

# KAUFMAN COUNTY

## PERSONNEL POLICY MANUAL



KAUFMAN COUNTY COURTHOUSE  
KAUFMAN, TEXAS 75142

**Adopted July 1, 2013**  
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# COMMISSIONER'S COURT

BRUCE WOOD  
County Judge

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Commissioner Precinct #3

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# FORWARD

Welcome to the team of public servants that makes up Kaufman County Government. From Elected Officials to temporary employees, our job is to serve our neighbors. All of us must work together to meet their needs, earn their respect, and deserve their support.

As taxpayers, we expect quality service from government. As public servants, we owe it to our community to ensure that quality is what we provide.

This manual has been prepared under instruction of the Kaufman County Commissioners' Court. It is a brief reference designed to give you facts about the County, how it works, and the policies, which govern us as employees.

Our Community and its needs may change, and your duties and County policies may change as well, but the tradition of public service will always remain the same.

Please familiarize yourself with the contents of this manual. If you have any questions, please discuss them with your Elected/Appointed Official or Department Head.

Kaufman County Commissioners' Court

## A BRIEF HISTORY OF KAUFMAN COUNTY

Kaufman County was created by an act of the legislature in 1848 from a portion of Henderson County. In addition to the present size of 807 square miles, it included what is now Rockwall County.

The new County was named for David S. Kaufman, a member of the congress of the Republic of Texas and the first man to be seated in the United States Congressional House of Representatives after Texas was annexed to the Union.

The first courthouse in Kaufman was a remodeled blacksmith shop. This temporary building filled the small requirements of the new County until 1860 when a brick structure was built, but all did not go well. The building deteriorated so rapidly that it was replaced in 1870 with a frame building.

In 1886 a three-story stone courthouse was built in the center of the Kaufman business square at a cost of approximately \$50,000.00. The growth of the County and its government brought about the need for further expansion. In 1955 the old stone building was torn down and the way was made for a modern two-story building. This building is the County courthouse as it stands today.

Today, more than 450 people are employed by Kaufman County. We must strive to work together to meet the changing needs of our County.

# HOW COUNTY GOVERNMENT WORKS

The State of Texas prescribes the basic structures of Kaufman County government and the functions it carries out. The County itself, and many of its offices, powers, and duties are created by the State Constitution and by State Law.

## THE COMMISSIONERS' COURT

The Kaufman County Commissioners' Court is the one body with powers and duties that allow it to affect all areas of County operation. It is composed of five elected officials: the County Judge who represents the entire County, and four commissioners who each represent a different geographical area - a precinct.

As a group, the Commissioners' Court is the chief policy or legislative branch of County government and the chief administrative or executive branch. Among their functions, the Court:

- Sets the tax rate.
- Adopts the annual budget.
- Adopts regulations and policies.
- Approves and manages County facilities.
- Has final authority over all County matters.

The Court meets on the second and fourth Monday at 9:30 am. Special sessions or work sessions are scheduled as needed.

## INDEPENDENT ELECTED OFFICIALS

Independent Elected Officials are directly responsible to the voters for carrying out powers and duties assigned to their offices by State Law. While the Commissioners' Court may influence the functions through the budget, the Elected Officials have administrative power over their departments.

## APPOINTED OFFICIALS

State Law also prescribes some offices whose directors are appointed by an Elected Official. It also allows the Commissioners' Court to create some departments and approve personnel to run them. The Auditor, who is appointed by the District Judges, is an example of a State mandated appointed officer.

# INTRODUCTION

## PURPOSE

The purpose of this manual is to provide uniform personnel guidelines for all the employees of Kaufman County. It is hoped that these guidelines will promote a high degree of understanding, cooperation, and unity between the officials of this County and its personnel.

As such, this Policy and Procedure Manual is designed to:

- a) Create and maintain a modern and comprehensive system of personnel administration;
- b) Increase efficiency and economy in the service of this County;
- c) Establish a system of fairness and equality for the employee and taxpayer alike; and
- d) Encourage higher moral among County Personnel by providing good working relationships and opportunity for advancement and consideration.

## **APPLICABILITY**

The policies created in this manual are designed to apply to all employees and public officials in the service of Kaufman County, they shall not, however, apply to those individuals or areas of the job which are regulated by Statute.

The County Commissioner's Court is the source of authority concerned with setting personnel objectives and issuing policy statements. The Elected/Appointed Officials or Department Heads will be responsible for the implementation of the policy statement and for the development of detailed procedures consistent with its intent.

**Kaufman County reserves the right to change the provisions of this manual at any time, with or without notice. This manual is a general guide and the provisions of this policy do not constitute an employment contract. Elected/Appointed Officials and Department Heads will be notified of any changes. The most up to date manual will always be posted on [www.kaufmancounty.net](http://www.kaufmancounty.net).**

# **SECTION A: COUNTY EMPLOYMENT**

## **GENERAL RULES AND REGULATIONS**

As a general guide to departments, The County Personnel Policy suggests a number of standards of personal conduct for all Kaufman County employees. Most are standard procedures for any well-managed place of employment. Each department may have special rules, and if so your Elected/Appointed Official or Department Head will explain them to you.

As a County employee you should observe the following:

1. Your appearance and conduct reflect upon all Kaufman County officials and employees, and should be as outstanding as possible.
2. When dealing with the public in person or by telephone, courtesy is a necessity. If you do not know the answer to a question, try and find out or direct the person to the proper place.
3. Information concerning County business should be held in confidence. Most County records are available to the public through established procedures.
4. County copying machines, typewriters, or postage shall be used only for County business. Personal telephone calls will be kept to a minimum.
5. All trips made for County business shall be reimbursed as per policy set by the Commissioners' Court. No reimbursement will be made for entertainment, personal telephone calls, liquor, laundry or similar expenses.

Your privileges, duties and responsibilities are, of course, much more numerous than those briefly outlined in this manual. Questions about your job should be addressed to your Elected/Appointed Official or Department Head.

Always remember that as a public employee, you are a public servant. Courtesy and consideration are the right of the citizens you serve. Our main objective is to serve the citizens of Kaufman County and all of us must work together to accomplish this goal.

## **EMPLOYMENT AT WILL**

All employment with Kaufman County shall be considered “at will” employment. No contract of employment shall exist between any employee and Kaufman County for any duration, either specified or unspecified.

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

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

Kaufman County reserves the right to change the provisions of this manual at any time, with or without notice. This manual is a general guide and the provisions of this policy do not constitute an employment contract. Employees may always get a copy of the most up to date manual at [www.kaufmancounty.net](http://www.kaufmancounty.net) or from Human Resources.

## **EMPLOYEE STATUS**

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. Other County policies will dictate eligibility for other benefits. Full time employees will be eligible for health insurance. All other classifications must be included in the County initial and/or standard measurement periods for the Affordable Care Act. Kaufman County’s measurement period is twelve (12) months.

### **REGULAR FULL-TIME**

A regular full-time employee shall be any employee in a position, which has a normal work schedule of forty (40) hours per week, in a budgeted position. Full-time employees are eligible for County health insurance and retirement 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. Kaufman County makes exempt status determination based on the Fair Labor Standards Act (FLSA).

### **REGULAR PART-TIME**

A part-time employee shall be any employee in a position, which has a normal work schedule of less than thirty (30) hours per week, and is budgeted for at least one year. These employees are not eligible for county health benefits, but may be eligible for retirement benefits.

### **MODIFIED FULL-TIME**

A modified full-time employee shall be any employee in a position, which has a normal work schedule of less than forty (40) hours per week, but more than thirty (30) hours per week, and is budgeted for at least one year. These employees are eligible for County health insurance and retirement 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. These employees may be eligible for retirement 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. The County must document the season the employee is being hired for. They may be either part-time or full-time and may be eligible for County health insurance, but are not eligible for retirement benefits.

### **TEMPORARY PART-TIME**

A temporary part-time employee is an 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 the work project goes beyond twelve (12) months, the employee will move into a modified full-time status. Temporary part-time employees are not eligible for county benefits.

## **EQUAL OPPORTUNITY AND AMERICANS WITH DISABILITIES**

### **EQUAL OPPORTUNITY**

It shall be the policy of Kaufman County to be an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, age, disability, pregnancy, veteran status and genetic information or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your Elected/Appointed Official or Department Head.

### **AMERICANS WITH DISABILITIES**

Kaufman County is committed to the fair and equal employment of individuals with disabilities. It is Kaufman County’s policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If an accommodation is required, the employee should contact their Elected/Appointed Official, Department Head or the County Attorney. Reasonable accommodation shall be determined through the interactive process of consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

It is the policy of Kaufman 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 their Elected/Appointed Official, Department Head or the County attorney. All Elected/Appointed Officials, Department Heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

## **APPLICATION FOR EMPLOYMENT**

### **JOB ANNOUNCEMENTS**

The Elected/Appointed official, or Department Head, or his/her designee, will notify Human Resources of any job openings in their department by filling out a Job Announcement Request Form. Human Resources will post the job opening according to policy.

Announcements for job openings with Kaufman County may include, but not limited to, advertisements on [www.kaufmancounty.net](http://www.kaufmancounty.net), in local newspapers, or postings on Kaufman County Courthouse bulletin boards.

### **POSTING JOB ANNOUNCEMENTS**

Job openings for regular full time positions will generally be posted on the County website, [www.kaufmancounty.net](http://www.kaufmancounty.net). Although Kaufman County reserves its discretionary right not to post a particular opening, each job opening normally will be posted for a minimum of five (5) working days. If a similar job has been posted by the hiring department within the last sixty (60) days, the department has the option of filling the position from the applicant pool generated in the original posting. Postings can be external (for all applicants) or internal (for current County employees only). Elected/Appointed officials or Department Heads may fill vacant positions by reassigning or transferring employees if the employee meets the minimum requirements for the job.

The Elected/Appointed official, or Department Head, or his/her designee must submit a completed Job Announcement Request Form to the Human Resources Department. All job postings will be done by Human Resources. The responsible official in conjunction with Human Resources may also choose to use additional avenues for publishing the opening, such as advertisement in local newspapers, listing on industry related websites, etc.

No offer of employment will be made until after the closing date of the posting.

### **APPLICATION PROCEDURE**

Before an individual can be considered to be an applicant for employment with Kaufman County, he/she shall be required to complete a Kaufman County employment application.

The Kaufman County's employment application is available on [www.kaufmancounty.net](http://www.kaufmancounty.net) and in the Human Resources Office. All applications should be submitted to the Human Resources Department, including applications for the Sheriff's Office.

Applications received after the closing date and time will not be considered. Applications will only be accepted for current job openings.

## **SELECTION**

Each Elected/Appointed Official, Department Head, 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.

## **PROCESSING**

The Human Resources Office shall be notified by the Elected/Appointed official, Department Head, or his/her designee, of the applicant they would like to hire within two (2) days of the proposed start date. Human Resources will then conduct a background investigation, request a driving record, and drug test, if applicable. After the results are received, Human Resources will notify the Elected/Appointed official, Department Head, or his/her designee, of the results and confirm the date and time for the new employee orientation. This orientation will be scheduled the morning of the new employee's first day. It is the responsibility of the Elected/Appointed Official, Department Head, or his/her designee, to ensure the new employee reports to Human Resources at the designated time so the new employee paperwork can be completed.

Human Resources must receive a signed payroll Change Form prior to the new employee's start date. If a Payroll Change form is not received an employee's compensation may be delayed during the pay period they begin employment.

Kaufman County conducts background investigations and requests driving records on all individuals who are offered a job with the County. All offers of employment are contingent upon successful completion of a background investigation, driving record and drug test.

The applicant who has received a conditional offer of employment must sign a release form for the background investigation and driving record. Some departments in Kaufman County conduct extensive pre-employment background investigations due to the nature of their jobs. For other Kaufman County departments, Human Resources will conduct the background investigation. Human Resources will request the driving record for all employees.

The individual shall not begin employment until successful background investigation, driving record and drug test results have been received.

## **DISQUALIFICATION**

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

The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying;

The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process;

The applicant has committed or attempted to commit a fraudulent act at any stage of the application process; or

The applicant is not legally permitted to hold the position.

The applicant does not successfully complete the background check, driving record check or the drug test.

## **REHIRE OF FORMER EMPLOYEES**

All separated employees must have a bona fide separation of employment. A bona fide separation means there is no prior arrangement or agreement of understanding between Kaufman County and the separated employee that the employee would be rehired.

An employee must be separated for one (1) full calendar month before being rehired by any department in the County. (See *Admin Code, Sec. 107.4*)

If a former employee of Kaufman County is rehired, they will be treated the same as a new hire in regards to leave accruals and longevity.

### **REHIRE RETIRED EMPLOYEES**

Retired employees shall be eligible to apply for open positions with the County as long as the following provisions are met:

- a) The retiree has been retired for at least six (6) calendar months
- b) The retiree must have a bona fide separation of employment. A bona fide separation means there is no prior arrangement or agreement of understanding between Kaufman County and the retiree that the retiree would be rehired after retirement.

Rehired retirees who did not have a bona fide separation of employment may owe a ten (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.

## **NEPOTISM**

In accordance with the Texas Government Code Chapter 573 on nepotism, an Elected or Appointed Official of Kaufman 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 which he or she supervises or exercises control over.

The civil law method, as approved by the Texas Legislature in 1991 to be effective in August of that year, shall be used for determining degree of relationship. (See charts that follow.)

“Step” relationships will also be included in the restrictions detailed in this policy. For example, a step son would be considered the same as a son.

If employees become related after employment as defined in the paragraphs above or if reorganization creates such a conflict, reasonable time may be provided to resolve the matter. If after six (6) months a

transfer or other resolution has not been reached, the County may require one of the employees to resign. If neither employee is an Elected Official, nor chooses to resign, the employee with less time of continuous service with the County will be terminated.

Consanguinity Kinship Chart (Blood)

Affinity Kinship Chart (Marriage)

## **ATTENDANCE**

Kaufman County employees 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 Elected/Appointed Official or Department Head unless prior approval for absence is given by the employee's supervisor, or the employee is unable to report for 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 fifteen (15) minutes prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Each employee shall remain on the job until the normal quitting time established by the Elected/Appointed Official or Department Head unless permission to leave early is given 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 as scheduled, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment.

