

BRAZOS COUNTY



PERSONNEL POLICY MANUAL

JUNE 30, 2007

(REVISED DECEMBER 2018 WITH APPROVED UPDATES)

(REVISED JANUARY 2019 WITH APPROVED UPDATES)

ORDER

WHEREAS, any and all previous personnel policy manuals, implied policies, informal policies, verbal policies and written contracts whether known or unknown, are hereby rescinded and declared **null** and void.

THEREFORE, BE IT RESOLVED, that the Commissioners' Court does hereby adopt, accept and place into effect at 12:01 June 30, 2007 this manual called the Brazos County Personnel Policies which shall be in effect from 12:01 on Saturday, June 30, 2007 until rescinded or amended by official order or resolution of the Brazos County Commissioners' Court.

BRAZOS COUNTY
PERSONNEL POLICY

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INTRODUCTION

WELCOME TO A TRADITION OF PUBLIC SERVICE

We are glad to have you on the team of public servants that make up Brazos 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 ourselves expect quality service from government. As public servants, we owe it to ourselves as well as our community to ensure that quality is what we provide.

This handbook is a brief reference to how we work as a team to provide that public service. Whether you are a new or experienced employee, this handbook is designed to give you facts about the county, how it works and the policies which govern employees.

Our community and its needs constantly change, and our duties and county policies will change as well. But the tradition of public service will always remain the same. The respect you show for your job and public is a measure of the respect you have for yourself.

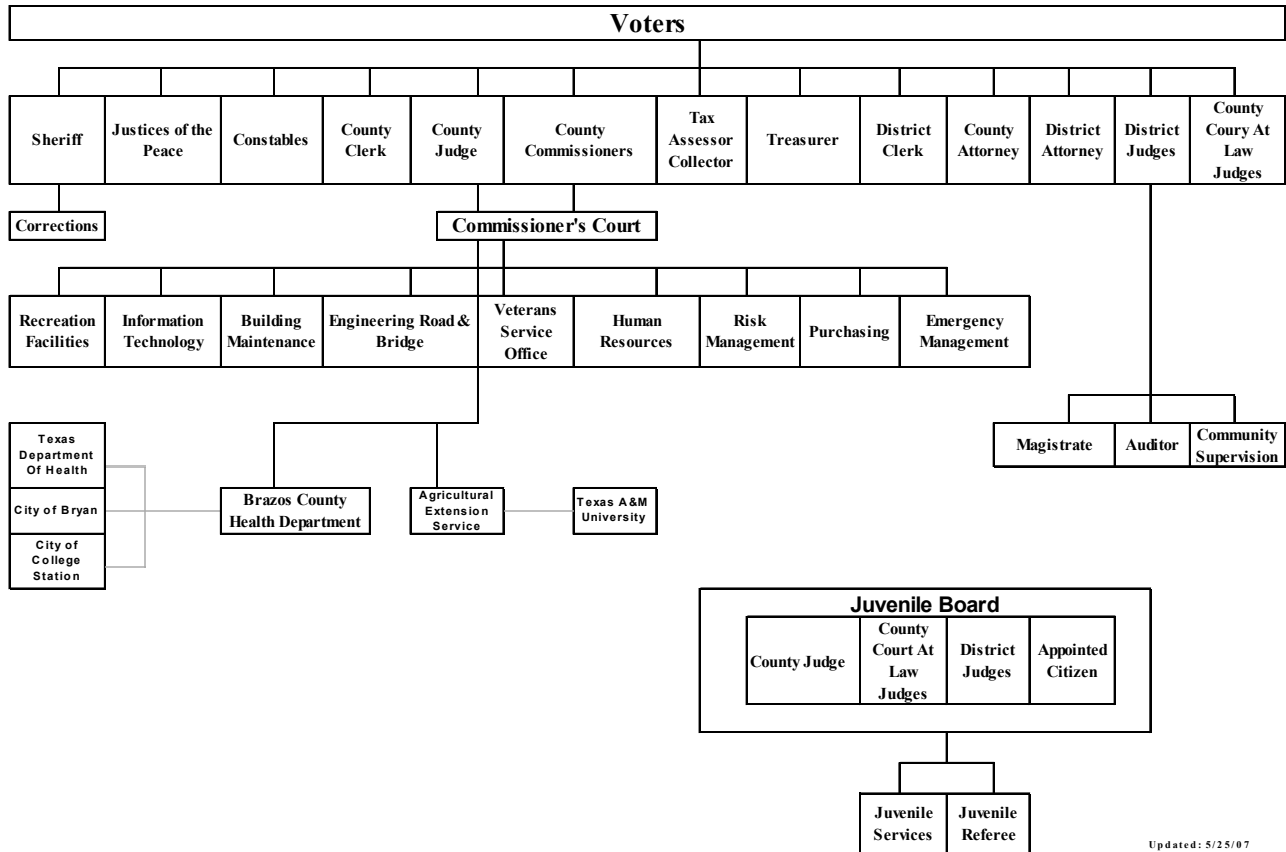
ABOUT THE COUNTY

Brazos County's governmental organization is established by the Constitution of the State of Texas.

The Commissioners Court is the policy making body of the county. It consists of the County Judge, elected by all of the voters of the county, and four county commissioners, each elected by the voters of a commissioner precinct.

Under the direction of department heads, Brazos County employees provide important services to the public which include: maintaining property records, preserving law and order, operating the jail, construction and maintaining roads, operating recreation areas, assisting farmers and homemakers, and veterans. In addition, county employees are involved in conducting elections, assessing and collecting taxes, performing judicial functions, prosecuting lawbreakers, providing legal advice to county officials and managing county finances.

BRAZOS COUNTY ORGANIZATION CHART



Updated: 5/25/07

BRAZOS COUNTY

LOCATION OF COUNTY OFFICES

MAIN COURTHOUSE, 300 EAST 26TH STREET, BRYAN

85TH DISTRICT COURT	272ND DISTRICT COURT
361ST DISTRICT COURT	CLUSTER COURT
CONSTABLE, PRECINCT 4	COUNTY ATTORNEY
COUNTY CLERK	COUNTY COURT AT LAW # 1
COUNTY COURT AT LAW # 2	COURT MASTER
DISTRICT ATTORNEY	DISTRICT CLERK
JURY SERVICES	
JUSTICE OF THE PEACE, PRECINCT 4	
MAGISTRATE	

BRAZOS COUNTY ADMINISTRATION BUILDING – 200 SOUTH TEXAS AVE., BRYAN

COUNTY AUDITOR	
COUNTY COMMISSIONERS, PRECINCTS 1, 2, 3 AND 4	
CONSTABLE, PRECINCT 2	COUNTY JUDGE
HUMAN RESOURCES	
JUSTICE OF THE PEACE, PRECINCT 2	
PURCHASING	RECORDS MANAGEMENT
RISK MANAGEMENT	TREASURER
VETERANS SERVICE OFFICER	

