

TITUS COUNTY EMPLOYEE HANDBOOK

July 25, 2022
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EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Titus County Employee Handbook that outlines my benefits and obligations as a Titus County employee. I understand that I am responsible for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the county. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

I further understand that the Titus County Employee Handbook is not a contract of employment. I understand that I am an "at will" employee and that my employment may be terminated by either myself or the county, at any time, with or without cause, and with or without notice.

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

I further understand that as a Titus County employee, I am expected to provide quality service to the public, to work towards the highest degree of safety possible for my fellow workers, to continually make suggestions for improvements and to display a spirit of team work and cooperation.

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

If I am required to have a Commercial Driver's License (CDL) for my county position, I will be subject to random, reasonable suspicion and post-accident drug and alcohol testing.

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

Signature of Employee

Printed Name of Employee

Date

COUNTY OF TITUS

COMMISSIONERS' COURT ORDER

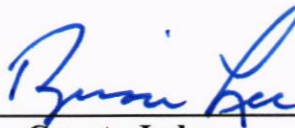
WHEREAS the Commissioners' Court of Titus County and the County Judge wish to comply with various laws applicable to public employers in the employment relationship; and

WHEREAS the Commissioners' Court and the County Judge desire to provide the employees of Titus County with a uniform format for dealing with various employment related issues; and

WHEREAS the Titus County Commissioners' Court and the County Judge wish to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Titus County Commissioners' Court and the County Judge hereby approve and adopt the Titus County Employee Handbook.

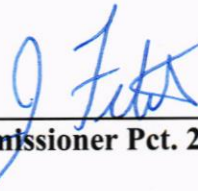
ADOPTED THIS 25 DAY OF July, 2022



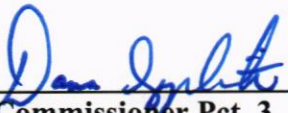
County Judge




Commissioner Pct. 1



Commissioner Pct. 2

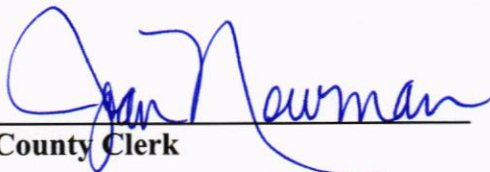


Commissioner Pct. 3



Commissioner Pct. 4

Witnessed and Attested By:



County Clerk



TITUS COUNTY EMPLOYEE HANDBOOK

Welcome to Titus County!

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

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

This Employee Handbook contains some key policies, benefits, and expectations of Titus County, and other information you will need. Each elected official may wish to adopt their department policies which complement our Titus County Employee Handbook. Each elected official, appointed official and department head have detailed Titus County policy and procedures manuals.

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

Welcome aboard!

Sincerely,

Brian Lee

County Judge

Jeff Parchman

Commissioner Pct. 1

John Fitch

Commissioner Pct. 2

Dana Applewhite

Commissioner Pct. 3

Jimmy Parker

Commissioner Pct. 4

SECTION 1:
GENERAL POLICIES

A. COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT WILL

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

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

Titus County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice.

Employees of Titus County shall have the right to leave their employment with the County at any time, with or without notice.

1A-2 EMPLOYEE STATUS POLICY FOR OVER 50 EMPLOYEES

Each County position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners’ Court. This policy defines both health insurance and retirement benefits. The status of an employee cannot be changed without the approval of the Commissioners’ Court. Full time employees will be eligible for health insurance. All other classifications must be included in the county initial and/or standard measurement periods of the Affordable Care Act.

REGULAR FULL TIME: A full time employee shall be any employee in a position which has a normal work schedule of at least thirty (30) hours per week. Full time employees are eligible for County health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Titus County makes exempt status determination based on the Fair Labor Standards Act.

REGULAR PART TIME: A part time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. All regular part time employees must be placed on Texas County and District Retirement System (TCDRS) retirement regardless of the number of hours worked per week. Other County policies will dictate eligibility for other benefits.

TEMPORARY SEASONAL: A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. The County must define and document the season that the employee is being hired for. Seasonal employees can be either part time or full time, and they do not qualify for health insurance through the County under the Affordable Care Act. Temporary seasonal employees are not eligible

for retirement benefits under TCDRS. Other County policies will dictate eligibility for other benefits

REGULAR VARIABLE HOUR: A variable hour employee shall be any employee for whom the County cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee’s start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the County under the Affordable Care Act. If an employee’s schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other County policies will dictate eligibility for other benefits.

TEMPORARY PART TIME: A temporary short term part time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than twelve (12) months. If this project goes beyond twelve (12) months, the employee will move into a regular part time status. Temporary short term part time 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.

TEMPORARY FULL TIME: A temporary short term full time employee shall be any employee who is expected to work for thirty (30) or more hours each week in a position that is expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular full time status. Temporary short term full time employees are not eligible for retirement benefits under TCDRS. Temporary full time employees will be eligible under the Affordable Care Act for county health benefits. Other county policies will dictate eligibility for other benefits.

1A-3 EQUAL EMPLOYMENT OPPORTUNITY

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

1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

It is the policy of Titus County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the County Attorney. All elected officials, appointed officials,

department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

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

1A-5 PERSONNEL FILES

The Titus County Auditor's department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, W-4, Medical insurance options and Commissioners' Approval form, as well as records concerning performance, discipline and compensation.

It is important that the personnel records of Titus County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W-2's returned, Titus County requests employees to promptly notify the auditor's office representative 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 their home address, home telephone number, social security numbers, emergency contact information, and information that reveals whether you have family members, confidential. You may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after your first day of employment.