## **PERSONAL APPEARANCE AND DRESS CODE**

Appearance is often viewed as a direct reflection of the level of professionalism of the workplace. All employees contribute personally to the image of Kaufman County by their individual attire and grooming. Each Kaufman County employee is expected to follow these basic minimum guidelines:

- a) Maintain an appropriate appearance that is businesslike, neat and clean as determined by the requirements of the area in which the employee works.
- b) Clothing should be in good repair and fit appropriately.
- c) Sweatshirts, t-shirts, sport shoes, flip flops and like attire are generally not considered appropriate in most work environments.
- d) Employees whose jobs require that they wear a uniform are expected to keep their uniforms in good repair and laundered.

If in the opinion of the Elected/Appointed Official or Department Head, an employee is not dressed appropriately, the employee may be immediately sent home to change. If sent home, the time taken to change will be deducted from their own leave balance.

## **UNIFORM POLICY**

The purpose of this policy is to govern the taxable/non-taxable treatment of the costs associated with the purchase and upkeep of work clothing and uniforms worn by Kaufman County employees.

The Kaufman County Commissioners Court realizes that each individual department has specific circumstances and needs for its employees and therefore this policy serves as the basis for each individual department's policy.

Each individual department that purchases any type of clothing for its employees should have a policy pertaining to work clothing and uniforms that is suitable to the needs of its individual employees. Likewise, each individual department's policy should be in keeping with the Internal Revenue Service regulations. In the absence of a departmental policy, this policy shall govern.

Each individual department's policy should be submitted to Human Resources.

Pursuant to the Internal Revenue Service regulations, the value of work clothing provided by the employer is not taxable to the employee if:

- a. The employee must wear the clothing as a condition of employment, **and**
- b. The clothes are not suitable for everyday wear or are not worn or adaptable to general usage as ordinary clothing.

It is not enough that the employee wear distinctive clothing; the employer must specifically require the clothing as a working condition. Nor is it enough that the employee does not, in fact, wear the work clothes away from work. The clothing must not be suitable for taking the place of an employee's regular clothing.

If the clothing qualifies as excludable, then the cleaning costs are also excludable from taxation. If the clothing does not qualify as a deductible expense (i.e. as a uniform), then the costs, if paid by the County, must be allocated to the employee as income, treated as a taxable fringe benefit thereby subjecting it to income, Social Security and Medicare taxes.

## **SECTION B: EMPLOYEE BENEFITS**

### **HEALTH INSURANCE**

Kaufman County provides health insurance for all full-time employees under the County's Group Insurance Plan. Premiums for the health insurance coverage, for eligible employees, shall be paid entirely by Kaufman County. Regular variable hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health insurance after the measurement period. Regular part time, temporary, and regular variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance.

An employee's dependents may also be insured under the County's Group Insurance Plan. Employees must pay the additional premium for coverage of dependents and may do so through payroll deduction. You may contact the Human Resources office for rate and benefit information or visit [www.kaufmancounty.net](http://www.kaufmancounty.net).

#### **Tobacco Wellness Incentive Program:**

To support the overall health and wellness of its employees, Kaufman County has implemented a Tobacco Wellness Incentive Program to reward those members who do not use tobacco products. Employees must certify their use of tobacco products within 60 days of their hire date. If an employee is a tobacco user, they must enroll in a tobacco cessation program within 60 days of their hire date. Certified Tobacco users who are not enrolled in a Tobacco Cessation program will be assessed a monthly surcharge of \$25.00 starting the pay period in which health benefits are effective. Premiums will be applied towards the cost of their health premium. Enrollment in the cessation programs are free to the employee, and will be verified with health insurance provider. Completion of the tobacco cessation program will be assessed every six (6) months. If an employee does not complete the cessation program within the first six (6) months, they will be assessed the monthly surcharge until the next enrollment period.

In order to certify as a non-tobacco user, employees must not have used tobacco products for at least thirty (30) days prior to the date of signing the Tobacco Use Certification Form. If it is found that the employee used tobacco products after certifying as a Non-Tobacco User, any discount received must be returned to the County.

Tobacco products include, but are not limited to, those products with tobacco, including cigarettes, cigars, pipes, all forms of smokeless tobacco (chewing tobacco, snuff, dip, or any other product containing tobacco), and any other smoking devices that use tobacco, such as hookahs. E-cigarettes that do not contain tobacco are not included in this program.

#### **Reward for Wellness Program:**

Kaufman County asks all employees covered on the County group medical plan to participate in the wellness program by completing an annual physical exam or wellness exam. Kaufman County does not require employees to achieve a certain health standard like a certain cholesterol count, weight or body mass index. This is considered a Participatory Program providing an incentive based on participation rather than on achievement of a particular health standard and is considered nondiscriminatory under HIPAA. Kaufman County does not receive results of individual wellness exams.

A wellness exam includes a routine exam by a Family or General Practitioner/Internist OR a well man or well woman exam by a Family or General Practitioner/Internist OR a well woman exam by an OB-GYN. To ensure your wellness benefits are applied to wellness at 100%, make sure the claim is coded correctly upon check-out on the date of your visit. A wellness exam will be paid at 100% with no co-pay applied.

Employees who complete the wellness exam during the designated time frame, and submit the required paperwork to Human Resources, will receive eight (8) hours of paid leave for the plan year. The eight (8) hours must be used by September 30<sup>th</sup> of the plan year, or the time will expire. Employees who do not provide a proof of physical/wellness exam by March 31<sup>st</sup> of the plan year, will not receive eight (8) hours of paid leave and will be charged \$25.00 per month until September 30<sup>th</sup> of the plan year, or until they submit the required form.

## COBRA

Any employee who has group insurance coverage at the time of termination has conversion privileges for health, dental, and vision insurance (COBRA). The employee can continue coverage for up to 18 months after leaving employment by assuming full payment of premiums. The conversion privileges also apply to dependents that are covered at the time of the employee's termination. To enroll, or for further information, employees may contact the Human Resources office.

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

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

#### **Events qualifying for 18-month continuation are:**

1. Reduction of Employee work hours; or
2. Voluntary Termination of employment; or
3. Involuntary termination of employment (except termination for gross misconduct); or
4. Retirement

#### **Events qualifying for 36-month continuation for Dependents are:**

1. Death of the employee; or
2. Divorce or legal separation of the Employee; or
3. Medicare eligible Employee; or
4. Children who lose coverage due to eligibility provisions (for example: marriage).

It is your responsibility to notify Human Resources at (972)932-0283 within 60 days of when a qualifying event has occurred. You will then be given information to the cost, your rights and the forms for signing up.

(For more information on COBRA and your rights please see your Group Health Insurance Benefit Booklet.)

## **OTHER INSURANCE**

Kaufman County also offers dental and vision insurance through payroll deductions for the employee and their dependents. The employee is responsible for all premiums.

## **LIFE INSURANCE**

Kaufman County provides life insurance for all regular full-time employees equal to one (1) times their base annual salary at no cost to the employee. The employee may choose to buy additional life insurance through payroll deduction. The employee is responsible for additional premiums.

## **RETIREMENT**

Employees who regularly work for the County, regardless of the number of hours worked per year, must become members of the Texas County and District Retirement System (TCDRS). Your contribution to the Retirement System, is currently seven (7%) percent of your gross salary and the County contributes an amount actuarially determined each year and at least equal to the employees contribution. Upon completion of 8 years of service, you may have a vested interest in the retirement system.

You may not borrow against your retirement for any reason. You may only withdraw your money upon retirement or termination of employment with the County.

Employees are eligible for retirement benefits if he or she has:

- At least eight (8) years of credited service at age sixty (60) or older; or
- A combined age and total service (each rounded down to whole years) of 75 or more; or
- Accumulated thirty (30) years of credited service

If an employee terminates employment with the County, the employee may request a refund of his/her accumulated deposits plus interest earned. The employee will then not be entitled to the County's portion contributed to the system on their behalf, regardless of being vested.

Upon voluntary retirement, after twenty (20) years of service with Kaufman County, if the retiring employee has accrued any sick days, the retiree will be paid for up to thirty (30) days of his/her accrued sick time.

After eight (8) years of service with Kaufman County and upon retirement from TCERS (service or disability retirement), Kaufman County will pay one-half (1/2) of the retiree group health insurance coverage, until the retiree reaches Medicare eligibility. If the retiree goes to work for another employer that offers health insurance benefits, Kaufman County will cease to pay or provide this benefit.

Employees eligible to retire from TCDRS with fewer than eight (8) years of service with Kaufman County may be eligible to purchase continued health benefits coverage for the employee and the employee's dependents, if enrolled at the time of retirement, until the retiree reaches Medicare eligibility. If the retiree goes to work for another employer that offers health insurance benefits, Kaufman County will cease to pay or provide this benefit.

**THE FOLLOWING APPLIES TO EMPLOYEES WHO WERE EMPLOYED BY KAUFMAN COUNTY PRIOR TO OCTOBER 1, 2011:**

Upon retirement from TCDRS, after twenty (20) years of service Kaufman County will pay full health insurance coverage for the retiree, until the retiree reaches Medicare eligibility. The twenty (20) years do not have to be consecutive, but the employee must have been enrolled in the County health benefits. If the retiree goes to work for another employer that offers health insurance benefits, Kaufman County will cease to pay or provide this benefit.

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For additional information, refer to your TCDRS Information Handbook or [www.tcdrs.org](http://www.tcdrs.org). You may also contact the Human Resources' office.

## **EMPLOYEE SERVICE RECOGNITION/AWARD PROGRAM**

All regular full-time employees of the County shall be eligible to participate in the Program. Part-time and temporary employees of the County are not eligible to participate. For purposes of this Program, "qualifying service" shall be defined as current full-time active service with Kaufman County.

As of the Program's effective date, every eligible employee shall receive the highest level of service award for which he/she qualifies. For example, if an eligible employee has six (6) years of qualifying service as of the effective date of the program; the employee shall qualify for the five (5) year award. An employee who has twelve (12) years will qualify for the ten (10) year award. Eligible employees may also purchase, at their own expense, any or all lower level service awards. Past retirees of the County may also purchase, at their own expense, any one or all service awards for which they qualify.

Employees who retire with 8 (eight) or more years of service with Kaufman County will receive an engraved plaque or framed proclamation with their name and years of service to the County. The disbursement of the awards will be determined by the Commissioner's Court each year and on a case by case basis. Human Resources Department will administer this Program.

NOTICE: The County reserves the right to amend, change or delete this Program at any time, with or without prior notice. Furthermore, this Program does not grant a right or benefit to any employee, either expressed or implied, that in any way alters the "at will" basis of employment that is intended.

## **SUPPLEMENTAL DEATH BENEFIT**

Kaufman County provides a Supplemental Death Benefit for all regular full-time employees in the amount of one (1) times the deceased employee's base annual salary, as well as a \$5,000 policy for the spouse of an employee, and \$2,500 for each dependent child under the age of 26 of the employee. Kaufman County also provides a Supplemental Death Benefit for all employees who are participating

in the Texas County and District Retirement System. The Supplemental Death Benefit provides the beneficiary of a deceased employee with a lump-sum death benefit payment equal to one (1) times the deceased employee's base annual salary in addition to a return of the deceased's personal deposits and interest earnings.

## **DEFERRED COMPENSATION**

Kaufman County offers a deferred compensation program to all regular full-time employees. This tax-deferred investment program, by which you may contribute a portion of your taxable income, will provide a supplemental retirement income for you at a future date. Each employee may defer up to \$8000 or 33 1/3% of their annual earnings and reduce the amount of federal taxes currently being withheld. This program is offered to eligible employees during open enrollment.

## **SECTION 125 PLAN**

Section 125 is a part of the Internal Revenue Code that allows employees to convert a taxable cash benefit (salary) into non-taxable benefits. Under a Section 125 program, your insurance premiums are deducted from your gross earnings, before taxes are taken out of your paycheck. This is set up automatically for every employee unless the employee states otherwise.

## **VACATION**

Only regular full-time employees shall be eligible to accrue vacation benefits. Vacation accrual will be in accordance with the following schedule:

<b>YEARS WORKED</b>	<b>VACATION TIME</b>
1 thru 8 YEARS	80 HOURS (6.67 Hrs/month)
9 thru 16 YEARS	120 HOURS (10.0 Hrs/month)
17 YEARS or more	160 HOURS (13.33 Hrs/month)

\*\*120 hours are accrued on the employee's 9<sup>th</sup> year anniversary; 160 hours are accrued on the employee's 17<sup>th</sup> year anniversary

Modified full-time, regular part-time, regular variable hour and temporary employees shall not be eligible for vacation benefits.

When charging vacation all hours taken must be indicated on your time sheet as vacation. An employee working four (4) ten (10) hour days must charge ten (10) hours of accrued vacation for each day off. Vacation shall not accrue while an employee is on leave without pay.

Employees may not take vacation time until they have been continuously employed by the County for twelve (12) consecutive months. Vacation hours are earned monthly but are accrued annually, on the anniversary date the employee was hired. Credit for vacation accrual will be given on the employee's first date of employment, and on the first day of each succeeding month. An employee who works any part of a calendar month earns vacation for the entire month.

The maximum amount of vacation time a non-exempt employee is allowed to carry over from one anniversary year to the next is 40 hours. Exempt employees may carry over 80 hours. The County expects each employee to use the total amount of vacation accrued each anniversary year. With the approval of the supervisor, employees who have tried to take vacation time, but were unsuccessful,

may carry over more hours. Human Resources must receive approval from the supervisor in writing, and employee must use the time within sixty (60) days of anniversary date.

Scheduling of vacations will be with the approval of the employees' Supervisor. Employees shall not be allowed to receive pay for vacation in lieu of taking time off. Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation. If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the HOLIDAYS policy and shall not be charged against the employee's vacation balance.

### **PAY AT TERMINATION**

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, the employee shall receive pay for all earned vacation up to the maximum allowed under this policy.