COMMUNITY SUPERVISION - 321 EAST 26TH STREET, BRYAN

BUILDING FACILITIES – 206 NORTH WASHINGTON STREET, BRYAN

SHERIFF’S ADMINISTRATION OFFICE – 1700 STATE HIGHWAY 21 WEST, BRYAN

DETENTION CENTER – 1835 SANDY POINT ROAD, BRYAN

COUNTY TAX OFFICE – 4151 COUNTY PARK CT., BRYAN

INFORMATION & TECHNOLOGY – 205 EAST 27TH ST., BRYAN

EXPOSITION COMPLEX	BRAZOS CENTER
5827 LEONARD RD	3232 BRIARCREST DRIVE
BRYAN	BRYAN

CONSTABLE, PRECINCT 1	CONSTABLE, PRECINCT 3
12845 FM 2154, STE 140	100 ANDERSON STREET
COLLEGE STATION	COLLEGE STATION

BRAZOS COUNTY

LOCATION OF COUNTY OFFICES (continued)

**ROAD AND BRIDGE
2617 WEST HIGHWAY 21
BRYAN**

**HEALTH DEPARTMENT
201 NORTH TEXAS AVENUE
BRYAN**

**JUSTICE OF THE PEACE, PRECINCT 1
12845 FM 2154, STE 180
COLLEGE STATION**

**JUSTICE OF THE PEACE, PRECINCT 3
100 ANDERSON STREET
COLLEGE STATION**

**JUVENILE JUSTICE CENTER
1904 HIGHWAY 21 WEST
BRYAN**

**TEXAS A&M EXTENSION SERVICE
2619 HIGHWAY 21 WEST
BRYAN**

BRAZOS COUNTY

AUTHORITY

These policies are established by the Commissioners Court. Any amended, revised or new policies must be approved by the Commissioners Court.

RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

Responsibility for personnel functions in Brazos County are divided among offices as follows:

Commissioners Court establishes and oversees general personnel policies;

Human Resources Director serves as the resource person to elected officials and department heads on personnel matters; maintains the official complete and up-to-date set of personnel policies; makes recommendations regarding policy changes and compensation schedule to the Commissioners Court; conducts new employee orientations, and provides existing employees with information about personnel policies, benefits and pay matters.

Elected officials and department heads are responsible for administration of the personnel policies within their departments or units.

PURPOSE

These policies set forth the primary rules governing employment with Brazos County. They contain information on benefits and obligations of employment. They have been adopted to promote consistent, equitable, and effective practices by both employees and supervisors. They apply equally to all employees of the county unless a class of employee is specifically exempted.

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

Elected officials and other officers are covered to the extent allowed by laws governing their offices.

BRAZOS COUNTY

HISTORY OF BRAZOS COUNTY

Abundant game, water and farm land brought settlers to the area just south of the present town of Millican in the 1830s.

Brazos County as we know it today was established January 30, 1841. Being carved out of Washington and Robertson Counties, it was originally named Navasota County. The name was changed to Brazos County January 28, 1842. Brazos County sets between two rivers, the Navasota River on the east, the Brazos River on the west, and the Old San Antonio Road (OSR) on the north.

The railroad came to the county in 1862, and the cities of Millican and Bryan were founded and began to thrive.

Boonville, named in honor of a relative of Daniel Boone, was the first county seat, with a one-room dirt floor log cabin serving as the first courthouse. Twenty-five years later, the county seat was moved to Bryan and the courthouse constructed on the present site.

Harvey Mitchell, a military man and school teacher, became, by age 21, the first county officer, eventually serving as clerk, judge, treasurer, and tax collector, as well as first paid superintendent for public instruction. He was instrumental in bringing the Agricultural and Mechanical College of Texas (Texas A&M) to Brazos County in 1872. It was established near the railroad outside of Bryan and is now known as College Station.

After the Civil War, many people from Europe immigrated to the area, again attracted by rich farm land, water and good weather. By 1910, the county was considered the "Athens of Central Texas" with many private schools and a Carnegie Library located here.

Steady expansion of Texas A&M University, an Air Force Base, and increased agriculture kept the county growing from 1910-1980. A rapid growth period beginning in 1980 brought the population up to 120,000 in 1986 with appropriate businesses and services responding to the increase. Brazos County has enjoyed a vigorous growth history with a population of 152,415 in 2000.

BRAZOS COUNTY

1.01 EMPLOYMENT AT WILL

All employment with Brazos County shall be considered “at-will” employment.

No contract of employment shall exist between any individual and Brazos County for any duration, either specified or unspecified.

Brazos 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.

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

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

BRAZOS COUNTY

1.02 POLICY ON EMPLOYEE STATUS

Employees of Brazos County are divided into the following categories for the purpose of compensation and benefits

1.02.1 FULL-TIME:

A regular full-time employee shall be any employee in a position which has a normal work schedule of at least 40 hours per week.

1.02.2 PART-TIME:

A regular part-time employee shall be any employee in a position which has a normal work schedule of less than 40 hours per week. He/she is entitled to vacation and sick leave on a proportional basis and is eligible for retirement. He or she is not eligible for health insurance benefits.

1.02.3 TEMPORARY:

A temporary employee shall be a non-regular employee who is hired into a position which is expected to last for some specific duration or until a specific project is completed. A temporary employee may be hired to fill a position until a non-temporary employee is hired; an employee who customarily and consistently leaves employment after a period of time, such as students; an employee who is on a rotating "call list"; or an employee who is on an internship. Temporary employees are not entitled to the county's fringe benefits other than worker's compensation and, in some instances, unemployment insurance. Temporary employees may be either full time or part time.

1.02.4 REGULAR:

A regular employee shall be any employee hired into a position which is not considered to be temporary. Regular employees may be either full-time or part-time.

1.02.5 EMPLOYMENT AT WILL:

All employees are considered to be "at will" employees as defined in the POLICY ON EMPLOYMENT-AT-WILL and employee status shall not be considered a contract of employment.

BRAZOS COUNTY

1.03 POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

It shall be the policy of BRAZOS County to be an equal opportunity employer.

Race, color, religion, national origin, sex, age, and disability shall not be factors in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by law or where a bona fide occupational qualification (BFOQ) exists.

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

Reasonable accommodation shall be determined through consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

BRAZOS COUNTY

1.03.1 POLICY ON AMERICANS WITH DISABILITY ACT

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Brazos County to comply with all Federal and state laws concerning the employment of persons with disabilities.

It is County policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Brazos County will reasonably accommodate qualified individuals with temporary or long-term disability so that they can perform the essential functions of a job.