1A-6 NEPOTISM

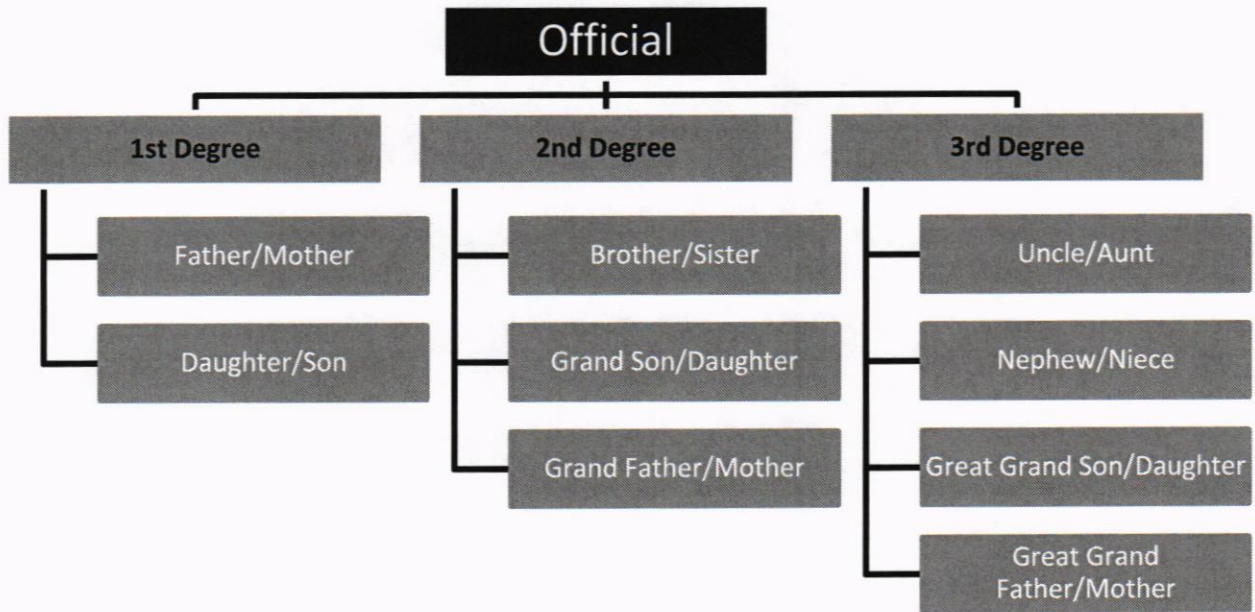
In accordance with the Texas Government Code Chapter 573 on nepotism, an elected or appointed official of Titus County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over.

A degree of relationship is determined under Texas Government Code Chapter 573.

(See the charts that follow.)

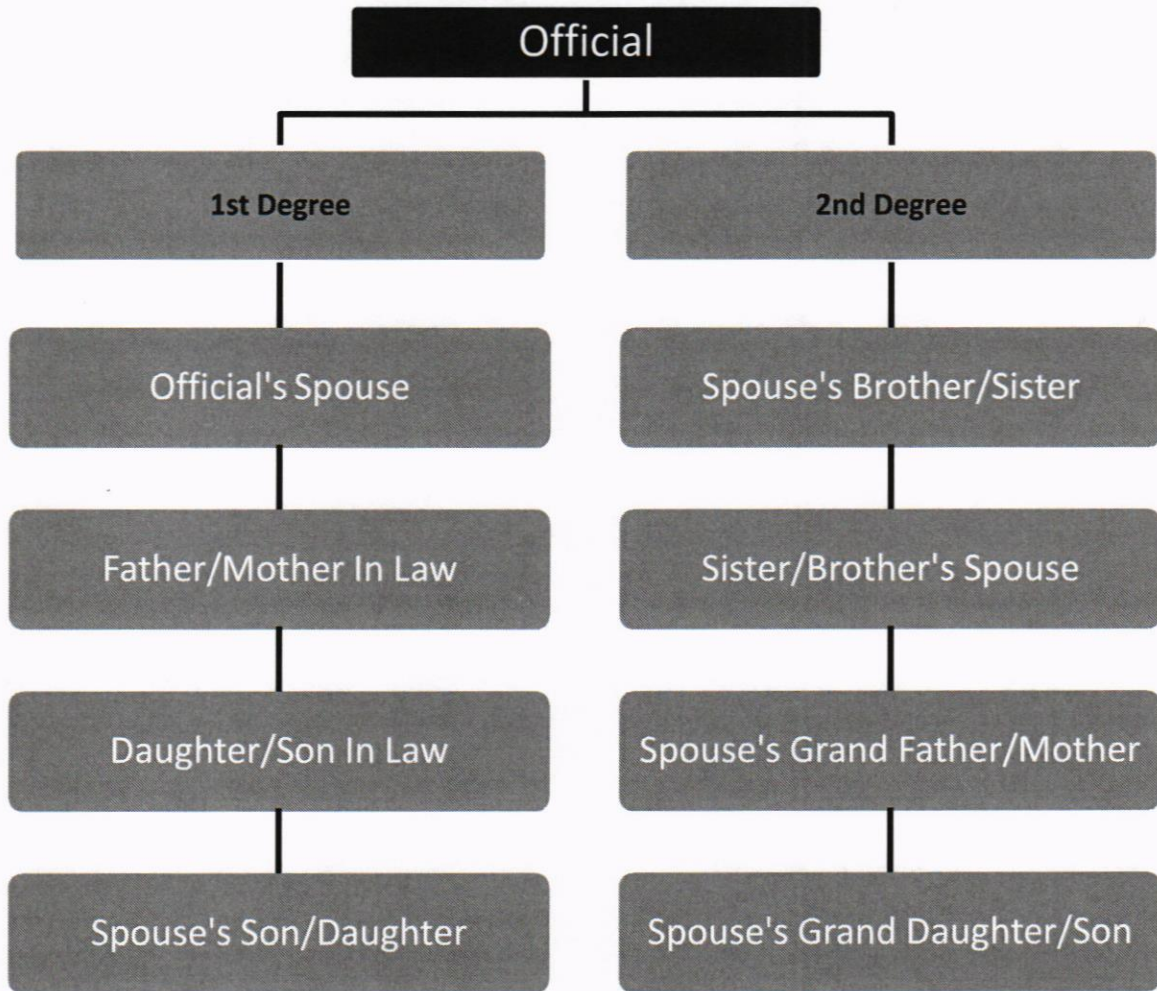
CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



AFFINITY KINSHIP CHART

(Relationship by Marriage)



1A-7 JOB ANNOUNCEMENTS

TITUS COUNTY – POLICY ON APPLICATION FOR EMPLOYMENT

Approved in Commissioners' Court April 22, 2013

Announcements for job openings with Titus County shall include, but not be limited to, advertisements in local newspaper and postings on the Titus County Courthouse bulletin boards. **Newspaper advertisements shall run for a minimum of two times during a seven day period.** Job openings may be registered with Workforce Solutions Northeast Texas. Job openings, for which there is an available in-house promotion, need not be advertised.