In the case of the death of an employee who has accrued vacation after **12 months** of continuous County employment, the employee's beneficiary, or estate, will be paid for all unused and earned vacation leave. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.

### **RECORD KEEPING**

NOVAtime, the electronic timekeeping system used by the County, records all vacation time accrued and used.

## **HOLIDAYS**

The following days will typically be observed as official holidays for all County employees. The Commissioners Court will establish the observed holidays for the next year at the end of each calendar year. Only regular full-time employees are eligible to be paid for these holidays:

- |                   |  |
|-------------------|--|
| -New Year's Day   | -Veterans' Day                                 |
| -Good Friday      | -Thanksgiving (Thursday and Friday)            |
| -Memorial Day     | -Christmas (exact days set by court each year) |
| -Independence Day | -Martin Luther King Day                        |
| -Labor Day        | -Presidents Day                                |

Elected/Appointed Officials and/or Department Heads have a list of the dates these holidays fall on.

If the observed Holiday, and/or official Holiday falls on a day an employee is not scheduled to work, the employee is not entitled to Holiday pay for that Holiday. The employee must also work the working day before and the working day after the holiday, if scheduled, to receive Holiday pay. If the employee uses sick leave before or after a holiday they must provide a written doctor's excuse to their supervisor for the day(s) absent, in order to be paid for the holiday.

If an employee is required to work the observed Holiday, and/or official Holiday, they will accrue eight (8) hours of Holiday time to be used at a later date. Holiday time accrued must be used within one (1) year of earning the Holiday; otherwise the time will be lost.

Holiday time will not be paid upon separation of employment with Kaufman County.

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.

In addition to official holidays, each regular full-time employee is eligible for one FLOATING HOLIDAY to be taken at his or her discretion with approval of their supervisor. The floating holiday is earned January 1<sup>st</sup> and must be taken by December 31<sup>st</sup> of the same year or it will be lost. New employees earn the floating holiday six (6) months after their hire date and it must still be used by December 31<sup>st</sup>.

While on leave without pay an employee may not receive pay for Holidays.

## **FUNERAL LEAVE**

Emergency leave must be approved by the Elected/Appointed Official or Department Head in advance, and the length of time off will depend upon the circumstances.

Employees are allowed up to twenty-four (24) hours of leave with pay for a death in the immediate family, and up to eight (8) hours of leave for non-immediate family. All leave must be approved in advance by the employee's supervisor.

For purposes of this policy, immediate family shall include the employee's spouse and the children, parent, grandparent, grandchildren, brother or sister of the employee or the employee's spouse. Non-immediate family shall include the aunt, uncle, niece, nephew, cousin, great grandparent or great grandchildren of the employee or the employee's spouse. Step family members are treated as family members, immediate or non-immediate depending on the step relationship.

Employees may be allowed time off with pay, up to a maximum of four (4) hours, to attend the funeral of a relative not addressed in this policy or the funeral of a friend.

If leave is needed beyond the limits set in this policy, it may be charged to available vacation, sick, compensatory time or to leave without pay.

All eligible funeral leave will be shown as funeral leave on your time sheet.

## **JURY DUTY LEAVE**

Employees of the County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.

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/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.

## **MILITARY LEAVE**

County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year (October 1 – September 30) with pay to attend authorized training sessions and exercises.

The fifteen (15) day paid military leave shall apply to the federal fiscal year (October 1 – September 30) and any unused balance at the end of the year shall not be carried forward into the next federal fiscal year.

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

An employee may use vacation time, 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.

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. The supervisor should then forward a copy to Human Resources.

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

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

## **SICK LEAVE**

All regular full-time employees are eligible for paid sick leave. Accrual of sick leave will start when an individual begins work for the County in a position eligible for the sick leave benefit. An employee earns eight (8) hours per month on their anniversary date. The maximum amount of unused sick leave an employee is allowed to accrue is 720 hours.

Sick leave may be used for the following purposes:

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

- d) To attend funeral for family member.

For purposes of this policy, immediate family shall be defined as the employee's spouse, child, parent, parent of spouse, or other person living in the employee's home who is a dependent in the employee's home, or who is dependent on the employee for care. Dependent means they are deductible on their federal income tax return.

Sick leave may not be used as vacation or any other reason not addressed in this policy. Employees will not be allowed to borrow sick leave against future accruals or donate to other employees. Employees will not be paid for unused sick leave at the termination of employment, unless retiring with 20 years or more of service with Kaufman County. While on leave without pay an employee shall not accrue sick leave. Modified full-time, regular part-time, regular variable hour and temporary employees shall not be eligible for sick leave benefits.

### **NOTIFICATION**

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Employees are encouraged to schedule their appointments as early as possible in the day or as late as possible in the afternoon to minimize business disruption.

Where use of sick leave is not known in advance, an employee will notify his/her supervisor of the intent to use sick leave within fifteen (15) minutes of the employee's normal time to begin work, when practicable. When it is not practicable to notify the supervisor within fifteen (15) minutes of the normal starting time, the employee should notify his/her supervisor as soon as reasonable practicable.

If the employee feels that the situation will cause the employee to miss more than one (1) day of work, the employee should notify his/her supervisor of the anticipated length of absence.

### **DOCUMENTATION**

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. A supervisor may also require documentation at any time they have reason to believe the employee is not sick and/or have a pattern of abusing sick leave.

Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to resignation of employment with the County. NOVAtime, the electronic timekeeping system used by the County, records all sick time accrued and used.

## **FAMILY AND MEDICAL LEAVE**

### **ELIGIBILITY**

To be eligible for benefits under this policy, the County must employ 50 or more employees excluding Elected Officials and an employee must:

- a) Have worked for Kaufman County at least twelve (12) months (it is not required that these twelve (12) months be consecutive); and
- b) Have worked at least 1250 hours during the previous twelve (12) months.

### **QUALIFYING EVENTS**

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

- a) The birth of a child and in order to care for that child;
- b) The placement of a child in the employee's home for adoption or foster care;
- c) To care for a spouse, child, or parent with a serious health condition;
- d) The serious health condition of the employee;
- e) 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;
- f) 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
- g) 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 five (5) years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

### **SERIOUS HEALTH CONDITION**

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

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

### **EXIGENCY LEAVE - MILITARY**

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:

- a) leave may be taken to address any issue that arises because the covered military member was given seven (7) or less days notice for active duty deployment in support of a contingency operation. An eligible employee may take up to seven (7) days beginning on the date the covered military member receives the call or order to active duty;
- b) 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;
- c) 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;
- d) 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;
- e) 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;
- f) 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;

- g) 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;
- h) 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 five (5) days of leave for each instance of rest and recuperation;
- i) 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;
- j) 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; or
- k) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

### **LEAVE AMOUNT**

Up to twelve (12) weeks leave per twelve (12) month period may be used under this policy.

The County will measure the twelve (12) month period as a rolling twelve (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 twelve (12) month period shall be subtracted from the employee's twelve (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 twelve (12) month period for the birth or placement of a child is twelve (12) weeks.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single twelve (12) month period:

- a) the single twelve (12) month period begins on the first day the eligible employee takes FMLA to care for covered service member and ends twelve (12) months after that date;
- b) if an eligible employee does not take all of their 26 workweeks during this twelve (12) month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member is forfeited;
- c) 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 to care for the same covered service member with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single twelve (12) month period.

### **PAID AND UNPAID**

If an employee has accrued leave, the employee shall be required to use paid leave first with the remainder of the twelve (12) weeks as unpaid leave.

An employee who is taking leave, because of the employee's own serious health condition or the serious health condition of an eligible family member, shall be required to first use all paid vacation, sick leave, and any other paid leave with the remainder of the twelve (12) week leave period being

without pay.

An employee taking leave for the birth of her child shall be required to take paid sick leave, vacation, and any other available paid leave both prior to the birth and for the recovery period after the birth of the child prior to going on leave without pay.

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 all paid leave due, except for sick leave prior to going on leave without pay.

An employee who is taking leave for a qualifying exigency for a covered military member shall be required to use all paid leave, except for sick leave, with the remainder of the twelve (12) week leave period being unpaid leave.

An employee taking leave for the care of a covered service member shall be required to use all vacation, sick leave, and any other paid leave, with the remainder of the 26 week leave period being unpaid leave.

### **INSURANCE**

While on leave under this policy, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work.

The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave with pay. While on leave without pay, the employee shall be required to pay for premiums due to the County no later than five (5) days after the first day of the month or the coverage shall be discontinued.

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

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

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

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's twelve (12) week leave eligibility.

### **PHYSICIAN'S STATEMENT**

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 County may send out to an employee who has been out of work for three (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 fifteen (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, if FMLA is for employees own serious health condition.

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

- a) The date the condition began;
- b) Its expected duration;
- c) The diagnosis of the condition;
- d) A brief statement of the treatment; and
- e) 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:

- a) The date the condition began;
- b) Its expected duration;
- c) The diagnosis of the condition;
- d) A brief statement of treatment; and
- e) 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:

- a) 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;
- b) The dates of the covered military member's active duty service;
- c) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave;
- d) The approximate date on which the qualifying exigency will start and end;
- e) If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; and
- f) 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 shall include:

- a) If the injury or illness was incurred in the line of duty while on active duty;
- b) The approximate date on which the illness or injury occurred and the probable duration;
- c) A description of the medical facts regarding the covered military members health condition, sufficient to support the need for care;
- d) 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;
- e) The relationship of the employee and the covered military service member; and
- f) In lieu of certification, an ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for an eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the covered family relationship to the seriously injured or ill covered military member.

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

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

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

### **REQUESTING LEAVE**

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.

### **REINSTATEMENT**

Employees returning from leave under this policy, and who have not exceeded the twelve (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, upon return to work with a doctor's release. 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.

### **REPAYMENTS OF PREMIUMS**

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 twelve (12) weeks 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.

### **OTHER BENEFITS**

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.

### **OTHER ISSUES**

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.

# LEAVE OF ABSENCE

## **GENERAL POLICY**

It is Kaufman County's policy to grant a leave of absence to all eligible employees on a non-discriminatory basis. A leave of absence may be granted for medical reasons, workers' compensation injuries/illnesses, personal emergency, education purposes, military duty, jury duty or witness duty. A leave of absence may not exceed 180 consecutive days in a twelve (12) month period unless required by federal or state law or as specified within this policy and may be with or without pay to the extent the employee has paid vacation, sick or comp time leave accrued.

All regular full-time and part-time employees may request a leave of absence at any time.

Subject to any applicable legal restrictions, requests for leave of absence will be considered on the basis of the employee's performance, responsibility level, length of service, reason for the request, and the County's ability to obtain a satisfactory replacement during the time the employee would be away from work. If an employee accepts other employment or fails to return to work on the next regularly scheduled workday following the expiration of his/her leave, it will be considered that the employee has voluntarily terminated his/her employment.

## **GROUP INSURANCE BENEFITS DURING UNPAID LEAVE**

Employees on unpaid leave scheduled to extend beyond the calendar month in which the leave begins will be eligible to continue coverage in the County's group insurance plan at their own cost through their rights under COBRA. Those employees whose leave qualifies for the FMLA will have their insurance continued by the County under the conditions set forth in the FMLA (29 C.F.R. Part 825). The procedures for continuing coverage on you and/or your dependents will be fully explained at the time the leave is granted.

Unless otherwise stated in the policies, group insurance coverage will not be interrupted for a leave of absence scheduled for thirty (30) days or less and which begins and ends in the same calendar month.

Before returning to work following any medical leave, including a leave granted for workers compensation injuries or illnesses, an employee must submit a physician's verification stating the employee's ability to return to work and the date thereof.

## **ACCRUAL OF SENIORITY AND BENEFITS**

Employees will not accrue benefits e.g. vacation, sick leave, holidays, etc., during an unpaid leave of absence. If leave is covered under FMLA, employees who return to active employment at the end of their leave (not to exceed 12 weeks) will be reinstated without loss of seniority earned prior to the commencement of their leave. Return to work from a leave of absence not covered under FMLA is not guaranteed and is subject to current business conditions and an appropriate job opening.

## **COORDINATION OF BENEFITS**

All leaves of absence, regardless of reason, require the use of all accrued sick leave, vacation, compensatory and other paid leave, prior to being unpaid, to minimize the impact of a leave absence for both the County and the employee.

## **NOTIFICATION REQUIREMENTS**

It is the employee's responsibility to provide his/her Elected/Appointed Official or Department Head all the following information in writing as soon as he/she becomes aware of the need for a leave of absence:

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

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

- a) Periodic updates to the employee's Elected/Appointed Official or Department Head at least every fourteen (14) days concerning the employee's status, expected date of return, and continued intent to return to work upon expiration of the leave.
- b) Immediate notification of the employee's Elected/Appointed Official or Department Head of a need to request a change in the duration of the leave of absence.

If an employee desires a leave of absence for elective medical procedures, he/she must submit the request for a leave at least two (2) weeks prior to the date he/she wishes such leave to commence.

If it is determined that the employee is performing a service for money or other remuneration, with the exception of military duties, while on a leave of absence, he/she will be terminated.

If the employee is found to have misrepresented the reason for the leave of absence, then he/she will be terminated.

## **SICK LEAVE POOL**

### **PURPOSE**

To establish guidelines for the administration of the voluntary Sick Leave Pool to benefit eligible employees who experience a catastrophic illness or injury. This policy is established by the Kaufman County Commissioners Court pursuant to Texas Local Government Code, Chapter 157, Subchapter E, Sections 157.071 through 157.075. The Sick Leave Pool program provides a source of additional paid leave to an employee when a catastrophic illness or injury causes an employee to exhaust all earned leave time and go into a non-pay status.

### **DEFINITIONS**

Eligible Employee means a regular full-time, non-elected, county employee with twelve (12) or more months of continuous employment with the County, who is paid from the funds of the County.

Administrator means the person designated by the Commissioners Court to administer the County Sick Leave Pool program using criteria established in this policy.

Sick Leave Pool Review Panel is a panel that consists of three to five people, designated by the Commissioners Court, on a fiscal year basis, to serve on the panel. Each panel member shall be an employee, an Elected/Appointed Official, or Department Head of the County. The panel serves to review any denials to the Pool and any cases that may require additional consideration.