An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodations, safety, and undue hardship issues.

1.03.1.1 DEFINITIONS:

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

- a. Disability refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a "disabled individual".
- b. Direct threat to safety means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodations.

BRAZOS COUNTY

1.03.1 POLICY ON AMERICANS WITH DISABILITY ACT (continued)

1.03.1.1 DEFINITIONS (continued)

- c. Qualified individual with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- d. Reasonable accommodation means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
- e. Undue hardship means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include but are not limited to: (1) the nature and cost of the accommodations; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at the facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the County; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire County; and (9) the relationship of the particular facility to the County.
- f. Essential job functions refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

BRAZOS COUNTY

1.04 POLICY ON APPLICATION FOR EMPLOYMENT

1.04.1 JOB ANNOUNCEMENTS:

Announcements for job openings with Brazos County may include, but not be limited to, advertisements in local newspapers, registration with the Texas Workforce Commission, postings on Brazos County Courthouse bulletin boards or on the county website.

Each official having a job opening shall be responsible for determining how that opening will be announced.

1.04.2 APPLICATION PROCEDURE:

Before an individual can be considered to be an applicant for employment with Brazos County, he/she shall be required to complete a written application and submit pertinent information regarding training and experience.

1.04.3 SELECTION:

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

1.04.4 DISQUALIFICATION:

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

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

BRAZOS COUNTY

1.05 POLICY ON NEPOTISM:

Nepotism is showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by Brazos County.

1.05.1 HIRING OF RELATIVES – ELECTED OR APPOINTED OFFICIALS:

In accordance with the Texas Nepotism Statutes, an elected or appointed official of Brazos County shall not hire a relative related within the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he or she supervises.

1.05.2 HIRING OF RELATIVES – DEPARTMENT HEADS:

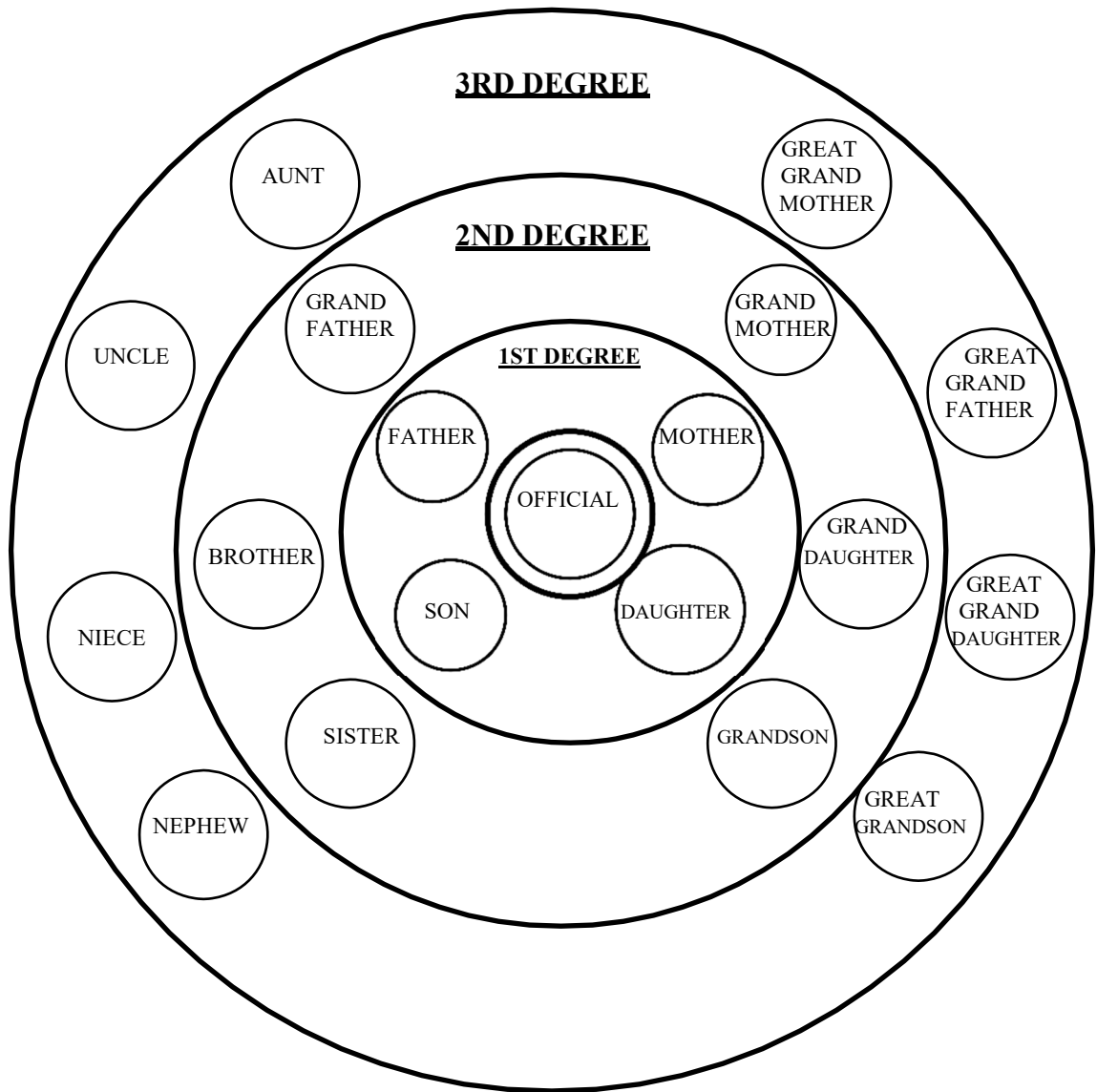
In accordance with Brazos County Policy a department head **under the Court's authority** shall not hire a relative related within the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he or she supervises.

1.05.3 HIRING OF RELATIVES – EMPLOYEES:

A department head **under the Court's authority** shall not hire a relative of an employee currently employed in that department within the third degree of consanguinity (blood) or the second degree of affinity (marriage). It is highly recommended that Elected Officials do not hire a relative of an employee currently employed in that department within the third degree of consanguinity (blood) or the second degree of affinity (marriage).