SELECTION

Each official having a job opening shall be responsible for posting that opening.

Each elected or appointed official, or his/her designee, shall be responsible for selecting the applicant who he/she feels best meets the qualifications for an open position in his/her department.

DISQUALIFICATION

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

- a. The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying;
- b. The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process;
- c. The applicant has committed or attempted to commit a fraudulent act at any stage of the application process; or
- d. The applicant is not legally permitted to hold the position.

B. WORK RULES AND EMPLOYEE RESPONSIBILITY

1B-1 ATTENDANCE

As a Titus County employee, you are expected to be punctual and demonstrate consistent attendance.

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the employee's supervisor or the employee is unable to report to work because of circumstances beyond the control of the employee.

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 4 hours prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

Each supervisor shall be responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.

Frequent unexcused absences or tardiness shall make an employee subject to disciplinary measures, up to and including termination of employment.

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

1B-2 DRESS CODE AND COURTESY

Titus County expects all employees to be well groomed, clean, and neat at all times. Each department will determine the type of attire that is acceptable.

It is essential that you act in a professional manner 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.

Titus County will pay up to \$100 for any physical required for CDL licensing annually and the initial cost of a newly issued CDL Class A license. Subsequent license fees will not be paid or reimbursed.

1B-3 TOBACCO/SMOKE FREE WORKPLACE

Titus County endeavors to provide a healthy environment. Therefore, any form of tobacco or e-cigarettes consumed in County buildings is strictly prohibited. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways.

1B-4 CONFLICT OF INTEREST

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

Employees involved in conflict-of-interest situations shall 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 shall include but not be limited to:

- 1) 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;
- 2) 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
- 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- 4) 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;
- 5) 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.

1B-5 HARASSMENT

Titus County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when:

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

Harassment is strictly prohibited by Titus 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 elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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

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

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

retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head is not the best course of action, the report should be made to the County Judge or to the County Attorney.

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

1B-6 SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by Titus County, whether committed by an elected official, appointed official, department head, co-worker or non-employee the County does business with. It shall be the policy of Titus 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 shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of 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; or
- 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 shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

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

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 elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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

any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney. Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

Use the following procedures so that your complaint may be resolved quickly and fairly.

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.
- c. Report continuing sexual harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge or the County Attorney.
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, Titus County will take effective remedial action in accordance with the circumstances, up to and including termination.

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

1B-7 POLITICAL ACTIVITY

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

County employees shall not:

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

1B-8 OUTSIDE EMPLOYMENT

Titus County employees should not use Titus County facilities or equipment or their association with Titus County to carry on a private business or profession unless express approval is obtained in advance and in writing from their immediate supervisor and/or elected official. County Employees should not engage in any activity that interferes with the employees assigned duties with Titus County.

1B-9 BREAKS

All employee breaks are determined by each department head and are not required to be given. If your department provides you with a break, they may not 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. Titus County supports the practice of expressing breast milk.

Titus County will provide reasonable paid 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. 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.

Titus County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. Employees of the county who need to express breast milk may not be discriminated against.

1B-10 GRIEVANCES

Any employee having a grievance related to his or her job should discuss the grievance with his or her immediate supervisor.

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.

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

1B-11 DISCIPLINE

Each supervisor shall have 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 County.

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

Examples of reasons for administering discipline shall include, **but not be limited to:**

- A. Insubordination;
- B. Absence without leave, including failure to notify a supervisor of your absence;
- C. Repeated tardiness or early departure;
- D. Endangering the safety of other persons;
- E. Use of or being under the influence of drugs or alcohol during work hours;
- F. Violation of any of the personnel policies;
- G. Conviction of a felony;
- H. Falsification of documents or records;
- I. Incompetence or neglect of duty;
- J. Disruptive behavior which impairs employees job performance or the performance of others;
- K. Bringing a firearm or illegal weapon on County property with the exception of law enforcement personnel;
- L. The employee has been discourteous, offensive or abusive, either by attitude, language or conduct, to the public or to fellow employees, while said employee is in a work status;
- M. The employee is guilty of misappropriation, theft or conversion of County property.
- N. Any other reason as determined by department head

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

Titus 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.

1B-12 LICENSE AND CERTIFICATES

Titus County has many positions that require licenses and certificates. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses any licenses 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.

1B-13 WEATHER CLOSINGS AND EMERGENCIES

As a general practice, Titus County does not close unless the health, safety, or security of County employees are seriously at risk. When this does happen, either because of severe weather

conditions or other emergencies, the County Judge is responsible for initiating the closing. The County Judge will record a special emergency message by 7:00 a.m. on the County automated attendant which can be accessed by calling 903-572-5000 and pressing option 2.

The County Judge will notify the following entities for a public announcement: Local Newspaper and Radio Station. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

If the County Judge declares the County offices are closed, employees shall report regular hours worked beginning with the hour of that declaration and ending at the hour such declaration is removed. Any employee that is on scheduled Vacation during such closure shall report coinciding scheduled vacation hours as Vacation despite the fact that the County offices were declared closed.

If the County Judge does not declare the County Offices to be closed due to weather, **it shall be up to each elected official to determine the operating hours of their office and their employees.** Time off due to weather may be taken as compensatory time, or if the employee does not have available compensatory time, as vacation, or as administrative leave as approved by the elected official, appointed official or department head. Bad weather closings shall not be reported as regular hours worked.