Licensed Practitioner is an individual who is practicing within the scope of his or her healthcare license as defined by the Texas Insurance Code.

Catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and forces the employee to exhaust all earned leave time and thus lose compensation from the County.

Prolonged Period is a period of thirty (30) or more calendar days.

Day is an eight (8) hour period.

### **ELIGIBILITY**

Requests for hours from the Sick Leave Pool are considered on a first-come, first-served basis. In order for a request to be considered, employees who submit a request to receive hours from the Sick Leave Pool must meet the following Basic Eligibility Requirements:

#### **Basic Eligibility Requirements**

- Employee must be continuously employed by the County for twelve (12) months.
- Employee must be actively enrolled in the program for the current fiscal year.
- Employee must have met all requirements for enrollment.
- Employee must apply to the Pool Administrator using designated forms.
- Employee must exhaust all paid leave time prior to becoming eligible to use time from the Sick Leave Pool.
- Employee must provide a Statement of Illness/Injury from the healthcare practitioner who is treating the employee for the catastrophic injury/illness.
- Employee must not be receiving Workers Compensation benefits.
- Employee must not be claiming a catastrophic illness or injury that occurred during the course of employment with any other employer.

### **ENROLLMENT AND CONTRIBUTIONS TO THE POOL**

To enroll in the Sick Leave Pool, an employee must complete a membership application form and contribute a minimum of eight (8) hours of sick leave during open enrollment. Open enrollment will be September 1<sup>st</sup> through September 30<sup>th</sup>. An employee must have been continuously employed by the County for twelve (12) months before they may contribute to the Pool. Contributions to the Pool must not cause an employee's accumulated sick leave to drop below forty (40) hours at the time of contribution.

Any regular employee who has accrued the minimum required amount of Sick Leave may contribute sick leave hours to the Sick Leave Pool and any contributions made are strictly voluntary. Once made, contributions may not be revoked. Contributions may only be made to the Pool in general and employees may not stipulate whom their contribution will go.

While employees are only required to contribute one (1) day or eight (8) hours, they may contribute up to five (5) days or forty (40) hours of accrued sick leave to the Pool each fiscal year, in increments of eight (8) hours. Upon termination of employment for any reason, employees may contribute up to ten (10) days or eighty (80) hours of sick leave to the Pool in accordance with Texas Local Government Code, Chapter 157, Subchapter E, Section 157.074 (c).

### **PROCEDURES**

#### ***Employee Responsibility***

Any employee (or designated representative) who requests hours from the Sick Leave Pool is required to do the following:

- a) Complete the Request for Withdrawal form and submit it to his/her Supervisor for their approval.
- b) Submit the Statement of Illness/Injury form completed by the licensed medical practitioner who is providing the treatment for the illness/injury.
- c) Provide additional information or documentation if requested by the Pool Administrator in order to make a determination on the request.
- d) Upon return to work after being on Sick Pool Leave, provide a written release from a Licensed Medical Practitioner documenting the employee's ability to return to duty and the date of that return.

Required forms are available from the Human Resources Department. If a current medical certification has been submitted for purposes of Family and Medical Leave, and it covers the same period of requested Pool leave, the Pool Administrator may choose to permit a copy of that medical certification to be used.

#### ***Supervisor Responsibility***

The Supervisor who receives a Request for Withdrawal from the Sick Leave Pool by an employee shall do the following:

- a) Review the employment history and records of the employee.
- b) Complete the Supervisor portion of the form including any comments related to the eligibility of the employee.
- c) Upon completion, submit the form to the Pool Administrator within three (3) business days of receipt.

#### ***Pool Administrator Responsibility***

The Pool Administrator will ensure that all employees have equal access to the Pool. Decisions to approve or deny requests to the Pool will be equitable, consistent and without regard for employee classification or other legally impermissible reason.

The Pool Administrator is specifically responsible for the following tasks:

- a) Review of each request for Sick Pool Leave on an individual basis, application of the criteria set forth in this policy and consult with a medical expert, when needed, to determine if a condition is severe enough to be considered catastrophic.
- b) Notification to an employee in writing if the request for Pool leave has been approved or denied.
- c) Bringing to the Review Panel cases that may require additional consideration from the Panel or that may result in a denial.

- d) Notification to the employee's Supervisor of the status of any approved or denied Sick Pool Leave time.
- e) Making every effort to protect an employee's confidentiality with regard to any information submitted in the process of requesting or receiving hours from the Sick Leave Pool.
- f) Request of additional information from an employee, when needed, in order to determine approval or denial of a request from the Sick Leave Pool.
- g) Processing all requests for leave within five (5) business days from the time the complete written request is received.
- h) Maintaining adequate records of Sick Leave Pool balances, deposits and withdrawals.
- i) Maintaining adequate documentation of both approved requests and denied requests.
- j) Present a report of all Sick Leave Pool activity, at least annually, to the Commissioners Court. Such report shall minimally contain general information on numbers of requests, denials and hours used from the Pool and current Pool balance.

### **QUALIFYING ILLNESS OR INJURY**

The Pool Administrator must review each request and determine if the illness or injury presented is a qualified catastrophic illness or injury.

There are certain conditions that Kaufman County *does not* consider to be severe enough to designate as 'catastrophic'. While these conditions may be temporarily incapacitating, if they occur with *only minor complications or with no major complications*, they are determined to be non-catastrophic.

Examples of such conditions not considered 'catastrophic' include, but are not limited to:

- broken limb
- cold/allergy/pneumonia
- pregnancy with minor or no complications
- elective cosmetic surgeries, unrelated to a serious diagnosis
- certain types of surgery with minor or no complications

Such conditions typically require two (2) days or less hospitalization and typically require three (3) weeks recovery time.

Examples of conditions that generally are considered to be severe enough to designate as catastrophic include, but are not limited to:

- stroke with residual paralysis or weakness
- incapacitating heart attack
- cancer
- major surgery (to be considered on a case-by case basis)
- pregnancy with major complications
- hepatitis
- broken hip

Such conditions typically require three (3) days or more hospitalization and typically require at least four (4) weeks recovery time.

## **APPROVAL AND DISBURSEMENTS**

The Pool Administrator will review each request and apply the criteria established by this policy and by the Texas Local Government Code, Chapter 157, Subchapter E, Sections 157.071 through 157.075. before approving any request for hours from the Sick Leave Pool.

Eligible employees, *who have contributed to the Pool* during the current fiscal year may be granted up to 720 hours **OR** a maximum of one-third (1/3) of the balance of the Pool at the time of the request, *whichever is less*. This is the maximum amount permitted per employee, per fiscal year.

The Pool operates on a fiscal year from October through September. An employee may request to use the Pool for one or more catastrophic illnesses in the course of one fiscal year; however, once the maximum allowed amount is reached in a given fiscal year, as described above, no further requests may be considered. An employee who has been granted and used the maximum allowed amount of sick leave pool time is not eligible for additional sick leave pool time until one year has elapsed from the last sick leave pool day. In addition to presenting a review of denials, the Pool Administrator may also bring before the Review Panel any cases that may require additional consultation prior to making a determination.

Eligible employees who utilize leave hours from the Pool are not required to pay back Pool leave. Employees who utilize sick leave from the Pool continue to earn vacation and sick leave while off; however, accrued leave cannot be used until after the employee returns to full-time regular employment. Holiday leave will be used in place of Pool leave if a Holiday occurs during such time off.

After each event of a catastrophic illness or injury, any unused Pool leave that remains in an employee's sick leave balance after the employee returns to work, will be returned to the Sick Leave Pool. In no case, will disbursed sick leave be eligible for monetary payout if the employee did not use the leave time. An employee who is absent on sick leave received from the Pool, will be treated, for all purposes, as if he or she were on regularly earned sick leave. Further, the estate of a deceased employee who had received Pool leave is not entitled to payment for unused sick leave acquired from the Pool.

## **REVIEW OF DENIALS**

In the case that the Pool Administrator makes the determination that a request to the Sick Leave Pool may not meet criteria and thus may be denied, the Pool Administrator shall call a meeting of the Sick Leave Pool Review Panel prior to notifying the employee of a final determination. Three of the five members will be required to attend.

During the meeting of the panel review the Pool Administrator shall present all relevant information in the case. Upon review of all information, the Panel will determine in a majority vote whether to confirm the denial of the request or to grant the request.

If a request is ultimately denied, a notification will be sent to the employee with a description of the reason(s) for denying the request. A separate notification will be sent to the Supervisor indicating that the request was denied. Any such departmental notification will contain no protected health information.

## **APPEAL OF DENIALS**

In the case that the Sick Leave Pool Review Panel determines that a request should be denied, the requesting employee has the option to present an appeal to the Commissioners Court for final review.

An employee who desires to make such an appeal shall submit the entire appeal in writing to the Pool Administrator within seven (7) business days of the date of the notice of decision by the Sick Leave Pool Review Panel. It is the Pool Administrator's responsibility to ensure that the item is placed on agenda of the next practicable Commissioners Court date and to ensure that all members of the Court receive copies of the appeal prior to that Court date. Any such appeal will be heard by the Court in Executive Session. Decisions made by the Court on Sick Leave Pool Requests are final.

## WORKERS' COMPENSATION

All Kaufman County employees are covered by worker's compensation insurance while on duty for the County. Worker's Compensation insurance pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job. Worker's Compensation also pays for Temporary Income Benefits (TIBS) for time lost from work in excess of seven (7) calendar days as the result of eligible work related injuries or illnesses.

An employee who has an on the job injury must notify the supervisor as soon as possible, but no later than one (1) working day following the injury. A First Report of Injury must be completed by the employee and turned in to Human Resources as soon as possible. The supervisor will also investigate the injury and all findings will become a part of the employee's confidential file. **If the injury is not reported in a timely manner it could result in the denial of workers' compensation benefits.**

Medical treatment for Kaufman County employees will be provided by Health Care professionals who are contracted with the Political Subdivision Workers' Compensation Alliance. If the employee chooses to receive care from a doctor that is not contracted with the Political Subdivision Workers' Compensation Alliance, the employee may be responsible for all medical costs.

If the injured employee is unable to work, has presented a doctor's excuse, and will be off longer than seven (7) days, he/she will be automatically placed on FMLA, if eligible. Employees may use their own paid leave for all time off less than eight (8) days. Employees receive no worker's compensation benefits the first seven (7) days following a work related injury or illness. However, if the employee is out of work for two (2) weeks they receive pay for the first seven (7) days from worker's compensation. The amount of pay an employee receives is approximately 60% to 70% of their hourly wage or salary.

FMLA is twelve (12) weeks and will be calculated on a rolling calendar year. (See County's FMLA policy for further details) While out on workers' compensation and covered by FMLA the County will continue paying for the employee's health insurance premium, but the employee is responsible for paying for any other deductions, supplemental policies, and any dependent coverage he/she has. Once the FMLA period has expired, the employee will be sent a COBRA notice and will be required to pay for his/her own health insurance premium.

For law enforcement employees, who, by electronic fund transfer (direct deposit), receive 100 % salary continuation by the County in lieu of weekly workers' compensation benefit checks, the direct deposit will be stopped while out on workers' compensation and the employee will be responsible for picking up a check from the designated personnel at the sheriff's department.

All injured employees receiving salary continuation or workers' compensation income benefits shall be required to personally check in with the designated supervisor and Human Resources and provide all medical notes and updates received from the doctor.

While unable to work due to a work related injury, the employee will **not** accumulate holiday time, sick time, vacation time or any other benefits unless specified and required by law.

Kaufman County will make every effort to bring the injured employee back to work as soon as reasonably possible. Kaufman County has a return to work policy in place and, in order to meet any light-duty restrictions determined by the health care provider, it may be necessary to relocate the employee to another department for a short term and temporary basis to meet the restrictions provided by the doctor. If a position is found that will meet all the restrictions, the employee will be given a bona fide offer of employment; if the employee refuses to return to work, workers' compensation benefits may be affected and the employee may be terminated.

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.

## **RETURN TO WORK**

This policy covers employees who are on leave due to a work related injury or illness. Because employees are our most valuable resource, Kaufman County attempts to help employees return to work as soon as possible.

An employee on leave due to a work related injury or illness can return to work only when Kaufman County receives a medical release from the treating doctor.

It is a violation of County policy for a worker on workers compensation that receives workers compensation benefits of any kind to be employed with a third party on a full-time or part-time basis. Such an action will be grounds for immediate termination.

### **Return to work options:**

- Return to prior position full duty with doctor release stating that the injured employee can perform the job functions without restrictions.
- Light Duty – for any employee who is not able to return to their prior position and perform the regular duties of that job but can return with certain restrictions, Kaufman County will try to accommodate light duty when possible but **cannot guarantee** the availability of light duty.

Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time of injury or illness. The pay rate for light duty is based on the knowledge skills and abilities required for that job, as well as general market conditions. Employees in a light duty position are not permitted to supplement their workers' compensation benefits by using their vacation, holiday, compensatory or sick leave.

**Four (4) week limit** - Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a period of four (4) weeks and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA time is still available).

**Employee refusal of work** - In the event that an employee refuses to return to regular or light duty work in response to a written, bona fide offer of employment by Kaufman County, the employee may be separated from employment with Kaufman County subject to FMLA qualification and his/her position may be filled permanently.

A written, bona fide offer of employment must clearly state:

- The position offered and the duties of the position
- Kaufman County's agreement to meet the conditions set out by the treating doctor
- The job's wage, working hours and location.

### **Medical Information**

All employees' medical information is held in strict confidence in accordance with the Americans with Disabilities Act Amendments Act (ADAAA). Medical inquiries are limited to those permitted under Texas Workers' Compensation Statute and applicable federal law.

### **Coordination with FMLA**

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law.

It is Kaufman County's policy to designate an employee's leave due to a work related injury or illness as FMLA, if eligible. Kaufman County counts the period of any employee's light duty assignment toward the employee's FMLA entitlement.

Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided they are able to perform the essential functions of the job.