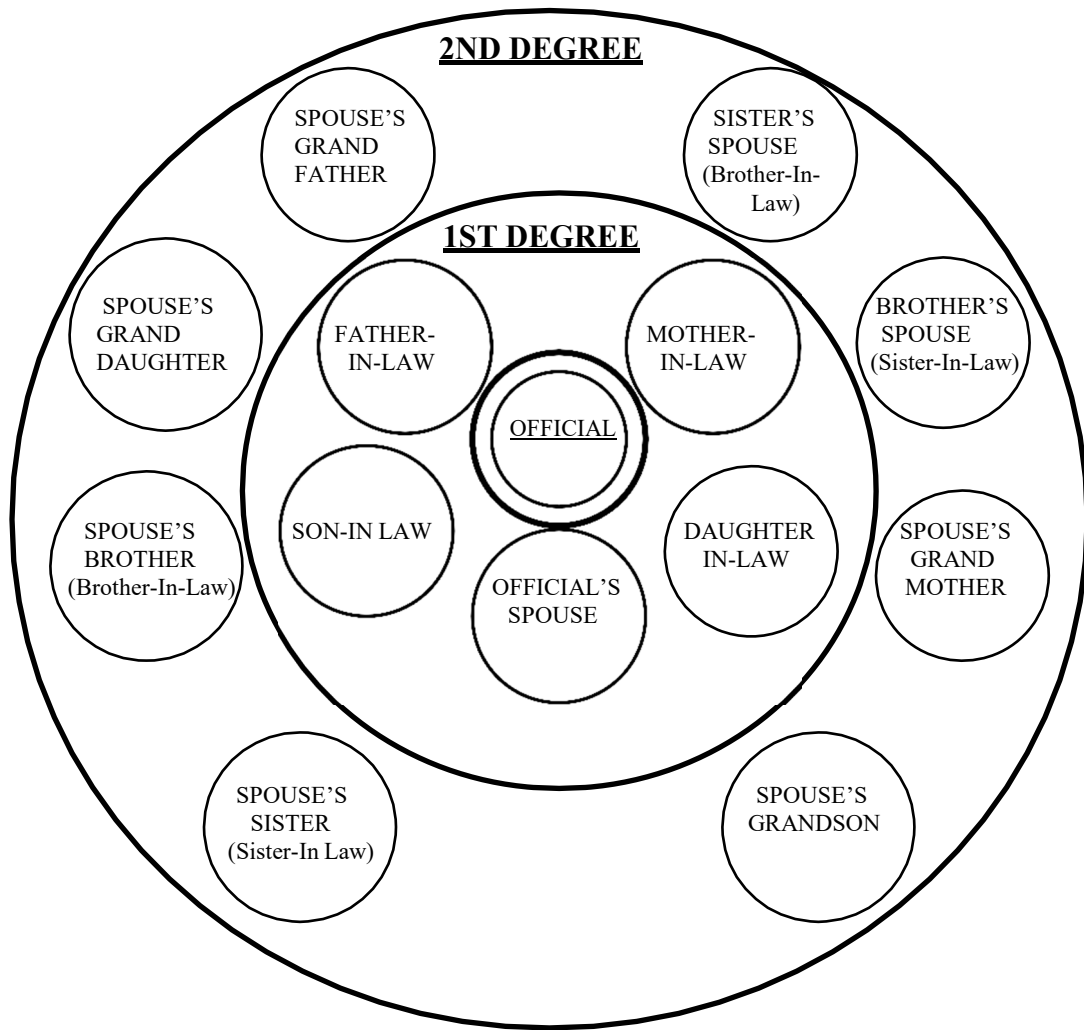
1.05.4 CIVIL LAW NEPOTISM CHART:

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 the charts that follow.)



**Consanguinity Kinship Chart
(Blood)**

**TEXAS NEPOTISM CHART
CIVIL LAW METHOD**



**Affinity Kinship Chart
(Marriage)**

**TEXAS NEPOTISM CHART
CIVIL LAW METHOD**

BRAZOS COUNTY

2.01 POLICY ON VACATION:

All full-time regular employees and part-time regular employees of Brazos County shall be eligible for vacation benefits.

Temporary employees, full-time or part-time, shall not be eligible for vacation benefits.

County employees are encouraged to take regular vacation at least annually.

No vacation benefits may be used by a new county employee during the first six months of training employment. Upon completion of the employee's first six months of employment, vacation leave benefits, figured from the date of employment, are credited to the employee. Thereafter, vacation leave is earned and credited to the employee's leave record bi-weekly.

2.01.1 ACCRUAL RATE:

Regular, full-time employees who work 40 hours per week, with the exception of detention officers earn vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation Days</u>
Less than 5 years	10 days or 80 hours per year
5 - 9 years	12 days or 96 hours per year
10 - 14 years	15 days or 120 hours per year
15 - 19 years	17 days or 136 hours per year
20 years or more	20 days or 160 hours per year

Part-time employees who work 32 hours per week, with the exception of detention officers, earn vacation as follows:

<u>Years of Employment</u>	<u>Vacation Hours</u>
Less than 5 years	64 hours per year
5 - 9 years	76 hours per year
10 - 14 years	96 hours per year
15 - 19 years	108 hours per year
20 years or more	128 hours per year

BRAZOS COUNTY

2.01 POLICY ON VACATION: (continued)

2.01.1 ACCRUAL RATE: (continued)

Part-time employees who work 30 hours per week, with the exception of detention officers, earn vacation as follows:

<u>Years of Employment</u>	<u>Vacation Hours</u>
Less than 5 years	60 hours per year
5 - 9 years	72 hours per year
10 - 14 years	90 hours per year
15 – 19 years	102 hours per year
20 years or more	120 hours per year

Part-time employees who work 25 hours per week, with the exception of detention officers , earn vacation as follows:

<u>Years of Employment</u>	<u>Vacation Hours</u>
Less than 5 years	50 hours per year
5 - 9 years	60 hours per year
10 - 14 years	74 hours per year
15 – 19 years	84 hours per year
20 years or more	100 hours per year

Part-time employees who work 20 hours per week, with the exception of detention officers, earn vacation as follows:

<u>Years of Employment</u>	<u>Vacation Hours</u>
Less than 5 years	40 hours per year
5 - 9 years	48 hours per year
10 - 14 years	60 hours per year
15 – 19 years	68 hours per year
20 years or more	80 hours per year

BRAZOS COUNTY

2.01 POLICY ON VACATION: (continued)

2.01.1 ACCRUAL RATE: (continued)

Full-time detention officers earn vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation Days/Hours</u>
0 – 1 year	80 hours per year
2 - 14 years	120 hours per year
15 – 19 years	136 hours per year
20 or more years	160 hours per year

Detention officers who work half-time earn vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation hours</u>
0 – 1 year	40 hours
2 – 14 years	60 hours
15 – 19 years	68 hours
20 or more years	80 hours

Regular part-time employees who work at least one-half-time (20 hours per week or more) earn vacation leave in the proportion that the employee’s work time bears to a regular 40-hour workweek. For purposes of this policy, a working day shall be defined as the regular number of hours that an employee would be expected to work on a day that he/she is scheduled to work. Vacation shall not be accrued while an employee is on leave without pay.