Many County departments are continuous operating public safety and service departments. Many County personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

1B-14 CONFIDENTIALITY

Titus County is a public entity; however, some County employees acquire confidential information as a result of their position with the County. This information should be protected. Employees who abuse their position and reveal private information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personnel information on employees of Titus County, the County will adhere to all open record requests and such requests will be reviewed and approved by the County Attorney. Information will be released in accordance with Texas State Law.

1B-15 WHISTLEBLOWER

An employee may, in good faith, report an alleged violation of a Titus County Policy or federal or state law to his or her supervisor, department head, or County Attorney, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the District Attorney. The County will investigate the reported activity.

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

An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination. An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact the County Attorney, District Attorney, or County Judge.

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

1B-16 ANIMALS

ANIMAL POLICY FOR TITUS COUNTY

Approved in Commissioners' Court March 11, 2013

No animals shall be allowed inside any County building except for the following:

- a. Trained Service/Guide Dogs for the Handicapped
- b. Trained Service Animals for Law Enforcement when accompanied by their Handler
- c. Trained Service Animals for Medical Conditions when verified by a Physician Statement

C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to him/her. County employees shall only use equipment, tools, and other County property that they are authorized to use. Personal use of County equipment, supplies, tools, and any other County property shall not be permitted and may result in discipline up to and including termination. Improper use may subject you to criminal prosecution.

1C-2 COUNTY VEHICLE USAGE

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

If personal use of a county vehicle is permitted, the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be taxed at the current IRS rate in accordance with IRS rules and regulations.

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

Any employee involved in an accident while operating county equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge.

Drug testing is required for all equipment or vehicles accident See "Post Accident testing on page 19".

1C-3 CELL PHONE POLICY

Titus County does not provide cell phones to County employees or pay the personal cell phone bill of County employees. Instead, the County reimburses employees for work use of their personal cell phone. This will be in the form of a payroll item (non-taxable) which will be charged against a departmental budgeted line item.

Each department head will determine who is eligible, and how much they are to receive. For approved talk and text only employees, the maximum stipend shall be \$40 per month, and for approved smart phone plans with email and internet access, the maximum stipend shall be \$70 per month. The department head will determine the actual stipend on a per employee basis, and will consider the relative importance of cell phone usage for each position to make that determination. For example, one employee might receive a \$10 monthly stipend while another receives the full \$40, or anywhere in between. It will be up to the department head to allocate the department's cell phone budget to the individual users, and to inform the payroll department of any additions, changes or deletions of the payroll stipend related to each employee.

At the time of this writing, all County employees are eligible for a 25% discount on the primary phone number of their personal Verizon plan. Employees are encouraged to take full benefit of this offer by visiting the local Verizon office with proof of County employment (pay stub) and requesting the discount. Employees may take advantage of this discount whether or not they will receive a stipend.

Titus County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls either prior to traveling or while on breaks.

Titus County bans all employees from texting while operating any County owned vehicle. County employees who are driving their own personal vehicle are also banned from texting while on County business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties up to and including loss of CDL.

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

1C-4 COMPUTER AND INTERNET USAGE

The use of Titus County information systems, including computers, fax machines, smart phones, tablet computers, and all forms of Internet/Intranet access, is for Titus County business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.

Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County’s business; distract, intimidate, or harass co-workers or third parties; or disrupt the workplace.

Use of Titus County computers, networks, and Internet access is a privilege granted by management 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.

Titus County owns the rights to all data and files in any computer, network, or other information system used in the County. Titus County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, Twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using County equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by County officials at all times. Titus County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee’s computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate County official. No employee shall break any copy right laws or download any illegal or unauthorized downloads. Titus 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 bring personal computers to the workplace or connect them to Titus County electronic systems, unless expressly permitted to do so by their supervisor and or IT department. Violation of this policy may result in disciplinary action, up to and including termination of employment.

1C-5 PHONE AND CAMERA USAGE

Titus County prohibits the use in the workplace of any type of cell phone camera, digital camera, video camera, or other form of image-recording device without the express witten permission of each department head and of each person whose image is recorded. This provision does not apply to designated Titus County personnel who must use such devices in connection with their positions of employment. Violation of this policy may result in disciplinary actions, up to and including termination of employment.

D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 WORKERS' COMPENSATION

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

Employees may use paid leave for all time off less than 8 days. Benefits start on 8th day, then after 14 days are paid retro-actively back to day 1.

All employees who are placed on Workers' Compensation leave will fall under the Family Medical Leave Act (FMLA). Titus County runs FMLA and Workers' Compensation concurrently.

Any employee who suffers a job related illness or injury shall be required to notify his or her supervisor as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

An employee who has lost time because of a work related accident or illness shall be required to provide a release from the attending physician before being allowed to return to work.

An employee's Workers' Compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

1D-2 EMPLOYEE SAFETY

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

Each County employee shall be required to 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. Your supervisor will provide you with specific information pertaining to your position.

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

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to their supervisor.

1D-3 DRUG AND ALCOHOL – ALL EMPLOYEES

Titus County is a drug and alcohol free workplace. A County employee may not be present at work during a period the employee's ability to perform 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.

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

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

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

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

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

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

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

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 supervisor at the start of the workday or use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify company doctor).

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

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

Post-Accident Testing:

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested. This will be at the discretion of their elected official or supervisor.

Testing Procedures –

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

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

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

1D-4 DRUG AND ALCOHOL – CDL EMPLOYEES

CDL drivers are an extremely valuable resource for Titus County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

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

Specifically, it is the policy of Titus County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) 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. Titus County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

It is the policy of Titus County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Titus County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required

to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

A detailed policy and procedure is available from the Commissioner who is responsible for this process.

1D-5 WORKPLACE VIOLENCE

Titus County is committed to providing a workplace free of violence. Titus County will not tolerate or condone violence of any kind in the workplace. The 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 are inappropriate or might make another employee suspicious or in 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 suspicious behavior from the public, former employees or current employees to their immediate supervisor or the Sheriff's Department. Possession by an employee of any firearm or weapon other than those authorized for law enforcement employees, with or without permits is prohibited in all County offices, buildings and vehicles owned or used by Titus County. If employees believe that another employee is in possession of a weapon on County premises, they should immediately report this to their immediate supervisor or the Sheriff's Department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

1D-6 SOCIAL MEDIA

Titus County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if it: interferes with the employee's work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Titus County among the community at large.