## **SECTION C: PAY PRACTICES**

### **PAY PERIODS AND TIME SHEETS**

#### **DEFINITIONS**

**Pay Period** - The pay period for the County shall be every two (2) weeks beginning on Monday and ending on Sunday, except for law enforcement employees whose pay periods are 28 days in length. The County pays its employees biweekly, every other Friday, in accordance with a predetermined schedule. If a payday falls on a holiday, paychecks will be issued on the last workday immediately preceding the holiday or weekend.

**NOVAtime** – electronic timekeeping system used by the County

**Fair Labor Standards Act** – The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards.

**Exempt** – employees exempt from FLSA and are not eligible for overtime pay (compensatory time)

**Non-exempt** – employees covered by the FLSA and must receive overtime pay (compensatory time) for hours worked over 40 in a workweek at a rate of one and a half times regular pay. Law

Enforcement employees are covered under the FLSA 29 U.S.C. 207(k) and must receive overtime pay

(compensatory time) for hours worked over 171 in a 28 day work period at a rate of one and a half times regular pay.

Benefit hours – leave hours earned by employee, such as, vacation, sick, compensatory time, banked holiday, floating holiday, and wellness day

### **TIME SHEETS NON-EXEMPT**

The following points must be considered when filling out a time sheet by a non-exempt (covered by FLSA) employee:

- a) Employees must clock in/out each workday and record their starting time, time out for lunch, time in for lunch, and quitting time. Each employee must sign his/her time sheet stating that it is correct. This is done by electronically submitting the timesheet to their supervisor. For employees who do not have access to Employee Web Services (EWS), they will receive a printed copy of their timesheet from their supervisor and must certify their time is correct before the supervisor submits the employee's timesheet to Payroll in the County Auditor's Office.
- b) Employees must request leave using NOVAtime scheduler. Absences must be recorded on the time sheet and be charged to appropriate benefit hours. If benefit hours are not available, then any absence will be unpaid.
- c) Employees are not permitted to begin work before their normal starting time or to continue work after their normal quitting time without the prior approval of their Elected/Appointed Official or Department Head.
- d) Employees are prohibited from performing any "off the clock" work.
- e) Employees are required to take scheduled lunch breaks. Lunch breaks may be altered occasionally, with the supervisor's approval.
- f) Compensatory time will only be calculated from "actual hours worked." If an employee uses benefit hours during a pay period, time exceeding 40, or 160 for law enforcement, will not count towards compensatory time. Benefit hours will not be transferred into compensatory time accruals as straight time. An employee will need to use less benefit hours.
- g) Employee's time sheets will be scrutinized by the supervisor and verified as correct by electronically submitting to Payroll in the County Auditor's.
- h) Time sheets must be submitted to Payroll in the County Auditor's on the day designated or the employee faces the possibility of not being paid until the next pay period. The designated day is every Monday of pay week by 10:00 am.

### **TIME SHEETS EXEMPT**

The following rules apply to time sheets for exempt (not covered by FLSA) employees:

- a) Employees are required to clock in/out using NOVAtime each day, excluding Department Heads. Department Heads are only required to clock in each day. Exempt employees are still required to account for the hours they work.
- b) If leave is used during the pay period, the employee must request leave using NOVAtime scheduler. Only whole day absences are required to be reported.
- c) Time sheets must be submitted to Payroll in the County Auditor's on the day designated. The designated day is every Monday of pay week by 10:00 am.

Employees are not permitted to clock in/out from any unauthorized computer, unless approved by their supervisor. Supervisors may authorize an employee to have the ability to clock in/out using a smart phone or tablet. This authorization must be received by the IT department in writing from the employee's supervisor. Once authorized the employee must keep the GPS activated at the time of clocking in/out.

Kaufman County makes every effort to pay its employees correctly. It is the sole responsibility of the employee to review their pay stub every pay period to insure the proper deductions were taken out and the proper hours were paid. If the employee has questions or concerns regarding their pay check, they must notify the County Auditor's Office in the pay period after the issuance of the check to avoid further issues.

Clocking in/out for another employee or falsifying a time sheet will be grounds for discipline up to and including discharge. Time sheets are governmental documents and as such require accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a time sheet, a governmental record is a Class "A" Misdemeanor, and the individual may face prosecution.

Time sheets will be retained by the County Auditor for three (3) years and are subject to audit by various Federal Agencies.

**PAY ADVANCES** - Advances in pay will not be made to any employee for any reason.

## **COMPENSATION**

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

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

All nonexempt County employees shall be paid an hourly wage, including part-time employees.

Exempt County employees will be paid a salary. Salaries are set according to the current salary schedule adopted by the Commissioner's Court and in keeping with the county budget

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

### **LAW ENFORCEMENT**

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act, 29 U.S.C. 207 (k). The Commissioners' Court has adopted this exemption. Law enforcement employees have a 28 day work period and overtime will be due after 171 hours actually worked. Law enforcement employees will be paid a set amount up to 171 hours. Hours worked over 171 are credited as compensatory time at a rate of one and one-half (1 ½) times.

### **EMERGENCY PAY**

In the event of a major disaster where the County Judge has issued a disaster declaration and it has been extended by the Commissioners' Court, in order for the County to be reimbursed by FEMA, all salaried employees will be calculated in the same manner as hourly employees for the duration of the disaster incident and the disaster declaration is rescinded or allowed to expire.

### **PAY AND/OR DEPARTMENT CHANGES**

Any pay or department changes made for employees must be made at the beginning of pay period.

# LONGEVITY

**LONGEVITY** will no longer be paid to any employees hired on or after October 1, 2011.

## **THE FOLLOWING LONGEVITY PAY IS ONLY FOR REGULAR FULL TIME EMPLOYEES WHO WERE EMPLOYED PRIOR TO OCTOBER 1, 2011:**

### **LONGEVITY**

After five (5) years from the initial full time employment date, a regular full time employee will receive longevity pay in an amount equal to 3% of his/her base salary.

After ten (10) years from the initial full time employment date, a regular full time employee will receive an additional 3% longevity pay to equal an amount of 6% of his/her base salary.

After fifteen (15) years from the initial full time employment date, a regular full time employee will receive an additional 3% longevity pay to equal an amount of 9% of his/her base salary.

Every five (5) years thereafter, a regular full time employee will continue to receive an increase of 3% of his/her base salary towards their longevity pay.

Longevity will be effective on the first day of the pay period in which the employee's anniversary date falls. Longevity is calculated annually and paid biweekly.

If a full time employee terminates or is terminated from his/her employment with the County he/she will no longer receive longevity pay should that employee return to work for the County.

# PAYROLL DEDUCTIONS

## **REQUIRED DEDUCTIONS**

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

## **RETIREMENT**

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck.

## **OPTIONAL DEDUCTIONS**

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 Human Resources.

# WORK SCHEDULE AND WORKWEEK

## **WORK SCHEDULE**

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.

## **EXCEPTIONS**

In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

The need for schedules that vary from the normal schedule shall be determined by each Elected/Appointed Official or Department Head.

## **WORKDAY**

The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

## **WORK-WEEK**

For purposes of record keeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for the County shall begin at 12:00 a.m. on each Sunday and end seven (7) consecutive work days (168 hours) on each Saturday at 11:59 p.m. The work period for law enforcement is 28 days.

# **OVERTIME COMPENSATION**

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement. (See Law Enforcement Overtime below)

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The Elected/Appointed Official or Department Head will define the days and hours the employee is to work. The normal work week for regular fulltime employees is 40 hours.

Overtime must be approved by the Elected/Appointed Official or Department Head prior to being worked by the employee, except in emergency situations.

Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek.

Paid leave shall not be counted in determining if overtime has been worked in any work week.

Overtime compensation shall be paid 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 (1 ½) times the amount of overtime worked.

Employees may be called upon to work on their day off and for more hours than their regular shift calls for due to an emergency or other requirement as determined by their supervisor.

## **LAW ENFORCEMENT OVERTIME**

Law enforcement employees are covered by the 207(k) exemption under the FLSA. They have a work period of 28 consecutive calendar days. Law enforcement employees will be paid a salary based on a minimum of 160 hours reported and a maximum of 171 actual hours worked, plus overtime for any authorized hours worked over 171 during a work period. Overtime is paid as compensatory time. Employees will be paid their full salary if they report at least 160 hours during a work period.

Overtime will not accrue in any work period which an employee reports benefit hours until the number

of actual hours worked reported during the work period exceeds 171.

### **MAXIMUM COMPENSATORY TIME**

The Maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours. Law enforcement employees are allowed to have 480 hours.

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

### **USE OF COMPENSATORY TIME**

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's approval. The County shall have the right to require employees to use earned compensatory time at the convenience of the County.

### **TERMINATION**

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

### **BUY BACK OF OVERTIME FOR RECORDKEEPING**

The County shall retain the right to "buy back" all or part of any employee's unused compensatory time by paying the employee for that time at the employee's current regular rate.

### **CASH PAYMENT FOR OVERTIME RECORDKEEPING**

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

The employee shall be responsible for keeping records of all compensatory time earned and used within a pay period on their time sheet.

### **OTHER ISSUES**

Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the Fair Labor Standards Act and the regulations issued by the Department of Labor to administer that act.

## **DEMOTION AND TERMINATION**

A demotion is the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary.

Your position with the County is a public trust. You can be demoted or terminated from your job for a variety of reasons. Some of the more critical are:

1. Poor or incompetent performance
2. Insubordination
3. Deliberate or negligent abuse of County property
4. Abuse of benefits
5. Unauthorized use or disclosure of official information
6. Excessive or unauthorized absences
7. Conduct unbecoming to a public servant, either on or off duty, which adversely reflects on the County.
8. Behavior inconsistent with the policies and/or procedures set forth and established by Kaufman County
9. Falsification of Documents or Records
10. Disruptive behavior which impairs the performance of others
11. Theft of property belonging to the County or fellow employees
12. Sexual Harassment
13. Violating the Drug and Alcohol policy

The above mentioned reasons for disciplinary procedures are only guidelines, are not all inclusive, and are not intended to apply to every situation. These guidelines are not meant to change, and do not change, the employment-at-will relationship.

Any employee may be terminated at any time when, in the judgment of the Elected/Appointed Official or Department Head, the quality of the employee's work or conduct is not such as to merit continuation in service to the County, or for any legal reason.

## **SEPARATIONS**

### **DEFINITION**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends.

### **TYPES OF SEPARATION**

All separations from the County shall be designated as one of the following types:

- a) Resignation
- b) Retirement
- c) Dismissal
- d) Reduction in force (layoff)
- e) Death
- f) Temporary Employment

### **RESIGNATION**

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Kaufman 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/her supervisor.

### **RETIREMENT**

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

## **DISMISSAL**

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Kaufman County is an “at will” employer and an Elected/Appointed Official or Department Head may dismiss an employee at any time for any legal reason or no reason, with or without notice.

## **REDUCTION IN FORCE**

An employee will be separated from employment because of a reduction in force when his/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.

## **DEATH**

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

## **TEMPORARY EMPLOYMENT**

An employee is separated from employment because the temporary position they were originally hired to do has ended.

## **NOTIFICATIONS**

As soon as a supervisor becomes aware of the separation from employment, or the intent to separate from employment, the supervisor is responsible for immediately notifying Human Resources. Human Resources will meet with all separated employees and conduct an exit interview.

# **INVESTIGATIVE/DISCIPLINARY SUSPENSION**

Investigative suspension is the temporary release from duty of a Regular County employee *with* pay to permit investigation of apparently serious infractions of County and/or departmental rules or policies, including being accused of discrimination or harassment. Upon completion of the investigation the employee may be returned to work without penalty, placed on disciplinary suspension, terminated or subject to more moderate disciplinary action as deemed appropriate to the circumstances by the responsible Elected Official/Department Head. The facts surrounding investigative suspension shall be documented with a copy to the personnel file or the investigative file, whichever is appropriate.

Disciplinary Suspension is the temporary release from duty of a regular County employee without pay and is applicable when the responsible Elected Official/Department Head determines that a violation(s) or repetition of violation(s) of County and/or departmental rules and policies are serious enough to warrant suspension.

Written notice of investigative and disciplinary suspension shall be given to the employee with a copy to County Human Resources. The notice shall include the following:

1. Reason for the investigative or disciplinary suspension.
2. Inclusive dates of suspension duration.
3. Advice to employee that failure to return to work on the first scheduled workday following the suspension will result in immediate termination.

An investigative or disciplinary suspension given to an EXEMPT employee must be for full work days only; all other employees may have partial day suspensions.

The duration of suspension is at the discretion of the Elected Official/Department Head. Human Resources should be updated every two (2) weeks on the status of the investigation and/or suspension for pay purposes.

## **SECTION D: WORK RULES AND EMPLOYEE RESPONSIBILITIES**

### **TOBACCO FREE WORKPLACE**

In the interest of promoting good health, and managing Kaufman County's health plan costs, the use of any tobacco is strictly prohibited inside County vehicles, County buildings or within 25 feet of any entrance to a County building.

Employees who violate this policy may be disciplined up to and including discharge. Elected/Appointed Officials violating this policy may not receive favorable support for all but necessary departmental budgetary requests.

### **DRUG AND ALCOHOL**

Kaufman 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 are 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 Kaufman 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 or her supervisor at the start of the workday or used 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 Human Resources.

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

An employee will be terminated by the County if he/she refuses to provide adequate breath or urine for alcohol testing without a valid medical explanation after he/she has been directed to be tested in accordance with the requirements of this policy, or who engages in conduct that clearly obstructs any testing procedures.

## **DRUG AND ALCOHOL COMMERCIAL DRIVERS LICENSE**

CDL Drivers are an extremely valuable resource for Kaufman 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 Kaufman County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Kaufman County will conduct pre-employment,

random, reasonable suspicion and post-accident drug testing in accordance with federal law.

## **REIMBURSEMENT OF EXPENSES**

### **GENERAL POLICY**

It is the policy of Kaufman County that employees are reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of County business. All requests for reimbursement of expenses are subject to document/receipts and reasonableness and will be honored in conformance with adopted policies and procedures. The Elected/Appointed Official or Department Head is responsible for authorizing, within budget restraints; all travel by themselves or their employees.