Employees terminating during their first six months training will not be paid for accumulated vacation leave

2.01.2 SCHEDULING:

Scheduling of vacation shall be after all compensatory time is exhausted. Vacation scheduling shall be at the discretion of the individual elected official or department heads.

Employees may use the vacation earned in the new calendar year on the first day of the first full pay period of the new calendar year.

Vacation must be taken by the last day of the last full pay period in December. After this deadline, any annual leave balance in excess of the maximum allowable shall be reduced to the maximum without compensation. The maximum allowable accumulation of unused vacation leave is one-half of the employee’s annual accrual rate.

BRAZOS COUNTY

2.01.3 PAY IN LIEU OF VACATION:

Employees shall not be allowed to receive pay for vacation on lieu of taking time off.

2.01.4 HOLIDAY DURING VACATION:

If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the POLICY ON HOLIDAYS and shall not be charged against the employee's vacation balance.

2.01.5 PAY AT TERMINATION:

If an employee has worked for at least six months in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under section 2.01 and 2.01.2 of this policy.

An employee who has not worked for a minimum of six months in a position which accrues vacation shall not be eligible for any vacation pay upon termination of employment.

2.01.6 RECORD KEEPING:

Each employee shall be responsible for accurately recording all vacation time used on his/her time sheet.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE:

All full time and part time regular employees shall be eligible for the paid sick leave benefit after 30 days of employment.

Temporary employees, full-time or part-time, do not earn sick leave.

Employees must notify their supervisors promptly at the beginning of the workday if they will be tardy or absent unless emergency circumstances exist.

2.02.1 ACCRUAL:

Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

Sick leave is accrued as follows:

<u>Work Week</u>	<u>Hours Accrued per Pay Period</u>
40 hours	3.6923 hours
32 hours	2.9538 hours
30 hours	2.7693 hours
20 hours	1.8462 hours
42 hours (Detention officers)	5.5385 hours

Malingering and other abuses of sick leave entitlements will constitute grounds for dismissal.

For purposes of this policy, a workday is defined as the normal number of hours an employee would be expected to work on a day he/she is scheduled to work.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is unlimited based on the accrual rate outlined above.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.2 USE OF SICK LEAVE:

Sick leave may be used for the follow purposes:

Illness or injury of the employee;

- 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. For purposes of this policy, immediate family shall be defined as those individuals related by kinship, adoption or marriage who are living in the household or if not in the same household are totally dependent upon employee for personal care or services on a continuing basis. Pregnancy and confinement means temporary disabilities caused or contributed to by pregnancy, miscarriage, abortion, or childbirth and recovery there from;
- e. In cases of a work related injury or illness the employee may use one week of sick leave for the first week of unpaid leave under workers compensation (see Work Related Injury) or in cases of a work related injury or illness the employee may use one week of sick leave for the first week of unpaid leave under workers compensation (see Work Related Injury or Illness).

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

2.02.3 NOTIFICATION:

Where sick leave is to be used for medical appointments, 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.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.3 NOTIFICATION (continued)

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

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

2.02.4 DOCUMENTATION:

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.

2.02.5 ILLNESS WHILE ON VACATION:

When an illness or physical incapacity occurs during the time an employee is on vacation leave, sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly.

2.02.6 BORROWING:

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

2.02.7 PAY AT TERMINATION:

Employees shall not be paid for unused sick leave at the termination of employment.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 SICK LEAVE POOL POLICY

The Brazos County Commissioners Court has established a program within Brazos County to allow an employee to voluntarily transfer sick leave earned by the employee to a County Sick Leave Pool. The authority to establish this program is granted by TEX. LOCAL GOV'T CODE ANN. §157.071, et. seq., as amended September 1, 1997 and September 1, 2001.

2.02.8.1 PURPOSE

The purpose of the Brazos County Sick Leave Pool is to provide additional sick leave days to county employees in the event an employee has a need for additional paid leave because they have exhausted all paid leave and have a serious medical hardship or catastrophic illness or injury, such as cancer, major surgery, AIDS, a serious accident, heart attack, etc. that poses a threat to life and/or requires inpatient, hospice or residential health care. The employee's need may arise from their own serious medical hardship or catastrophic illness or from their need to care for a member of the employee's immediate family, including a spouse, child, or parent, who has a serious medical hardship or catastrophic illness. This policy is not intended to cover an employee who is experiencing a normal pregnancy, has a common illness, has an illness or injury covered by an employer-paid long-term disability policy or worker's compensation, or has incurred injury during the course of committing a felony. Similarly, this policy is not intended to provide leave to any employee who has previously abused any paid leave.

2.02.8.2 DEFINITIONS

- a. IMMEDIATE FAMILY is defined as those individuals who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children certified by the Texas Department of Child Protective and Regulatory Services; and an employee's minor child regardless of whether the child lives in the same household. If not in the same household, an immediate family member is strictly limited to the employee's spouse, child or parent.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 SICK LEAVE POOL POLICY (continued)

- b. ELIGIBLE EMPLOYEE is defined as:
 - 1. anyone, excluding an Elected Official, who is a regular full-time or part-time employee of Brazos County with 12 or more months of continuous employment with the county who is paid from the County General Fund, a County Special Revenue Fund or County Administered Grant and is eligible for sick leave under the existing Personnel Policies, has enrolled in the sick leave pool and transferred at least one day of accrued sick time to the sick leave pool during the fiscal year, and
 - 2. except as otherwise provided for herein, has exhausted all accrued sick leave, compensatory leave, extended sick leave, vacation and any other paid leave times to which he or she is entitled due to a catastrophic illness or injury.
- c. ADMINISTRATOR - means the person or department designated by the Commissioners Court to administer the County Sick Leave Pool Program.
- d. CATASTROPHIC ILLNESS OR INJURY means a terminal, life threatening, and/or severe condition or combined conditions affecting the mental or physical health of the employee or an eligible family member, such as cancer, major surgery, AIDS, a serious accident, heart attack, etc., that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave, vacation leave, and compensatory time) and to lose compensation from the County.
- e. LICENSED PRACTITIONER means a licensed physician, nurse practitioner, or other licensed health care professional.
- f. BENEFIT APPLICATION – means an employee, prior to applying for benefits from the County Sick Leave Pool, must have enrolled in the County Sick Leave Pool and transferred at least one day of accrued sick leave time to the sick leave pool during the fiscal year.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 SICK LEAVE POOL POLICY (continued)

2.02.8.3 ADMINISTRATION OF THE POOL:

- a. At the direction of the Commissioners Court, the Director of Human Resources shall serve as the Pool Administrator. The Pool Administrator shall be responsible for developing mechanisms to transfer accrued sick leave into and out of the Pool; developing rules and procedures for the operation of the Pool; and developing forms for contributing leave to or using leave from the Pool.
- b. The Pool Administrative Committee shall be composed of the following members: County Judge, Commissioner, Legal Counsel, County Auditor, and Human Resources Director. This committee shall be responsible for receiving and viewing all applications for use of leave from the Pool.