Titus County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

For purposes of this policy "social media" includes, but is not limited to, forums, blogging and social networking sites such as Twitter, Facebook, LinkedIn, YouTube, MySpace, Instagram and Snap Chat.

If your post or social media mentions Titus County, make clear that you are an employee of Titus County and that the views posted are yours alone and do not represent the views of Titus County. Do not mention Titus County supervisors, employees, customers or vendors without their express consent. Do not pick fights. If you see a misrepresentation about Titus County, respond respectfully with factual information, not inflammatory comments. You are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers

or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment.

Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.

Employees may not use Titus County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Titus County monitors its computers to ensure compliance with this restriction. You must comply with copyright laws, and cite or reference sources accurately. Do not link to Titus County's website or post Titus County material on a social media site without written permission from your supervisor.

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

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

SECTION 2:

**EMPLOYEE
COMPENSATION
AND
BENEFITS**

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR (FLSA)

Titus County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the County Auditor's office attention, Titus County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time card must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time card if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. All time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell the County Auditor's office, 903—572-8101.

It is a violation of Titus County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report your hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the County Auditor's office, 903-572-8101.

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

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums, state, federal or local taxes, social security, and retirement. In any workweek in which you performed any work, your salary may be reduced for any of the following reasons:

- 1) Absence from work for one or more full days for personal reasons, other than sickness or disability;

- 2) Full day disciplinary suspensions for infractions of our written policies and procedures;
- 3) Full day for violating safety rules of a major significance;
- 4) Family and Medical Leave or Military Leave absences;
- 5) To offset amounts received as payment for jury and witness fees or military pay;
- 6) The first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- 1) Your absence because the facility is closed on a scheduled work day;
- 2) Your absence because of the County's operating requirements;
- 3) Absence for jury duty, attendance as a witness;
- 4) Any other deductions prohibited by state or federal law.
- 5) Partial day absence from work for personal reasons, sickness or disability

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

For non-exempt employees: You are paid for the number of hours that you are in the office. Any hours spent at your job that total less than 40 may be accounted for as comp time, vacation time, or sick leave (to be used only for illness). If you do not have available comp time, vacation or sick time, your hours paid that week may be less than 40.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the County Auditor's office, 903-572-8101. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney, 903-572-0382. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

2A-2 IRS FRINGE BENEFITS

Titus County will comply with IRS in regards to fringe benefits such as County cell phones, County uniforms, County vehicle usage and day-trip meals. You may be responsible for paying taxes when you receive such fringe benefits.

2A-3 COMPENSATION

Titus County Commissioners' Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

Titus County complies with the Fair Labor Standards Acts (FLSA) as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are handled in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners' Court has adopted this exemption. Information regarding this exemption can be found in the policy on "Law Enforcement Compensation and Overtime." (See **2A-10 – Law Enforcement Pay and Overtime**)

All non-exempt County employees shall be paid an hourly salary. Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. Exempt employees shall receive a weekly salary for all hours worked. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

For part time regular employees, the monthly salary compensates the employee for all hours worked in a workweek up to the amount designated by the County for the position.

Temporary employees shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

2A-4 PAYROLL DEDUCTIONS

Deductions shall 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 shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Auditor's Office.

2A-5 WORK WEEKS AND WORK PERIODS

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Titus County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive work days later (168 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and 86 hours as established by the Titus County Commissioners' Court. (See **2A-10 – Law Enforcement Pay and Overtime**)

2A-6 TIME SHEETS

Each employee shall be required to fill out a time sheet to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

Time sheets are governmental documents and as such require accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a timesheet, a governmental record, is a Class "A" Misdemeanor.

2A-7 PAY PERIODS

The pay period for Titus County shall be a 14 day pay period with the pay period dates established by the Commissioners' Court. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

2A-8 WORK SCHEDULES

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Each department head shall 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.

2A-9 HOURS WORKED

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

2A-10 LAW ENFORCEMENT PAY AND OVERTIME 207(k) Exemption

Titus County Commissioners' Court has adopted the Fair Labor Standards Act (FLSA) Section 207(k) exemption for the Titus County Sheriff's Department deputies and jailers. The Titus County Sheriff's Department shall contain one work period each bi-weekly payroll. The work period shall consist of 86 hours and run from Saturday at 12:00 a.m., 14 consecutive calendar days. This establishes for Titus County a 14 Day – 86 Hour work period. This period shall begin at its respective time on September 12, 2016. The salary covers 86 hours for the work period. Overtime will be earned following the 86th hour and may be paid as compensatory time or paid time off as determined in the annual budget. The employee must work 80 hours each work period or use vacation, sick or compensatory time. If an employee works over 80 hours,

their pay covers that time because the salary covers up to 86 hours worked; however, Titus County will provide non-FLSA comp time at straight time for hours worked between 80 and 86 hours.

2A-11 OVERTIME CALCULATIONS AND RULES

Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek, with the exception of law enforcement (**See policy on “Law Enforcement Pay and Overtime” – 2A-10**). Holiday hours shall not contribute to total hours worked. For example, if a County holiday falls on Friday, and the employee works a total of 34 hours in the preceding Monday through Thursday, there is no overtime as the 8 hour holiday is not actual time worked. In all cases overtime must be approved by the elected official.

Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from his or her supervisor before working overtime.

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half (1½) times the amount of overtime worked.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 40 hours for regular employees, 60 hours for road employees of commissioners only and 80 hours for law enforcement. Employees will be paid for any compensatory time only upon termination of employment. Should the comp time balance exceed these limits, the official shall take steps to bring the balance into compliance by calendar year end.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee’s absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with the supervisor approval. Titus County shall 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 shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

Titus County shall retain the right to “buy back” all or part of an employee’s unused compensatory time by paying the employee for that time at the employee’s current regular rate. Titus County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1½) the employee’s regular rate of pay.