### **IN-COUNTY TRAVEL**

All necessary travel by County employees for conduct of County business within the County is authorized. Employees who do not get a car allowance, but use their private automobile in the scope of County business, shall be reimbursed at rate established by the Commissioner Court. Employees are expected to report the actual mileage traveled and are expected to travel the shortest distance between destinations.

### **OUT-OF-COUNTY**

Any employee of Kaufman County authorized to travel outside the County in the performance of County related business should be reimbursed as follows:

1. Seminar/Conference registration fee.
2. Lodging: Hotel costs, including hotel parking, will be reimbursed for the amount charged for the host hotel. You must make every effort to pre-register but if the sponsoring hotel is full, you will be reimbursed for other reasonable lodging charges.
3. Per Diems: The County shall pay its employees and Elected Officials a per diem rate for out of County travel. This per diem will cover meals and incidental expenses (M&IE). The rate shall be \$46.00 per day. Incidental expenses include such items as tips, taxis and entertainment. Substantiation (Receipt) is not required for M&IE.  
For travel days the per diem amount will be 50% of the normal rate or \$23.00. For example, if attending a conference that begins Monday morning and lasts until noon on Friday, the employee would charge \$23.00 for Sunday, \$46.00 for Monday through Thursday and \$23.00 for Friday.
4. Travel: Current Internal Revenue Service mileage rates will be paid for the mileage traveled out of County in private vehicle, or the cost of economy airfare.
5. Rental cars are to be approved by the Commissioners Court before you travel if the usage will be five working days or more. Shorter durations may be approved by the employee's Elected/Appointed Official or Department Head.
6. Receipts are required for substantiation of hotels, rental cars and airfare.
7. Travel advances should be arranged with the Elected/Appointed Official or Department Head at least one week before required. The person authorizing the advance is responsible for reviewing and reconciling the authorized expenditure receipts.

### **LIMITATIONS**

1. Cost of personal telephone calls, laundry, entertainment, amusements, and alcoholic beverages are not allowed for reimbursement.
2. Sales Tax is not allowed for reimbursement except for the following:

- a. Meals and lodging expenses
- b. Petty cash reimbursements

## **CELL PHONE USAGE**

The purpose of the cell phone policy is to outline criteria for the purchase and use of County issued cell phones, to establish guidelines to determine who should qualify for cell phones and to define acceptable use by employees for personal and county use.

It is the policy of Kaufman County, at this time to provide some employees with efficient, cost effective mobile telephone communication equipment and services.

In this document "Wireless telephone or Cell Phone" means any mobile hand held device capable of voice, text, email, or internet access that may require a data plan in addition to voice and text messaging issued by Kaufman County.

The purchase and utilization of cellular telephones by Kaufman County employees shall be limited to the requirements and specifications contained in this guideline.

The policies and procedures of this guideline apply to all County departments and employees.

### **PROCUREMENT**

County owned cell phones provided to employees shall be limited to those instances in which there is a need for such equipment to perform essential County business or to improve safety, increase productivity, or increase service to the public.

This may include employees who are away from their desk 25% or more during the day, work off hours, and are available for emergencies 24/7 or in situations in which necessary communications cannot be provided by any other means.

The County reserves the right to assign the appropriate usage plan for all County paid cell phones.

Data plans may be included when there is a demonstrated need for email or other Internet based communications. No additional charges may be incurred for downloads or subscribed services without prior permission from Commissioner's Court.

All cell phones must be budgeted for during the budget process. Any additional cell phones require approval from Commissioners Court. Issued cell phones as of this writing shall be grandfathered in.

All requests for new wireless service or equipment must be sent to Purchasing Agent in the form of a purchase requisition. Unless essential, phone upgrades should be limited to the upgrade schedule as allowed by contract.

Under no circumstances will any Kaufman County employee be provided more than one wireless telephone, with exception of Law Enforcement.

### **RESPONSIBILITY**

The County Purchasing Agent will work with each Elected/Appointed Official or Department Head to assign and distribute cell phones.

Only the phone and any charging equipment that comes with the phone will be provided. Accessories such as custom cases, data cables, additional batteries or chargers will not be the responsibility of the County, unless required for proper job performance.

Assigned cell phone numbers are the property of the County and will not be transferred to an employee's personal phone when the employee leaves the County.

The Elected/Appointed Official or Department Head shall assign each phone to one specific employee and shall ensure appropriate controls are in place for checkout, return, security, and maintenance of the equipment.

It is the responsibility of the Elected/Appointed Official or Department Head to provide for a routine examination of cell phone billing detail to ensure proper use of such equipment.

The IT department will provide technical assistance.

### **ACCEPTABLE USE OF COUNTY ISSUED CELL PHONES**

Cell phones are to be used only for official County business.

Employees are responsible for all calls placed using their wireless telephone, including calls made by anyone using the phone.

Personal use of County cell phones should be limited. Employees are responsible for identifying all personal calls upon request. Audits which reveal an inordinate amount of personal use shall be brought to the attention of the Elected/Appointed Official or Department Head.

Commissioner's Court shall be authorized to reconsider the wireless telephone privileges to any employee and have employees promptly reimburse Kaufman County for any personal use deemed inordinate (including air time, associated taxes, and other incurred fees) by sending a check payable to Kaufman County to the County Treasurer.

Cellular transmissions are not secure. Employees should use discretion in relaying confidential information.

Reasonable precautions should be made to prevent theft and vandalism of any cell phone. Replacement of damaged, stolen or lost equipment due to employee negligence is the responsibility of the employee.

Cell phones may not be used while driving); or when it is not safe, such as operating equipment. No employee is allowed to text while driving or operating equipment.

Mobile phones may not be used for personal or political gain; illegal, fraudulent or malicious activity; political activity; entertainment (including games, radio, and video); religious promotion; or activity on behalf of organizations or individuals having no affiliation with Kaufman County.

Employees may not represent themselves as someone else, provide information about employees or County information to persons or businesses not authorized to possess that information, unless required for Law Enforcement purposes.

Employees may not send communication that may be considered discriminatory, offensive, obscene, threatening, intimidating, or disruptive to any person.

Any employee receiving communications that may be considered discriminatory, offensive, obscene, threatening, intimidating or disruptive should report it to the Elected/Appointed Official or Department Head.

Each Kaufman County employee expressly waives any right of privacy using a County cell phone.

Each employee consents to allow Kaufman County access to and review of all materials created, stored, sent or received by them on their County cell phone. Such material may be public record and subject to open records act requests.

## **CELLULAR TELEPHONE ALLOWANCE**

### **PURPOSE OF POLICY**

The intent of this policy is to outline the procedure and process for employees with a cellular telephone (“cell phone”) allowance. This policy does not apply to employees who will continue to receive a County issued cellular device and plan, refer to Cell Phone Usage Policy.

The cell phone allowance is processed through payroll by Kaufman County Human Resources and is subject to standard payroll withholdings in accordance with IRS Publication 15-B. Cell phone allowances do not constitute an increase in base pay and will not be included in any percentage calculations for increase base or overtime pay calculations. Employees are responsible for the reporting of their personal tax deductions. Refer to IRS Publication 15.

### **PURPOSE OF ALLOWANCE**

Employees whose job requires them to be away from their desk 25% or more during the day, work outside of normal business hours, are available for emergencies 24/7 and may be in situations in which necessary communication cannot be provide by any other means may be authorized a cell phone allowance. A cell phone allowance is only applicable when the employee has a valid cellular number.

### **JUSTIFICATION OF ALLOWANCE**

The Elected/Appointed Official or Department Head should review the employee’s job functions in order to justify establishment of a cell phone allowance. An employee that is eligible for a cell phone allowance must be a regular full-time employee in a position for which a clearly defined business need has been determined by the Elected/Appointed Official or Department Head.

The Elected/Appointed Official or Department Head must submit each new requested cell phone, allowance or increase in allowance for review and approval by the Commissioner’s Court during budget workshops. All changes in allowances must be submitted in writing to Human Resources for payroll processing.

Employees who are issued a County cell phone are not eligible to receive a cell phone allowance.

## PROCEDURE

If it is determined that an employee should receive a cell phone allowance the Elected/Appointed Official or Department Head will:

- a) Determine the appropriate allowance amount based on job responsibilities, \$75.00 for data and email services or \$40.00 for basic phone coverage per month;
- b) Secure confirmation of a valid cellular number for the employee;
- c) Ensure the employee understands the tax consequences of receiving an allowance and the open records implication of conducting County business on a personal cell phone;
- d) Sign and obtain the employee's signature on the cell phone acknowledgement/approval form; and
- e) Send a copy of the approved cell phone allowance and signed acknowledgement to Human Resources for payroll processing.

Upon determination that an employee should no longer receive a cell phone allowance, the Elected/Appointed Official or Department Head will immediately notify Human Resources in writing. The Human Resources will take the necessary action to remove the employee's cell phone allowance.

Suspension of an employee's cell phone allowance due to an extended absence and/or unavailability for cell phone response to duty responsibility is at the Elected/Appointed Official or Department Head's discretion and should be communicated in writing to Human Resources.

The Elected/Appointed Official or Department Head must discuss with employees receiving an allowance that the cell phone allowance is only applicable when the employee has a valid cellular number. If the validity of a cellular number comes into question, then it may become necessary for the employee to submit additional documentation for auditing and allowance confirmation purposes.

## TRANSITION OF EXISTING SERVICE

Employees currently using a cellular service billed to Kaufman County are eligible for a cell phone allowance. The amount of the allowance will be based on the service they are currently receiving, either \$75.00 or \$40.00 a month. A Cell Phone Authorization form will be completed by each employee and signed by the Purchasing Agent.

Once the request is signed, the employee will be authorized to have the billing for the existing service transferred to their name. It will be the responsibility of the employee to contact the cellular service provider and change the service into their name within 30 calendar days of approval. The Purchasing Department will disconnect the existing Kaufman County account after the 30 days, whether the account has been transferred or not.

If an employee chooses to use their personal cellular account rather than transferring a Kaufman County number, they may do so. Upon approval of the Commissioner's Court, the allowance will be established and the existing Kaufman County number will be disconnected.

All phones and related equipment, which were purchased by Kaufman County, must be returned to the Purchasing Department.

## **CONFIDENTIALITY**

Kaufman 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 Kaufman 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.

## **POLITICAL ACTIVITY**

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

County employees shall not:

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

## **SOLICITATION**

Kaufman County employees shall not solicit, or be subject to solicitation from other employees or otherwise be coerced to make donations to any cause or organization during working hours or on County property, except that solicitations for charitable purposes within a department may be allowed if the employee first obtains the consent of his/her Elected/Appointed Official or Department Head. Solicitation for commercial purposes is expressly prohibited. Violations of this policy will result in discipline up to and including discharge.

## **OUTSIDE EMPLOYMENT**

Kaufman County employees are expected to give their full and undivided attention to their job duties. They should not use Kaufman County facilities or equipment or their association with Kaufman County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, County employees should not engage in profit-making business nor become involved with a non-profit organization outside of their employment with Kaufman County that interferes with the employee's assigned duties with Kaufman County.

### **RULES REGARDING OFF DUTY/SECONDARY EMPLOYMENT OF KAUFMAN COUNTY LAW ENFORCEMENT PERSONNEL**

1. Off duty or secondary employment is not encouraged but is permitted under the following conditions:

- A. Employees who desire to engage in secondary employment which does not require the use of the employees peace officer commission, or does not involve the carrying of a firearm, and does not create a conflict of interest are not subject to prior approval. However, employees are

directed to notify their immediate supervisor, in writing, of the fact they decided to engage in such secondary employment and location of their employment.

- B. Employees contemplating secondary employment that requires use of the employee's peace officer commission, involves the carrying of a firearm, or that could create a conflict of interest must request and receive prior approval from the Elected/Appointed Official, Department Head, or whoever the Department Head assigns to give approval. This approval is mandatory before engaging in any secondary employment of this kind, except when prior verbal approval has been granted by the appropriate first line supervisor. Verbal approval must be followed by submission of a written request by the employee within three (3) days of the date verbal approval was granted.
2. Secondary employment shall not create a conflict of interest between any law enforcement agency of Kaufman County and secondary employment. It is the responsibility of the employee to prevent a conflict of interest from occurring. For the purpose of this section, a conflict of interest exists if: The employee or the work to be done could in any way compromise the independent judgment of integrity of the employee and or any Kaufman County Law Enforcement Agency.
  3. In order for approval to be granted for secondary employment by a commissioned member, the following requirements must be met:
    - A. Supervisors will not work in any secondary employment requiring the use of their commission where they report directly to or scheduled to work by a subordinate in their chain of command.
    - B. The employment must not interfere in any way with the employee's employment responsibilities.
    - C. The employee must be performing satisfactorily.
    - D. Employees who work secondary employment, when assigned "on-call" status for a Kaufman County Law Enforcement Agency, must have suitable arrangements that allow them to be contacted and enable them to immediately return to duty.
    - E. The employment must be legal, honorable, and not reflect negatively upon the Kaufman County Law Enforcement Agency. The following types of secondary employment are specifically prohibited:
      - 1) Any type of business which derives its primary source of income from the sale or on premise consumption of alcoholic beverages.
      - 2) Companies or individuals engaged in any type criminal behavior.
      - 3) Employment with bail bond companies.
      - 4) Employment with wrecker companies.
      - 5) Employment at a facility engaged in bingo, pari-mutuel wagering, or other form of gambling or games of chance.
      - 6) Employment as an expert witness unless approved by the Kaufman County Law Enforcement Agency in which you work on a case-by-case basis.
      - 7) Employment with a debt collection agency or employment involving the repossession of property.
      - 8) Employment at a sexually oriented business, night clubs, dance halls, bars, or any other business of that nature.
      - 9) Employment requiring the use of Kaufman County Law Enforcement officers commission to enforce a company's policies or rules that do not constitute a violation of the law. (House rules)
      - 10) Employment which may be construed as an endorsement or condemnation of a controversial activity. (i.e. employment at an abortion clinic or methadone clinic).