2.02.8.4 POOL MEMBERSHIP:

Membership in the Sick Leave Pool is voluntary.

- a. All regular full-time and part-time employees are eligible to join the Sick Leave Pool by contributing a minimum of eight (8) hours or a maximum of thirty-two (32) hours accrues sick leave
- b. Employees will only be able to join the Pool at a time designated each year by the Pool Administrator.
- c. Membership enrollment forms must be submitted to the Human Resource Department. Days donated will be subtracted from each member's accrued sick leave.
- d. Days donated become the property of the Brazos County Sick Leave Pool and cannot be returned in the event of membership cancellation.
- e. Employees on an approved leave of absence will retain membership in the Pool and will not be required to donate additional days.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 SICK LEAVE POOL POLICY (continued)

- f. To maintain membership in the Sick Leave Pool, employees must donate a minimum of one (1) day and a maximum of four (4) days of earned sick leave each fiscal year during a time designated by the Pool Administrator for general membership donations. Only one donation during the fiscal year is required to maintain membership in the Pool.

2.02.8.5 DAYS GRANTED:

Only members of the Sick Leave Pool will be granted days from the Sick Leave Pool.

- a. Days will be granted only for catastrophic illness or surgery or other disability, which necessitates the absence from work for five (5) consecutive days or longer. In case of chemotherapy for cancer treatment, days can be granted for 1 – 4 days absence.
- b. Days requested for stress-related illness will be granted for hospitalized days only.
- c. A member of the Pool, who exhausts all of his/her accrued paid leave and compensatory time to which the employee is otherwise entitled, may withdraw from the pool for a non-catastrophic illness the exact number of days the member had contributed that fiscal year. The request must be in writing. The employee should note that this will void their membership in the Pool for the current fiscal year. If the employee already applied to and has been granted time from the Sick Leave Pool at the time of the request, the Administrator will deduct one day from the amount of time donated.
- d. The maximum number of days granted to an employee each fiscal year shall not exceed one-third of the total amount of time in the Pool at the time of the request or 180 days whichever is less.
- e. Employees who make contributions to the sick leave pool may not stipulate who is to receive sick leave pool benefits.
- f. Employees on leave without pay are not eligible unless their leave without pay status is a result of depleting accrued paid leave because of the qualifying illness or injury. If an employee has returned from leave without pay, the employee is ineligible until he or she completes a minimum of 30 active workdays.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 SICK LEAVE POOL POLICY (continued)

- g. The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool or previously donated to the pool.

- h. Any unused balance of pool leave granted to an employee returns to the pool.

- i. Employees leaving County employ may donate a maximum of ten (10) days accrued sick leave.

2.02.8.6 PROCEDURE:

- a. An eligible employee must apply to the Director of Human Resource /Pool Administrator for permission to use time in the Pool.

- b. The Pool Administrator shall present the application to the Pool Administrative Committee, who shall determine eligibility. In making the decision regarding eligibility, the Pool Administrative Committee will review the employee's application, verification of exhaustion of all paid leave, and all medical evidence submitted by the employee, including but not limited to a physician's or licensed practitioner's statement. The Pool Administrative Committee may request additional medical information from the applicant. The final decisions on eligibility and distribution of donated leave time rest with the Pool Administrative Committee.

- c. If the employee is determined to be eligible, the Pool Administrator shall approve the transfer of time from the Pool to the employee. The time shall be credited to the employee and shall be used in the same manner as accrued sick leave.

- d. An employee absent on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 SICK LEAVE POOL POLICY (continued)

- e. To initiate an application, an employee must contact his or her department supervisor. In the event an employee is physically or mentally unable to initiate an application, an application request may be initiated by a member of the employee's immediate family; i.e., spouse, child or parent, by an Elected Official or by the employee's Department Head. An employee or one of the above authorized individuals must complete an application and provide either a licensed practitioner's statement or a release signed by the employee or his or her authorized agent of the employee's medical information. An employee may also be asked to provide additional medical information. An employee can only make an application once every fiscal year. Application materials should be sent to the Human Resource Department:
- f. The Sick Leave Pool operates on a fiscal year basis. An application will be required for each catastrophic illness or injury in which the employee is requesting time from the Sick Leave Pool. An amended application may be submitted if the employee experiences complications related to the initial application request. Employees may further request additional time by submitting a new application if they were to experience additional catastrophic illnesses or injuries within the same fiscal year. The total amount of time granted for **all** applications submitted in the same fiscal year may not exceed 180 days (1,440 hours) or one-third of the pool, whichever is less.
- g. Application requests will be processed on a first-come, first-served basis, regardless of the method of delivery, according to date and time of receipt by the Administrator.

2.02.8.7 FINAL AUTHORITY:

The Sick Leave Pool Administrative Committee shall have the final approval/disapproval of the employee applications.

2.02.8.8 APPLICATION FORMS:

Applications for donation of accrued sick time to the Brazos County Sick Leave Pool are available in the Human Resource department.

Applications for withdrawal from the Brazos County Sick Leave Pool are available in the Human Resource department.

BRAZOS COUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 SICK LEAVE POOL POLICY (continued)

BRAZOS COUNTY

2.02.10 HEALTH AND WELLNESS CLINIC VISIT LEAVE

All employees who are on the County's Medical plan shall be eligible to use the Clinic Visit Leave benefit.

Employees who visit the Clinic during their scheduled work hours will not be required to use their Sick or Vacation Leave. The Clinic Visit Leave pay type is to be used instead of Sick or Vacation. The Clinic Visit Leave pay type is to be used only during an employee's scheduled work day.

The use of this leave time is limited and subject to monitoring for abuse. Employees will be required to check in and check out at the Clinic.

Human Resources will be notified of employee's name and initial date of appointment for authorization of the leave code in the employee's timesheet.

2.03 POLICY ON HOLIDAYS

2.03.1 ELIGIBILITY:

All full-time regular and part-time regular employees shall be eligible for the paid holiday benefit (not including Temporary employees).

2.03.2 HOLIDAYS:

The County holidays for the following calendar year are established by the Commissioners Court. The following are normally observed as paid holidays for regular employees:

- New Year's Day
- Martin Luther King's Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

A schedule of holidays may be adopted and distributed by the Commissioners Court each November, listing the specific holidays to be observed during the coming year.

BRAZOS COUNTY

2.03 POLICY ON HOLIDAYS (continued)

2.03.3 HOLIDAY DURING VACATION:

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.

2.03.4 HOLIDAY ON DAY OFF:

If a designated holiday falls on an eligible employee's day off, the employee should be allowed to take another day off with pay either 30 days before or after the holiday.