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

2A-12 DEMOTIONS

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or department heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.

2A-13 TRANSFERS

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary. Elected officials, appointed officials or department heads may transfer a qualified employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners' Court.

2A-14 PROMOTIONS

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary. Elected officials, appointed officials or department heads may promote a qualified employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners' Court.

2A-15 SEPARATIONS

A separation shall be defined as any situation in which an employer-employee relationship between the County and a County employee ends. All separations from Titus County shall be designed as one of the following types:

- 1) Resignation;
- 2) Retirement;
- 3) Dismissal;
- 4) Reduction in force;
- 5) Death.

A resignation shall be classified as any situation in which an employee voluntarily leaves his or her employment with Titus County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to his or her supervisor.

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his or her 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 shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Titus 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 shall be separated from employment because of a reduction in force when his or her 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 shall 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 shall receive all earned pay and benefits.

2A-16 RETIREE REHIRES

Retired employees shall be eligible to be rehired for an open positions with Titus County as long as the following provisions are met: 1) The retiree has been retired for at least 1 full calendar months, 2) no prior arrangement or agreement was made between Titus County and the retiree for re-employment, and 3) 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 1 full calendar months. A bona fide separation means there is no prior agreement or understanding between Titus County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the Texas County and District Retirement System (TCDRS) Board of Trustees, restrictions apply to elected officials, people employed in the same or different department/position, employee status changes, and independent contractors.

A termination is not considered bona fide if there is an expectation, understanding or agreement that the termination is temporary or that the person will be rehired in the future. This applies even if the position that the employee will occupy:

- Is different from their current position
- Pays more or less than the current position
- Is in a different department
- Requires different hours (for example, going full-time to part-time, or vice versa)
- Is an independent contractor position that has the individual providing the same services they provided while an employee
- Is an elected position, Elected official are considered employees of the county or district for purposes of participating in TCDRS.

Newly elected officials who have recently retired from the County cannot draw their retirement because they have an arrangement to return to work for the County. Employees also cannot retire with an agreement to go work in a different department or different position. Changing employee status does not matter when determining if someone is still working for the County. Also, an employee cannot retire from the County with an arrangement to begin work as an independent contractor.

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

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.

2A-17 TITUS COUNTY — HAZARDOUS DUTY PAY

Hazardous duty pay means additional pay for performing hazardous duty or work involving extreme physical hardship. Work duty that causes extreme physical discomfort, subjects an employee to exposure to hazards, and/or distress that cannot be adequately mitigated by protective devices, adjustments in scheduling, and other measures may qualify in some instances, if funds are available.

Per local government code, hazardous duty pay cannot be paid retroactively. Further elected officials are not eligible for hazardous duty pay. Recent changes in the Fair Labor Standards Act provide that hazardous duty pay is not subject to the calculations of overtime pay. Rather, hazardous duty pay is a supplement to the employee's gross wages. Employees are not eligible for hazardous duty pay when the employee is on an unpaid leave of absence. Employees who work in a hazardous duty position and then transfer to a nonhazardous duty position are no longer eligible for hazardous duty pay. Part-time employees earn hazardous duty pay at a proportional rate based on the ratio of their scheduled work hours per week to forty hours.

According to the IRS, hazardous duty pay is considered taxable income. Any amount paid to employees will be included on their W-2.

No law requires employers to pay hazardous duty pay. Both the amount of the pay and the conditions under which it might be paid are determined by the employer. In the event of an emergency or pandemic, the county judge may approve hazardous duty pay on a limited basis if funds are available. Such a decision would then be ratified by commissioners' court.

This policy was developed in conjunction with the coronavirus grant to meet the specific requirements of that grant. Any further Hazardous Duty pay must be approved in advance by commissioners court.

2A-18 TITUS COUNTY — REGARDING PAID QUARANTINE LEAVE FOR FIRE FIGHTERS, PEACE OFFICERS, DETENTION OFFICERS, AND EMERGENCY MEDICAL TECHNICIANS

Titus County shall provide paid quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by Titus County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This includes fire fighters, peace officers, detention officers and emergency

medical technicians, as defined by this policy, who are employed by, appointed to or elected to their position.

"Detention officer" means an individual appointed or employed by a county as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county jail.

"Emergency medical technician" means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by the county.

"Fire fighter" means a paid employee of a municipal fire department or emergency services district who holds a position that requires substantial knowledge of firefighting; has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body's jurisdiction. A health authority must be: a competent physician with a reputable professional standing who is legally QUALIFIED TO PRACTICE MEDICINE IN THE STATE AND A RESIDENT OF THE STATE. They must take an official oath and file with the department. For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to public health in the county's jurisdiction.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the county.

Eligible employees who are on qualifying paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation. An employee on qualifying paid quarantine leave will not have their leave balances reduced.

Any employee seeking reimbursement under this policy should consult with the Sheriff's assistant.

Off duty exposures will not be covered under this policy.

2A-19 TITUS COUNTY-SEAT BELT POLICY

We value the lives and safety of our employees. Because it is estimated that seat belts reduce the risk of dying in a motor vehicle crash by 45 percent, Titus County has adopted the following policy concerning employee seat belt usage.

In addition to following all traffic regulations, all employees and their passengers are required to use a seat belt when traveling in any vehicle while in the course of conducting County business. The requirement applies to business travel in a vehicle owned by Titus County, in a rental vehicle, and in a vehicle owned by an individual employee, regardless of whether the employee is compensated for the use of his/her vehicle.

If an employee is provided a County owned vehicle that is used in the course of his/her employment and is also available for that employee's personal use, that employee, together with

all passengers who occupy the vehicle at any time and for any purpose, whether business-related or personal, are required to use seat belts at all times the vehicle is in motion.

The County will encourage contractors to adopt on-the-job seat belt policies as required in the specifications of the bid and contract documents.

The use of seat belts is to be considered a condition of employment with the County. Failure to abide by this stated policy will be considered a breach of that condition of employment and subject the person in violation to disciplinary action, including suspension and possible termination.

B. EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL INSURANCE

All regular full-time employees of Titus County shall be eligible for the group medical insurance and dental insurance benefits.

Premiums for the coverage for eligible employees shall be paid by the County. Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Details of coverage under the group medical insurance plan and dental plan are available in the County Auditor's office and may be obtained during the normal working hours for that office.

Employees, who leave the employment of Titus County or who lose their insurance eligibility, may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following Family Medical Leave Act (FMLA), if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Auditor's office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information within 14 days of their termination.

2B-2 OTHER INSURANCE – LIFE, SUPPLEMENTAL

Employees shall have a limited amount of life insurance on themselves as part of their group medical insurance coverage. Titus County provides supplemental insurance coverage under Colonial. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from the County Auditor's office.

2B-3 VACATION

All regular fulltime employees shall be eligible for vacation benefits. Part time, variable hour, temporary seasonal and temporary employees shall not be eligible for vacation benefits.

Employees who have worked for less than 10 years in a position eligible to receive vacation shall earn vacation at a rate of 1.538 hours per week, which is equivalent to 80 hours per year.

Employees who have worked for 10 or more years in a position eligible to receive vacation shall accrue vacation at the rate of 2.308 hours per week which is equivalent to 120 hours per year.

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of 1 year in such a position before being eligible to take any vacation.

The maximum amount of unused vacation an employee shall be allowed to have at one time is 240 hours. When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy. Scheduling of vacations shall be at the discretion of the individual department heads.

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

If a holiday falls during an employee's vacation, then the employee will not be charged against their vacation days for the holiday.

If an employee has worked for at least 12 months in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

Each employee shall be responsible for accurately recording all vacation time used on their time sheet.

2B-4 SICK

All regular full-time employees shall be eligible for the paid sick leave benefit.

Eligible employees shall accrue sick leave at a rate of 4 hours per month. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 480 hours.

Sick leave may be used for the following purposes:

- Illness or injury of the employee;

- Appointments with physicians, optometrists, dentists, and other qualified medical professionals;
- To attend to the illness or injury of a member of the employee's immediate family

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

Where sick leave is to be used for medical appointments, an employee shall be required to notify his or her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee shall notify his or her supervisor of the intent to use sick leave within 4 hours of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 4 hours of the normal starting time, the employee should notify his or her supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his or her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees, who have a pattern of abusing sick leave, may be required to provide a physician's statement for those absences as required by their supervisor.

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

Employees shall not be allowed to borrow sick leave against future accruals. Employees shall not be paid for unused leave at the termination of employment.

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

Employees who are terminated or leave employment prior to retirement shall not be paid for unused sick leave at the termination of employment. Employees, who retire with TCDRS benefits, shall be paid for unused sick leave at the rate of one (1) day for every four (4) days accumulated.

2B-5 HOLIDAY

All full-time regular employees shall be eligible for the paid holiday benefit.

The County holidays for the following calendar year shall be determined by the Titus County Commissioners' Court at its first meeting of each December.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

An eligible employee called to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 days (180 days for T.C.S.O. employees) equivalent to the amount of time worked on the holiday.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Titus County. Each supervisor is responsible for granting this leave based on the needs of their individual departments. Vacation, compensatory time, or leave without pay may be used for special leave granted.

Holidays do not accrue and if they are not taken, they will not be paid at termination.

2B-6 JURY DUTY

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

Employees who are subpoenaed or ordered to attend court to appear as a witness, or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his or her court attendance may require. If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

2B-7 BEREAVEMENT LEAVE

Employees shall be allowed up to 3 days leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse, child, foster child, parent, grandparent, grandchild, brother or sister of the employee or the employee's spouse. Employees may be allowed time off with pay up to a maximum of 4 hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation, compensatory time or leave without pay.

2B-8 MILITARY LEAVE

Titus County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year with pay to attend authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use annual leave, earned compensatory time, or leave without pay if he/she must attend Reserve or National Guard training sessions or exercises in excess of the fifteen (15) day maximum.

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

An employee going on military leave shall provide his or her supervisor with a set of orders within two (2) business days after receiving them.

Titus County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with the state and federal regulations in effect at the time of their release from duty.

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

2B-9 RETIREMENT

All regular employees (full time and part time) shall be eligible for the retirement benefit through the Texas County and District Retirement System (TCDRS). Temporary employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Titus County shall make a contribution to each eligible employee's retirement account according to requirements of TCERS. Information on the retirement program may be obtained at the County Auditor's office during the normal working hours for that office.

DEFINITIONS

- Retirement from the Texas County and District Retirement System (TCERS) shall be at age 60 or older with a minimum of 8 years' service to the system.
- Retirement from Titus County shall be defined as 8 years of continuous service for vestment. Benefits shall be available when the sum of the employee's age plus years of service with Titus County equals at least 75 years.
- Retirement from Titus County with Health Benefits – employees must meet rule of 75 with a minimum of 8 years of continuous service to Titus County, and be at least 60 years of age (during calendar year 2018 a minimum of 58 years of age, and in 2019 a minimum of 59 years of age). In such case the retired employee shall be covered by the Titus County Health Insurance Plan until age 65. Spouse and dependent coverage shall be available at the standard employee rate until age 65.

TITUS COUNTY RETIREE HEALTH INSURANCE BENEFIT

Retirement from Titus County with Health Benefits – employees must meet rule of 75 with a minimum of 8 years of continuous service to Titus County. In such case the retired employee shall be covered by the Titus County Health Insurance Plan until age 65. Spouse and dependent coverage shall be available at the standard employee rate until age 65.

CHANGES TO POLICY APPROVED August 21, 2014

Grandfather Clause. . .any employee that has met the rule of 75, and has 8 years of service as of December 31, 2014, will be unaffected by the August 21, 2014 policy changes to Retiree Health Benefits.

In addition to the rule of 75 and 8 years of service, a minimum retirement age of 60 now becomes a requirement. An employee must now have reached their 60th birthday before being covered by the Titus County Health Insurance Plan until age 65. This minimum age is phased in as follows. .