- 11) A business that has experienced numerous and frequent violations of federal, state, or local laws.
- 12) The owner or manager of the business is of questionable character.
- 13) Any location where secondary employment may pose an unreasonable risk to the safety of the employee.
- 14) The individual or business for which the employee works refuses, or has refused, to cooperate with any Kaufman County Law Enforcement Agency investigation.
- 15) Any employment where an employee contracts with a business to pay other employees for security services, unless properly licensed through the Private Investigator Private Security Administration. (PIPSA)
- 16) Any employment with a business or enterprise that solicits funds for organizations.
- 17) Any restrictions placed on employment at a business also apply to the parking area of such business.

F. Other conditions:

- 1) No secondary employment during the first (6) months of employment with a Kaufman County Law Enforcement Agency.
- 2) No secondary employment during disciplinary suspension where employment requires the use of a Kaufman County Law Enforcement Agency commission.
- 3) No secondary employment requiring the use of any Kaufman County Law Enforcement Agency commission during disciplinary days off without pay, disciplinary probations, or when placed on administrative leave or restricted duty as a result of an allegation of misconduct or the need to be removed from public contact. An exception may be made in the instance of disciplinary probation on a case-by-case basis by the head of the Kaufman County Law Enforcement Agency in which the employee works.
- 4) No secondary employment activities while on active duty with a Kaufman County Law Enforcement agency.

G. Commissioned members of a Kaufman County Law Enforcement agency may wear their agency uniform while performing secondary employment under the following conditions:

- 1) Officers wearing a Kaufman County Law Enforcement Agency uniform on secondary employment must be providing law enforcement services.
- 2) When approved to wear the uniform of a Kaufman County Law Enforcement Agency on secondary employment, officers shall adhere to all standards of conduct, performances, and appearance established by order, rule, policy or regulations of the Kaufman County Law Enforcement Agency. The prescribed uniform must be worn in full. (Ball caps may be worn, if approved by Supervisor)
- 3) Name plates will be worn, if available.
- 4) Commissioned law enforcement personnel performing secondary employment in a Kaufman County Law Enforcement Agency uniform will carry the County issued service weapon they are qualified to use, if applicable.

H. Kaufman County Law Enforcement agency personnel working secondary employment will immediately notify their supervisor of following incidents:

- 1) Death of a person
- 2) Firearm discharged
- 3) Use of chemical agent spray
- 4) Enforcement action resulting in a personal injury or property damage to another
- 5) Kaufman County Law Enforcement Agency personnel injured during enforcement action

- 6) Any other incident that by policy requires an immediate report to be made to a supervisor. The supervisor will ensure that the head of the Kaufman County Law Enforcement Agency is notified of any such incident, through the chain of command.
- I. Kaufman County Law Enforcement personnel are strictly forbidden from utilizing Kaufman County owned vehicles in secondary employment unless expressly approved by the head of the Kaufman County Law Enforcement agency.
- J. The Kaufman County Law Enforcement agency is the primary employer of the Kaufman County Law Enforcement personnel. Excessive hours worked on secondary employment could cause an employee to become fatigued while working for the agency. It is the responsibility of the first-line supervisor to monitor the number of hours worked on secondary employment to ensure compliance with this policy. The combined number of hours worked on Kaufman County Law Enforcement agency time and secondary employment will comply with the following provisions:
  - 1) The maximum number of hours shall not exceed 84 hours in any consecutive seven-day period.
  - 2) The maximum combined number of hours worked shall not exceed 16 hours in any 24 hour period. Exceptions can be made by the first-line supervisor in the cases of extended secondary employment that provides opportunity for adequate rest.
  - 3) Any secondary employment exceeding four (4) hours shall be followed by a minimum six (6) hour period before returning to on-duty status with the Kaufman County Law Enforcement Agency.
  - 4) All hours worked on secondary employment must be reported to the Kaufman County Law Enforcement Agency on the forms provided by the agency.
  - 5) A Kaufman County Law Enforcement Agency employee who utilizes sick leave benefits as a result of his/her own personal illness or injury on an assigned work-day shall not receive the approval to work secondary employment during the assigned duty shift or during the eight (8) hours following the shift.

## **GRIEVANCES**

Any employee having a grievance related to his/her job should prepare a written statement giving the details of the grievance and stating the specific remedial action requested, and then discuss the grievance with his/her immediate supervisor within five (5) business days of the action causing the grievance. If the grievance is not filed with the employee's supervisor within the five (5) business days specified, the employee waives his/her rights to the process

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the Elected/Appointed Official or Department Head with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official within five (5) business days from the discussion with the immediate supervisor.

The Elected/Appointed Official or Department Head should notify and forward a copy of the grievance to Human Resources as soon as possible when a grievance is filed.

The decision of the Elected/Appointed Official or Department Head with final responsibility for the employee's department shall be final in all grievances.

No adverse action or retaliation shall be taken against any employee for exercising their right to file a grievance.

## **BREAKS**

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

Kaufman County will provide two (2) paid 30 minute breaks daily for nursing mothers. The nursing mother will be allowed whatever time is needed to express breast milk, however, if the breaks are longer than 30 minutes in duration, the additional time will be taken out of the employee's own leave or will be unpaid time off.

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.

Kaufman 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.

All other employee breaks are determined by each Elected/Appointed Official or 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.

## **WEATHER CLOSINGS AND EMERGENCIES**

As a general practice, Kaufman County does not close unless the health, safety, and security of County employees are seriously brought into question. When this does happen, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing.

In the event of an emergency closing or delay of the County, employees may call 972-932-0777 to receive guidance on any closings or delays. Information about closings will also be posted on [www.kaufmancounty.net](http://www.kaufmancounty.net).

If necessary, the County Judge will notify the following entities for a public announcement:

- Channel 5, NBC
- Channel 8, WFAA
- Channel 11, CBS

Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing.

Many departments are continuous operation public safety and service departments. Many County personnel will be required to work during emergency closings. Each Elected/Appointed Official or 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.

## **EMPLOYEE SAFETY**

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

The Commissioners' Court will make every effort to reduce the frequency of on the job injuries. As a minimum, the Commissioners' Court supports compliance with all safety ordinances, regulations and laws. Improvement is always possible and additional recommendations are welcomed and encouraged.

It is the intent of this County for its employees to perform the work assigned in a safe manner; therefore, each employee has a responsibility to the County. These responsibilities include but are not limited to:

- the requirement to advise the supervisor when the employee does not know how to perform the work assigned;
- never to endanger other employees;
- report all unsafe conditions and injuries to the supervisor;
- and follow all safety policies established by the County.

Supervisors have the responsibility to:

- assign work to employees who are qualified through training or work experience;
- train the employee to perform the work correctly and safely;
- never require employees to perform their duties in an unsafe manner or environment;
- and follow County safety policies.

If an accident does occur, an employee's supervisor must be contacted immediately and given the detail concerning any accident or injury which occurs while an employee is on duty or upon County property no matter how slight the injury may be.

Employees are required to follow all safety policies of the County. Failure to adhere to the County safety policies may subject the employee to disciplinary action, up to and including termination. All employees are required to acknowledge that they have read and understand the County safety policy.

## **HARASSMENT**

Kaufman 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:

- a) The submission to the conduct is made a condition of employment;
- b) The submission to, or ejection of, the conduct is used as the basis for an employment decision;

or

- c) The conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Kaufman County whether committed by an Elected/Appointed Official, Department Head, co-worker, or non-employee with whom the County does business.

Employees who feel they have been harassed should immediately report the situation to their Elected/Appointed Official or Department Head. If, for any reason, the employee feels that reporting the harassment to the Elected/Appointed Official or Department Head may not be the best course of action, the report should be made to Human Resources or the County Judge.

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

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

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by laws as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to their Elected/Appointed Official or Department Head. If, for any reason, the employee feels that reporting the retaliation to the Elected Official or Department Head may not be the best course of action, the report should be made to Human Resources or the County Judge.

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

## **SEXUAL HARASSMENT**

It shall be the policy of Kaufman County to provide a work place free from sexual harassment of which the County becomes aware. Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment.

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

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

Employees who feel they have been harassed should immediately report the situation to their Elected/Appointed Official or Department Head. If, for any reason, the employee feels that reporting the harassment to the Elected/Appointed Official or Department Head may not be the best course of action, the report should be made to Human Resources or the County Judge.

All claims of sexual harassment shall be taken seriously and investigated. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. The Elected/Appointed Official or Department Head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

Retaliation against an employee who reports sexual harassment or who cooperates in the investigation is prohibited by laws as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to their Elected/Appointed Official or Department Head. If, for any reason, the employee feels that reporting the retaliation to the Elected/Appointed Official or Department Head may not be the best course of action, the report should be made to Human Resources or the County Judge.

## **WORKPLACE VIOLENCE**

Kaufman County will not tolerate workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the County. It is the intent of this policy to ensure that the County provides a workplace that is free from intimidation, threats, or violent acts. Kaufman County will not tolerate violence committed by or against employees or other individuals while on County premises, County-owned property or County work sites.

### **DEFINITION**

- a) **Workplace Violence** - includes, but is not limited to, harassment, threats, physical attack, or property damage.
- b) **Threat** - the expression of intent to cause physical or mental harm, regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is contingent, conditional, or future.
- c) **Physical Attack** - unwanted or hostile physical contact with another person, such as hitting, fighting, pushing, shoving, or throwing objects.
- d) **Property Damage** - intentional damage to another person's or entity's property.

### **PROHIBITED ACTIONS AND PENALTIES**

It is a violation of this policy to engage in any act of violence in this workplace. In addition to the definitions listed above, other examples of violence may include, but are not limited to:

- a) Teasing and practical jokes that cause anger or humiliation;
- b) Intimidation or bullying;
- c) Angry outbursts;
- d) Verbal abuse, name-calling, or obscene language;
- e) Threats (verbal, written or motioned);
- f) Harassment (general, racial, or sexual);
- g) Theft, vandalism, or sabotage;
- h) Throwing or breaking objects;
- i) Romantic obsessions and stalking; or
- j) Sexual assault or rape

### **RESPONSIBILITY**

It is the responsibility of every employee to be alert to the possibility of violence in the workplace. Workplace safety is a major concern for all employees; therefore, employees must refrain from acts of violence and seek assistance to resolve personal issues which may lead to acts of violence in the workplace. All employees should be encouraged to openly communicate with each other, and to be aware of any unusual activity that may be an indicator of potential violence. Threats or acts of violence that require immediate or emergency action should be reported to 911.

### **REPORTING THREATS**

Any incident of violent behavior, whether committed by a County employee or an external individual such as a customer, vendor, or citizen, must be reported to departmental management. Employees have a “duty to warn” management of any suspicious workplace activity or situations or incidents that they observe, or that they are aware of, that involve other employees, former employees, or the public. If the individual to be reported is an Elected/Appointed Official or Department Head, then it should be reported to the County Judge, Sheriff, and/or Human Resources. Any employee who violates this policy will be subject to disciplinary action up to and including termination and/or legal action, as appropriate.

## **KAUFMAN COUNTY EMERGENCY RESPONSE**

In the event an accident occurs, each employee should take the necessary emergency response as outlined below:

### **PERSONNEL INJURIES**

If an employee is injured, other employee’s in the immediate area should assist the injured. The senior employee on site shall have the responsibility to assess the severity of the injury and *is* authorized to take action as indicated below:

- Provide first aid to the injured
- Take injured to the nearest hospital or clinic
- Contact Emergency Medical Services (EMS) or ambulance

For severe injuries, provide first aid as necessary, make the injured comfortable as possible, (but do not move injured party), and call or have another employee call: **9-1-1**

If the injury is not severe but needs a physician’s attention, the supervisor shall escort the injured employee to the nearest hospital or clinic.

### **FIRE**

If a fire occurs each employee should:

- Protect injured persons from further danger.
- Notify persons in the area
- Evacuate the facilities
- Call the fire department at: **9-1-1**
- Attempt to extinguish the fire using the proper equipment

### **HAZARDOUS MATERIAL INCIDENT**

Chemical spills or exposure to chemical accidents can be extremely hazardous. Often the chemicals involved can change from dormant to volatile when exposed to the environment or in contact with other materials. Evacuate all employees where a hazardous material incident occurs and then call: **9-1-1**

# HAZARDOUS MATERIAL RESPONSE

Chemical spills or exposure to chemical accidents can be extremely hazardous. Often the chemicals involved can change from dormant to volatile when exposed to the environment or in contact with other materials. Evacuate all employees **where a hazardous material incident occurs and then call: 9-1-1**

The Elected/Appointed Official, Department Head, supervisor or senior ranking employee will be responsible for making sure that all employees in his/her department are accounted for after evacuation of the building.

After emergency responders have been notified of a hazardous materials incident, the Emergency Management Coordinator and County Judge will be notified. Also, if the incident occurs at a precinct barn or involves the employees of the precinct barn, the Commissioner of that precinct will be notified.

Upon notification of a hazardous material incident local law enforcement (Sheriff's Department or City Police Department depending on location of incident) will secure the area. The local fire department will contain the incident and the ranking on-scene Fire Department Officer will determine the appropriate response level.

If the incident obviously requires evacuation of nearby residences or building occupants, the first officer on the scene (police or fire) will take immediate action.

After the scene has been secured and contained, appropriate cleanup action will be taken. If it is determined that the incident can be safely and properly cleaned by the County, using County equipment and personnel with the assistance of the local fire department, then the County will be responsible for proper cleanup and disposal of the chemical. If it is determined that the incident cannot be properly cleaned by the County, then a qualified Hazmat company will be notified and cleanup will be performed by that specified company.

This policy is designed to be a guide for basic procedures for County employees to follow in the event of a hazardous materials incident. Under no circumstance is this policy to replace the procedures that have been set forth in Annex Q of the Kaufman County Emergency Plan. Response procedures in Annex Q of the Kaufman County Emergency Plan will be followed in all hazardous materials incidents.

## BOMB & EXPLOSIVES THREAT PROCEDURE

### PURPOSE

The purpose of this policy is to establish a procedure to be followed in the event that a bomb or explosive device or threat of a bomb or explosive device may be located at the Kaufman County Courthouse, Annex or other County facility. While this policy is designed specifically for response at the Courthouse, it contains information that is standard for response to any bomb threat at any facility and may be utilized to respond to a threat at any facility.