2.03.5 WORKING DURING HOLIDAYS:

It is not always feasible to grant holiday leave at the scheduled time to employees assigned shifts of an "around the clock" operation. Any department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday. If an employee works on a holiday they shall be given another day off in its place to be taken with pay either thirty (30) days before or after the holiday. Special exceptions must be granted by the Commissioners Court.

Employees who are required to work on a holiday may bank those hours at the Elected Official or Department Head's discretion. Those banked hours must be used by the end of the fiscal year (September 30).

2.03.6 EMERGENCIES:

An eligible employee called in to work on a holiday because of an emergency, or other special need of Brazos County, should be given paid time off during the next 30 days equivalent to the amount of time worked on the holiday.

2.03.7 OBSERVANCES:

Special consideration may be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for the County. Determination of granted leave shall be made by the supervisor of the department in which the employee works, based on the needs of the department. Vacation, compensatory time, or leave without pay must be used for leave granted under this section.

2.03.8 FLOATING HOLIDAY:

Commissioner's Court may approve a Floating Holiday when approving the County Holidays. Commissioner's Court determines whether or not to allow for a floating holiday each year. A

BRAZOS COUNTY

2.03 POLICY ON HOLIDAYS (continued)

2.03.8 FLOATING HOLIDAY (continued)

floating holiday is a personal day available to full-time and part-time employees, excluding temporary's, of Brazos County upon completion of six (6) months of employment, with approval from their Department Head. The number of hours or duration of the Floating Holiday is to be equal to the hours that would have been worked by the employee on a regular work day. Employees may use their Floating Holiday for the new calendar year on the first day of the first full pay period of the new calendar year. The Floating Holiday must be taken by the last day of the last full pay period in December.

2.04 POLICY ON JURY DUTY LEAVE

2.04.1 JURY DUTY:

Employees of Brazos 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.

2.04.2 OFFICIAL COURT ATTENDANCE:

Employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require.

2.04.3 PRIVATE LITIGATION:

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

BRAZOS COUNTY

2.05 POLICY ON MILITARY LEAVE

2.05.1 WHO IS COVERED

The Uniformed Services Employment and Reemployment Rights Act (USERRA) was signed on October 13, 1994. The Act applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services."

Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.

USERRA covers nearly all employees, including part-time and probationary employees.

State law protects members of the Armed Forces (active duty or reserve), plus members of the Texas National Guard and the State Guard, only.

2.05.2 TEMPORARY MILITARY LEAVE

Chapter 431 of the Texas Government Code requires Brazos County to provide up to 15 days of paid military leave for members of the state militia and for federal military reservists during each federal fiscal year. The federal fiscal year starts October 1st and ends September 30th. Thus, Brazos County pays an employee on active military duty up to 15 days each federal fiscal year.

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

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

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

BRAZOS COUNTY

2.05 POLICY ON MILITARY LEAVE (continued)

2.05.3 MILITARY LEAVE

Both state and federal law require Brazos County to provide certain protections for Military Leave longer than "temporary military leave." Chapter 613 of the Texas Government Code requires Brazos County to provide job restoration to reservists after a period of active duty. The current federal protection for military leave is found in the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA" or "the Act"). These laws make several specific mandates to employers regarding treatment of members of the armed forces during and after military service. The paragraphs that follow describe the basics of those protections. If you have any questions regarding military leave that are not addressed below, direct those questions to the Director of Human Resources.

2.05.4 LENGTH OF PROTECTION

An employee is entitled to USERRA protection until his or her cumulative period of absences from his or her position with an employer caused by service in the uniformed services reaches five years. However, the Act contains a long list of exceptions, i.e. duty periods that do not count toward the five-year maximum. Those exceptions include annual reserve training requirements (i.e. monthly reserve weekends and three-week "summer" periods). Thus, the exceptions virtually swallow the rule. Be prepared to provide a copy of the employee's duty orders.

A person also loses USERRA rights if his or her military service ends in a dishonorable or bad conduct discharge, a separation from the military under "other than honorable conditions," or an officer gets dismissed after a court-martial, going AWOL for three months, or having a final non-military criminal conviction.

2.05.5 EMPLOYEE NOTIFICATION REQUIREMENTS

Usually, an employee gets written duty orders in advance from his or her commanding officer. If the employee has written orders, he or she should provide a copy to the employing department within two (2) days after receipt of the order. Advance verbal notice by the employee or an appropriate office of the uniformed service in which military service is performed may also be provided.

2.05.6 FORFEITURE OF RIGHTS

If, prior to leaving for military service, an employee knowingly provides clear written notice of an intent not to return to work after military service, the employee waives entitlement to leave-of-absence rights and benefits. However, such waiver does not surrender other rights or benefits under USERRA.

BRAZOS COUNTY

2.05 POLICY ON MILITARY LEAVE (continued)

2.05.7 RIGHT WHILE EMPLOYEE IS AWAY

- A. **No right to paid leave.** Nothing in USERRA requires employers to pay employees while they are on protected military leave. However, USERRA prohibits employers from requiring reservists to exhaust their paid leave while on active duty. If the reservist asks to use paid leave, the employer must allow it. When Brazos County offers a supplemental pay policy, the County requires reservists to exhaust their paid leave first. This requirement does not violate USERRA because the employee receives the opportunity to recover supplemental pay, which is over and above what USERRA requires.
- B. **Other Benefits While on Leave.** An employee who is absent for military service is entitled to participate in any rights or benefits, not based on seniority, which are provided to other Brazos County employees on paid or unpaid leave-of-absence. The returning employee shall be entitled not only to non-seniority rights and benefits available at the time he or she left for military service, but also to those that became effective during the time of military service.
- C. **Health benefits.** USERRA requires the County to maintain the employee's coverage for the first 30 days of the deployment at the rate the employee usually pays for coverage. After that, the County must offer continuation coverage under COBRA

2.05.8 RIGHTS UPON RETURN TO WORK

- A. **Deadlines for re-applying.** Reservists who want to return to work must notify their Department or the Director of Human Resources of the intent to return within timelines that are dependent upon the length of time the employee spent in military service.
 - 1. **Less than 31 days**

Must report back to work no later than the beginning of his or her regularly-scheduled shift on the first full day after active duty period expired allowing for 8 hours of rest and time to return home safely from the place of service.
 - 2. **More than 30 days but less than 181 days**

Must return not later than 14 days after the completion of the active duty

BRAZOS COUNTY

2.05 POLICY ON MILITARY LEAVE (continued)

2.05.8 RIGHTS UPON RETURN TO WORK (continued)

3. More than 180 days

Must return not later than 90 days after the completion of the active duty.

