will establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections. Any retiree insurance benefits will be suspended at the time of re-employment working 30 hours or more, and the retiree will be considered an active employee. At the

time of separation in the future, qualified benefits for the rehired retiree will be based on Hays County policy at the time of original retirement.

## **2B115 DEFFERED COMPENSATION**

Employees are encouraged to save additional funds for their retirement. The Deferred Compensation plan is a voluntary pre-taxing supplemental retirement program. A Deferred Compensation representative can discuss which options are best for certain financial situations. Employees that are interested in putting aside additional funds for retirement need to contact the Human Resources Department.

## **2B116 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees of covered employers with unpaid, job-protected leave for specified family and medical reasons. Employees are eligible if they have worked for Hays County for at least 12 months and have 1,250 hours of service in the previous 12 months. Hays County uses a rolling 12-month period measured backward from the date the employee uses any FMLA leave. FMLA leave will run concurrently with Workers' Compensation, sick leave, sick pool leave, vacation leave and compensatory leave.

The law sets requirements for notice, by both the employee and Hays County, and provides Hays County with the right to require certification of the need for FMLA leave in certain circumstances. The law protects employees from interference and retaliation for exercising or attempting to exercise their FMLA rights. The law also includes recordkeeping requirements

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- the birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care, and to bond with the newborn or newly placed child;
- to care for a spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;
- for a serious health condition that makes the employee unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal medical care; or
- for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status.

## **Military Family Leave Entitlements**

Eligible employees whose spouse, son, daughter or parent is on covered active duty or called to covered active-duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

- a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. An eligible employee is limited to a *combined* total of 26 workweeks of leave for **any** FMLA-qualifying reasons during the single 12-month period.

## **Benefits and Protection**

In addition to providing eligible employees an entitlement to leave, the FMLA requires that Hays County maintain employees' health benefits during leave and restore employees to their same or an equivalent job after leave. Employees will be required to pay for dependent coverage and for any other coverage for which the employee would normally pay. Payment for coverage will be made through regular payroll deduction while the employee is on paid leave. While on unpaid leave, the employee is required to pay the Hays County Treasurer by the 5<sup>th</sup> of the month for premiums due to Hays County. (Example: June premiums would be due by June 5<sup>th</sup>.) Failure to pay for these premiums will result in the coverage being discontinued.

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.

## **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity to a chronic condition. Other conditions may meet the definition of continuing treatment.

## **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with county's call-in procedures.

In the case of FMLA leave for a qualifying exigency of a military family member, the employee must give notice of the need for such leave as soon as possible and practical, regardless of how far in advance the leave is needed.

Employees must provide sufficient information in order for the county to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees must provide supporting documents to Hays County Human Resources within 15 days from the date of the employees' Notice of Eligibility, Rights & Responsibilities. If the employee does not provide the supporting documents, Hays County may deny the employee's request for FMLA leave.

Sufficient information may include:

- that the employee is unable to perform job functions;
- the family member is unable to perform daily activities;
- the need for hospitalization or continuing treatment by a health care provider; or
- circumstances supporting the need for military family leave.

Employees also must inform the county if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may



be required to provide a certification and periodic recertification supporting the need for leave.

Except where leave is unforeseeable, an employee will be required to submit, in writing, a request for leave under this policy to their immediate supervisor. Employees are required to remain in contact with their immediate supervisor at least once a month or as designated by their immediate supervisor while on leave. Any changes to the employee's leave requests must be communicated with their immediate supervisor as soon as they are known.

### **Hays County Responsibilities**

Leave covered under the Family and Medical leave Act (FMLA) must be designated as FMLA-protected and Hays County will inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. If Hays County determines that the leave is not FMLA-protected, Hays County will notify the employee.

In order to determine whether leave is covered under the FMLA, Hays County may request that the leave be supported by a certification. If the certification is incomplete or insufficient, Hays County will state in writing that additional information is necessary to make the certification complete and sufficient. If the employee is not eligible, Hays County will provide a reason for the ineligibility.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt county operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

If the employee plans to take intermittent leave or work a reduced schedule, the certification will 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.

All work time missed as the result of intermittent leave or reduced work schedule under FMLA leave will be deducted from the employee's 12-week leave eligibility. If the time missed is for the care of a covered service member 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.

### **Substitution of Paid Leave for Unpaid Leave**

Hays County requires that employees use available paid leave during their FMLA absence. This means that employees will receive paid leave, and the

leave will also be considered protected FMLA leave and counted against the FMLA leave entitlement.

If an employee has accrued leave to take care of a covered service member, the employee will be required to use compensatory time first then vacation leave. Sick leave may be used if the service member normally resides in the same household. The remainder of the leave will be unpaid.

An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member living in the same household will be required to first use all earned sick leave, then compensatory time, then vacation, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave because of a serious health condition of an eligible family member not living in the same household will be required to first use all compensatory time, then vacation, with the remainder of the 12 week leave period being unpaid leave.

If a married couple both work for Hays County, the maximum combined leave they will 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.

An employee taking leave for the birth of a child will be required to use paid sick leave first, then earned compensatory time, then vacation for the recovery period after the birth of the child and prior to being on unpaid leave.

An employee that is the non-child bearing parent can use paid sick leave as certified by the spouse' physician. The certification will be for the mother's period of medical assistance. After the spouse's recovery period from giving birth to a child, the employee will be required to first use all earned compensatory time, then vacation for the remainder of the 12 week leave period, or a combination of 12 weeks if both parents are Hays County employees, prior to being on unpaid leave.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care will be required to first use earned compensatory time, then vacation with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for a qualifying exigency for a covered military member will be required to first use earned compensatory time, then vacation with the remainder of the 12 week leave period being unpaid leave.

## **Returning to Work after FMLA**

Employees must notify their immediate supervisor within one week prior to returning to work. This ensures their work schedule is properly coordinated.

Employees returning from FMLA leave, and who have not exceeded the 12 week maximum allowed under FMLA, will 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, will be returned to the same job or a job equivalent to the job they held prior to going on leave.

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

Hays County will have no obligation to reinstate an employee who takes FMLA leave and who is unable to return to work after using the maximum weeks of leave allowed under FMLA, or who elects not to return to work after using the maximum leave; this includes employees who may have sick leave or vacation leave available.

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 the maximum leave allowed under FMLA will be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

While on leave without pay for 30 days or more under this policy, an employee will 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.

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