During Calendar year 2014, no minimum age requirement
During Calendar year 2015, minimum age of 55
During Calendar year 2016, minimum age of 56
During Calendar year 2017, minimum age of 57
During Calendar year 2018, minimum age of 58
During Calendar year 2019, minimum age of 59
After Calendar year 2020, minimum age of 60

Spouse and dependent coverage as a retiree benefit will no longer be available for any employee hired on or after January 1, 2015. Any employee of the county as of December 31, 2014 will have spouse and dependent coverage under the prevailing terms, until age 65, assuming that the employee is covered as an eligible retiree per the new policy effective 8/21/14.

Grandfather Clause. . .any employee that has 8 years of continuous service to Titus County as of October 1, 2014, will NOT be required to have reached their 60th birthday before being eligible for Retiree Health Benefits. This applies to the employee's insurance as well as dependent coverage (which will be paid by the employee at the prevailing dependent rate).

2B-10 SOCIAL SECURITY/MEDICARE

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck.

2B-11 FAMILY MEDICAL LEAVE ACT / MILITARY FAMILY LEAVE (FMLA/MFL)

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

- 1) the basic 12-week FMLA entitlement; and

- 2) the Military Family Leave (MFL) entitlement described in this policy.

To be eligible for benefits under this policy, an employee must: 1) have worked for Titus County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); and 2) have worked at least 1250 hours during the previous 12 months. and 3) are employed at the worksite that has 50 or more employee within a 75 mile radius.

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

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

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

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

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

- 1) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: a) treatment two or more times within 30 days of incapacity, or b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity;
- 2) Any period of incapacity due to pregnancy or pre-natal care;

- 3) Any period of incapacitation or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time;
- 4) Any period of incapacity which is permanent or long term due to a condition that treatment is not effective; or
- 5) Any period of incapacity or absence to receive multiple treatments by a health care provider.

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active-duty status in a foreign country. The following qualify as exigency leave:

- 1) Leave may be taken to address any issue that arises because the covered military member was given seven or less days' notice for active-duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty;
- 2) Leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active-duty status in a foreign country of a covered military member;
- 3) Leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active-duty status in a foreign country of a covered military member;
- 4) Leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active-duty status of a covered military member;
- 5) Leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active-duty status in a foreign country;
- 6) Leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active-duty status in a foreign country and for a period of 90 days following the termination of the covered member's active-duty status;
- 7) Leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active-duty status or call to active-duty status in a foreign country of a covered military member;
- 8) Leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation;
- 9) Leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active-duty status;

- 10) Leave may be taken to address issues that arise from the death of a covered military member while on active-duty status in a foreign country;
- 11) Leave may be taken for certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty; or attending family support, or assistance program and for informational briefing.
- 12) Leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

Up to 12 weeks leave per 12-month period may be used under this policy. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12-month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.

If spouses' both work for the County, the maximum combined leave they shall be allowed to take in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 workweeks 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 eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period:

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

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

If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: compensatory time, vacation, holiday and sick. The remainder of the leave shall be unpaid.

An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12 weeks leave period being unpaid leave.

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

After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 weeks leave period being unpaid leave.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 weeks leave period being unpaid leave.

An employee taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave except for sick leave, with the remainder of the 12 weeks leave period being unpaid leave.

An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then sick leave, vacation and any other paid leave, with the remainder of the 26 weeks leave period being unpaid leave.

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

While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be 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.

Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member or the care of a covered military member or covered veteran

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

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness, the time will be deducted from the employee's 26 week leave eligibility in a single 12-month period.

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

The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.

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

- 1) The date the condition began;
- 2) Its expected duration;
- 3) The diagnosis of the condition;
- 4) A brief statement of the treatment; and
- 5) A statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

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

- 1) The date the condition began;
- 2) Its expected duration;
- 3) The diagnosis of the condition;
- 4) A brief statement of treatment; and
- 5) A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

Certification for leave taken because of a qualifying exigency shall include:

- 1) A copy of the covered military member's active-duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active-duty status in a foreign country;
- 2) The dates of the covered military member's active-duty service;
- 3) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave;
- 4) The approximate date on which the qualifying exigency will start and end;
- 5) If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; and
- 6) If the qualifying exigency involves meeting with a third party, appropriate contact information such as name, title, organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.

Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include:

- 1) If the injury or illness was incurred in the line of duty while on active duty;
- 2) The approximate date on which the illness or injury occurred and the probable duration;

- 3) A description of the medical facts regarding the covered military member's or covered veteran's health condition, sufficient to support the need for care;
- 4) If the covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to;
- 5) The relationship of the employee to the covered military service member or covered veteran; or
- 6) In lieu of certification, an Invitational Travel Order (ITO) or an Invitational Travel Authorization (ITA) issued is sufficient certification for an eligible employee to be allowed to take Family Medical Leave Act (FMLA) to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill, covered military member or covered veteran.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA).

If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.

Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his or her immediate supervisor.

Where practicable, an employee should give his or her immediate supervisor at least 30 days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

Employees returning from leave under this policy, and who have not exceeded the 12-week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Employees who have not exceeded the 26-week maximum, in a single 12-month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or 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.

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

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 this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

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

Employees who are out on approved FMLA may not take trips outside of the County unless the travel is related to the employees own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. Employees may ask for permission from their immediate supervisor to take other trips outside the County and supervisors may grant employee requests at their discretion. Employee are forbidden from working another job while on appointed FMLA from the county.

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

The County may send out to an employee who has been out for 3 or more days a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

ENFORCEMENT:

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

2-B 12 LEAVE OF ABSENCE – OTHER

Employees may request a personal leave of absence to a maximum of 90 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the County health insurance but they are responsible for the entire premium, which

includes both their portion and the County portion. The employee must pay for the premium on the first of each month, lack of payment will result in insurance termination and the employee will become eligible for COBRA. Return to work from personal leave of absence is not guaranteed and is subject to current business conditions.

If for any reason an employee is absent for 6 consecutive months, their employment with the County will be terminated.