### **I. Bomb Threat:**

- a) If the threat is by phone, do not hang up the phone, even if the caller hangs up – DO NOT HANG UP THE PHONE.

- b) Write down as close as possible the exact words and language of the caller. Try to have a caller repeat the message. Note the time of the call.
- c) Get as much information from the caller as possible. If possible try to determine where the bomb is located what kind of bomb, when it will go off, why they want to bomb the county, etc.
- d) Try to estimate the caller's sex, age, race, condition (agitated, calm, drunk, etc.) Note any background noise, try to describe it.
- e) Notify the Supervisor, Department Head, or Elected/Appointed Official and call 9-1-1 for assistance.
- f) Proceed with evacuation procedures.
- g) Bomb technicians, Law Enforcement Officers, and Fire personnel are not familiar with the buildings and its contents; therefore, Elected/Appointed Officials, Department Heads or Supervisors or their designees will assist with searching the building for any suspicious packages.

## **II. Suspicious Package**

- a) Do not touch the package and immediately notify the Supervisor and call 9-1-1 for assistance.
- b) Proceed with evacuation procedures.

## **III. Evacuation Procedures**

- a) Evacuate the building by notifying other departments in the building of the threat while exiting the building. **DO NOT USE THE PHONE.** If there is a suspicious package, do not walk near it while exiting.
- b) **DO NOT USE** any cell phones, pagers, electronic equipment or turn off any electronic equipment, lights, etc. while evacuating the building or within 300 feet of the building.
- c) Employees should take all personal items such as purses, coats, etc., with them as they evacuate. Look for any suspicious items on the way out of the work area. The employee who received a bomb threat call will bring any notes that were taken with them.
- d) Elected/Appointed Official, Department Heads or their designee will tag the door to the department when it has been completely evacuated.
- e) Vehicles that are parked around the square, or around the location, **WILL NOT** be moved until the area has been inspected and cleared by Law Enforcement and the Bomb unit.
- f) Employees will meet in the far parking lot behind the Annex, or designated area. Elected/Appointed Officials, Department Heads, or designee will verify that all employees in their departments are accounted for and verify that all departments were evacuated from the building. Employees will follow further instructions from Officials.

# **INFORMATION TECHNOLOGY RESOURCES AND INTERNET USE**

## **OVERVIEW**

Information Technology resources are the property of Kaufman County and may only be used for legitimate County business purposes. Kaufman County employees are provided access to the information technology resources to assist them in the performance of their jobs. Any employee granted access has a responsibility to use Kaufman County's Information Technology resources and the internet in a professional, lawful and ethical manner. Abuse of Information Technology resources or the internet, may result in disciplinary action, including possible termination, civil and/or criminal action.

## **INTERNET USE LIMITATIONS**

Internet use by employees is authorized by the Elected/Appointed Official or Department Head. The level of access granted by specific policy may vary from department to department. The role of the IT department is to enforce the policy of each Elected/Appointed Official or Department Head and Commissioner's court with respect to internet use and Information Technology resources. Any further action to be taken will be to preserve the confidentiality, integrity, and availability of the County's data when bandwidth or security issues need to be addressed.

## **PROHIBITED ACTIVITIES**

Kaufman County's Information Technology resources may not be used for personal gain or profit. Employees may not represent themselves as someone else, provide information about employees or County data to persons or businesses not authorized to possess that information. Employees may not send or receive data through Kaufman County Information Technology resources that may be considered discriminatory, offensive, obscene, threatening, intimidating, or disruptive to any person.

## **ILLEGAL COPYING**

Users may not illegally copy material protected under copyright law or make that material available to others for copying. Any software downloaded or installed on Kaufman County computers must comply with applicable licenses and copyrights. Users are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material downloaded or copied. Users may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission from the Elected/Appointed Official or Department Head.

## **FRIVOLOUS USE**

Information Technology resources are not unlimited. Network bandwidth and storage capacity have finite limits. County employees connected to the County's data network have a responsibility to conserve these resources. As such, employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings, spending excessive amounts of time on the Internet, playing games, engaging in online chat, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.

Employees must exercise good judgment when Internet browsing and accessing email. Many websites, links and especially free downloads such as games and screen savers almost always include adware and spyware and may contain viruses. **Spyware and Adware will reduce the performance of your PC causing pop-ups and unnecessary network traffic. Spyware has the potential to steal your identity. New viruses not yet included in virus definitions can destroy data and damage network resources and servers.** Unless authorized by the Elected/Appointed Official or Department Head **do not download anything or access files from any external digital media.**

## **PERSONAL USE**

Occasional limited appropriate personal use of Information Technology resources is permitted if such use does not

- a) interfere with the user's or any other employee's job performance;
- b) have an undue effect on the computer or County's network performance; or

- c) violate any other policies, provisions, guidelines or standards of this agreement or any other of Kaufman County.

Further, at all times users are responsible for the professional, ethical and lawful use of the computer system. **Personal use of the computer is a privilege that may be revoked at any time.** Personal use of Information Technology resources may be subject to the Public Information Act/Open Records Act requests and may not be private or confidential.

### **WAIVER OF RIGHTS**

Each Kaufman County employee expressly waives any right of privacy in anything they create, store, send or receive using the County's Information Technology resources. Each employee consents to allow Kaufman County access to and review of all materials created, stored, sent or received by them through Kaufman County's Information Technology resources. Such material may be public record and is subject to Public Information Act/Open Records Act requests.

### **MONITORING**

Kaufman County has the right to monitor and log any and all aspects of its Information Technology resources including, but not limited to, Internet sites visited, chat, file downloads, streamed audio or video, and email usage. Unauthorized use will be reported to the Elected/Appointed Official or Department Head and may result in termination of Internet use pending action by the Elected/Appointed Official or Department Head.

### **GLOSSARY OF TERMS**

**Information Technology resources** means Kaufman County's voice and data network including all attached devices whether wireless or wired. Some examples are: computers, printers, fax machines, servers, network devices, cell phones, handheld devices.

**Streaming media** means audio or video content that is compressed and played immediately, rather than being first saved to the hard drive. Some examples include live radio, media content from YouTube, My Space, Facebook, and new websites.

**Spyware** means any technology that aids in gathering information about a person or organization in the background without their knowledge or explicit permission.

**Adware** means any software application in which advertising banners are displayed while the program is running viewed through pop-up windows or through a bar that appears on a computer screen.

**Virus** means any malicious destructive programming code that replicates by being copied or initiating its copying to another program, computer boot sector or document. Viruses can be transmitted by e-mail attachment, downloaded file, or be present on a diskette or CD.

## **SOCIAL MEDIA**

Kaufman County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if:

- a) it interferes with the employee's work;
- b) is used to harass supervisors, co-workers, customers, or vendors;
- c) creates a hostile work environment; or
- d) harms the goodwill and reputation of Kaufman County among the community at large.

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

Where no policy or guideline exists, employees are expected to use their professional judgment and take the most prudent action possible. If an employee is uncertain about the appropriateness of a social media posting, they should check with their Elected/Appointed Official or Department Head.

For purposes of this policy “social media” includes, but is not limited to, forums, blogging and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Pinterest, imgur.com or MySpace.

- If an employee’s posts on social media mention Kaufman County they should make it clear they are an employee of Kaufman County and their views posted do not represent the views of Kaufman County.
- Employees must not mention Kaufman County supervisors, employees, customers or vendors without their express consent.
- Employee must not pick fights. If they see a misrepresentation about Kaufman County, they should respond respectfully with factual information, not inflammatory comments.
- Remember, employees are responsible for what they write or present on social media. They can be sued by other employees, supervisors, customers or vendors, and an individual that views their social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment.
- Employees may not use Kaufman County computer equipment for non-work related activities without permission from their Elected/Appointed Official or Department Head. Social media activities should not interfere with employee duties at work. Kaufman County monitors its computers to ensure compliance with this restriction.
- Employees must comply with copyright laws, and cite or reference sources accurately.
- Employees may not link to Kaufman County’s website or post Kaufman County material on a social media site without written permission from their Elected/Appointed Official or Department Head.
- All Kaufman County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information obtained through an employee’s position at Kaufman County must be kept confidential and should not be discussed through social media forum.

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

## **FRAUD**

### **PURPOSE**

The Kaufman County Fraud Policy and Response Program (“Policy”) has been created to support Kaufman County’s commitment to protecting county revenue, property, reputation and other assets; to emphasize clearly the need for accurate financial reporting; and to define guidelines for the investigation and handling of fraud, should it occur.

This ‘Policy’ does not conflict with the County Personnel Policy and any modifications are in addition to the protections and policies set forth therein.

### **APPLICABILITY**

The Kaufman County Fraud Policy applies to all elected officials, appointed officials and employees of Kaufman County and includes all full-time, part-time, seasonal, volunteer, and other

temporary employees.

### **DEFINITION OF FRAUD**

In law, “fraud” generally involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement, or concealment of material facts. Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a violation of trust that, in general, refers to an intentional act committed to secure personal or business advantage. While fraud can cover many activities, this Policy is directed primarily at financial matters that could be legally defined as fraud. Examples of “financial fraud” generally fall into two broad categories and may include, but are not limited to:

### **MISAPPROPRIATION OF ASSETS**

- Forgery, alteration or misappropriation of checks, drafts, or securities
- Unauthorized, non-business acquisition, use, or disposition of funds
- Inventory, furniture, fixtures, equipment, records, or other assets
- Prohibited to cash personal checks or receive cash advances from available cash drawer in county offices (Section 130.902 (c) of the Texas Local Government Code)
- Embezzlement
- Theft
- Falsifying time sheets or payroll records, including but not limited to
- Reporting hours not worked or a supervisor not allowing the reporting of all hours worked by hourly employees.
- Falsifying travel and expenses and/or utilizing company funds to pay for personal expenses.
- Misappropriation of County-owned computer hardware, software, data, or other records including county intangibles (e.g. proprietary information, trade secrets, patents, etc.)
- Misappropriation of Worker’s Compensation and falsifying official documents or making misleading or deceitful statements regarding an injury, treatment or recovery of same.

### **EXPENDITURES AND LIABILITIES FOR IMPROPER PURPOSES**

- Bribery
- Kickbacks

### **GENERAL POLICY AND RESPONSIBILITIES**

- It is the County’s intent to investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation, as deemed necessary will be conducted regardless of the position, title, office, and length of service or relationship with the County of any party who might be or becomes involved in or becomes/is the subject of such investigation.
- Each Elected Official/Department Head/Supervisor is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- The County Auditor, with consultation and support from the appropriate supervisor, has the primary responsibility for overseeing the investigation of all activity as defined in

this policy. The Auditor will immediately notify the Commissioners Court of any significant fraud investigation. Also, the Auditor, will involve Legal Counsel and/or management, as deemed appropriate. Upon conclusion of the investigation, the results will be reported to the appropriate management representatives.

*Where there are reasonable grounds to indicate that a fraud may have occurred, the County may report the incident to the appropriate authorities in order to pursue all legal remedies.* Also, the County will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the losses from the offender.

### **PROCEDURES FOR REPORTING**

**All Employees** - Any employee who has knowledge of an occurrence of fraudulent conduct, or has reason to suspect that a fraud has occurred, shall immediately notify the County Auditor.

**Elected or Appointed Officials & Department Heads** - Upon notification from an employee of suspected fraud, or if the Elected/Appointed Department Head has reason to suspect that a fraud has occurred, they shall immediately notify the County Auditor.

### **INVESTIGATION**

Upon notification or discovery of a suspected fraud, the Auditor will promptly investigate the fraud. The Auditor will make every effort to keep the investigation confidential; however, from time to time other members of the management team will need to be consulted in conjunction with the investigation. After an initial review and a determination that the suspected fraud warrants additional investigation, the Auditor will notify the Commissioners Court and the appropriate Elected Official, Department Head or management as required to deal with the findings. *When deemed necessary, the Auditor shall coordinate the investigation with the appropriate law enforcement officials. Internal or external counsel will be involved in the process, as deemed appropriate.*

It should be noted that there may be certain instances of fraud that will be handled in the normal course of business that will not result in a separate “investigation” by the Auditor’s Office. An example of this would be an employee taking home office supplies or other minor items purchased with county funds. The County Auditor’s Office already has clear procedures for how this would be handled and these procedures would be followed, as appropriate.

### **SECURITY OF EVIDENCE**

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records needs to occur. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the Auditor obtains the records to begin the audit investigation.

### **Kaufman County Fraud Policy (cont’d)**

### **CONFIDENTIALITY**

All participants in a fraud investigation shall keep the details and results of the investigation confidential. However, as noted above, from time to time other members of the department will need to be consulted in conjunction with the investigation.

## **PERSONNEL ACTIONS**

If a suspicion of fraud is substantiated by the investigation, the publication of a report of the fraud and presentation of it will be provided during a public meeting of the Commissioners' Court.

Commissioners' Court and Legal Counsel will discuss and decide on a course of action with regards to Elected/Appointed Officials.

County Auditor, Legal Counsel, and Human Resources will discuss and decide on a course of action with regards to all other employees.

## **WHISTLE-BLOWER PROTECTION**

No employee of the Kaufman County or person acting on behalf of the County in attempting to comply with this policy shall:

- Be dismissed or threatened to be dismissed;
- Be disciplined or suspended or threatened to be disciplined or suspended;
- Be penalized or any other retribution imposed, or
- Be intimidated or coerced, based to any extent upon the fact that the employee has reported an incident or participated in an investigation in accordance with the requirements of this Policy. Violation of this section of the Policy will result in disciplinary action, up to and including dismissal. If an allegation is made in good faith, but it is not confirmed by the investigation no action will be taken against the originator. If, however, individuals make malicious allegations, action may be considered against the individual making the allegation.

## **PERSONNEL OFFICE**

The Kaufman County Human Resources Office is located on the second floor of the Kaufman County Annex Building at 100 N. Washington, Kaufman, Texas 75142. You may contact Human Resources at 972-932-0283.