If a person's return to duty is delayed because of hospitalization or recovery from an illness or injury incurred during the military leave, please contact the Brazos County Human Resources Department to find out the reservist's deadline for re-applying.

If someone fails to meet these deadlines, then the County simply applies its regular rules with regard to absences from scheduled work. This would include the No Fault Attendance policy found in §2.13 of the Brazos County Personnel Regulations.

B. Required Documentation Upon Return.

Both state and federal law permit the County to ask for documentation to prove that the person meets the qualifications for protection, i.e., the date the military leave ended, whether the employee separated from the military in good standing, and that the person has not exceeded the service limits. The law contains several exceptions to this rule that benefit the employee.

C. Position upon return

As with the deadlines for returning, the position the employee is entitled to depends upon how long the tour of active duty was and the circumstances of the particular person.

a. Less than 91 days

The "escalator" position, that is, the position the person would have been employed if he or she had been continuously employed during the military leave

BRAZOS COUNTY

2.05 POLICY ON MILITARY LEAVE (continued)

2.05.8 RIGHTS UPON RETURN TO WORK (continued)

b. More than 90 days

The "escalator" position or a position of like seniority, status and pay, the duties of which the person is qualified to perform. Regardless of the period of service, if an employee suffered a disability or aggravated a disability during the period of service, the Act requires the County to attempt to accommodate the employee to try to get him or her back to work. Contact the Human Resources Department if a returning employee has a disability or is unqualified to perform the duties of the escalator position.

2.05.9 IMMEDIATE REINSTATEMENT OF HEALTH BENEFITS

- A. Restoration of Health Coverage.** Once reinstated, if the employee health plan coverage was previously terminated because of the employee's military service, Brazos County will reinstate the coverage immediately, including any coverage for dependents.
- B. Seniority and other rights.** Upon reemployment, an employee is entitled to "the seniority and other rights and benefits determined by seniority" that he or she had upon leaving plus the additional seniority and rights and benefits that such person would have attained if he or she had never left. That means the employee receives longevity pay as though he or she never left and any other policy that is based on length of service. Thus, since County employees accrue vacation based on seniority, then when a reservist returns, we reinstate whatever balance he or she had prior to leaving for military duty plus add to that balance any additional time the employee would have accrued while on military duty (up to the maximum).

BRAZOS COUNTY

2.06 POLICY ON FUNERAL LEAVE

2.06.1 FAMILY FUNERAL LEAVE:

Employees shall be allowed up to five days leave with pay for a death in the immediate family.

For purposes of this policy, immediate family shall include the employee's spouse, the employee's (or employee's spouse's) children, step-children, parents, step-parents, siblings, step-siblings, uncle, aunt, nephew, niece, grandparents, step-grandparents, grandchildren or step-grandchildren..

2.06.2 OTHER LEAVE:

Employees may be allowed time off with pay, up to a maximum of four hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend.

2.06.3 ADDITIONAL LEAVE:

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

BRAZOS COUNTY

2.07 POLICY ON ADMINISTRATIVE LEAVE

2.07.1 ADMINISTRATIVE LEAVE:

At the discretion of the County Judge, or the Commissioners Court, employees may be granted Administrative Leave to insure the safety, welfare, and health of the employee. These instances include, but are not limited to, severe weather, flooding, building conditions, communicable disease control, or other health risks.

The department head is authorized to grant administrative leave to an employee in certain limited circumstances.

The department head may authorize administrative leave with pay when warranted by circumstances not otherwise provided for in these policies. The duration of any authorized administrative leave may not exceed sixteen (16) working hours.

Unpaid administrative leave shall be required when an employee has been accused of criminal conduct or other conduct that could adversely affect the employee's job performance or diminish the public's trust in County government.

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2.07.2 POLICY ON EMERGENCY/DISASTER CLOSING AND PAYMENT OF EMPLOYEES

A. PURPOSE:

The Brazos County Commissioners Court has adopted the following emergency closing procedures to provide paid leave for essential and nonessential employees in the event of certain emergencies including, but not limited to: hurricanes, tornados, and other Acts of God, nuclear, chemical and biological emergencies, terrorist attack or any other emergency declared by a federal, state or local authority. Brazos County shall endeavor to adequately compensate those essential Brazos County employees who are required to sacrifice their personal safety, as well as the safety and wellbeing of their families, during a time of emergency for the greater good of the citizens of Brazos County, Texas. Nothing in this policy shall be construed as changing the “at will” status of any person employed by Brazos County.

B. PROCEDURE FOR CLOSING COUNTY OFFICES:

1. Whenever the County Judge, a County Commissioner or Emergency Management Coordinator has reason to believe that an emergency situation exists (or is eminent) necessitating closing of county facilities, if time permits, an emergency meeting of the Commissioners Court shall be held to consider official action.
2. If, in the opinion of the County Judge, or, in the absence of the County Judge the senior available County Commissioner, insufficient time exists to hold an emergency meeting of the Commissioners Court, then the Emergency Management Coordinator in conjunction with the Sheriff, based on concern over the safety of county employees and other citizens as well as interest in the availability of governmental services, determine whether to close buildings in whole or in part.
3. Once a decision has been made to close any or all county buildings, the County Judge or County Commissioner making the decision, or his designee shall make every attempt to notify the local news media to inform the citizens of the closing and the affected Elected Officials and Department Heads.

C. PAYMENT OF EMPLOYEES DURING DISASTER DECLARATION:

1. When county office(s) are closed due to an emergency weather condition, including a natural disaster/or unforeseen circumstances, the affected employee shall be paid for all time the employee would have worked had the county office(s) not been closed. This time off will be coded as an official closed day. This time off is not considered time worked and will not be used to determine eligibility for overtime.

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2.07.2 POLICY ON EMERGENCY CLOSING AND PAYMENT OF EMPLOYEES(cont.)

C. PAYMENT OF EMPLOYEES DURING DISASTER DECLARATION (cont.)

2. An employee who is off or scheduled to be off on sick leave, vacation, or holiday, compensatory time off, personal leave, FMLA or leave without pay during a period of emergency closing shall have their leave recorded as an official closed day.
3. Whenever there is an official emergency closing of all county operations, any non-exempt essential personnel who are recalled to work will be compensated at one and one half (1.5) times their hourly rate or awarded compensatory time. Essential personnel may include deputy sheriffs, road and bridge crews, emergency management personnel, detention officers, risk management personnel and/or other personnel designated by the County Judge, County Commissioners, Sheriff or other elected officials or department heads.

There may be instances when only certain building/offices are officially closed. In these instances, the affected employees will be compensated in accordance with Paragraph 1 of this policy, and all unaffected employees' compensation will be the same as during regular working conditions.

4. Any essential employee who fails to report to work as scheduled during inclement weather or disaster shall use (1) vacation, compensatory time or personal leave or (2) time off without pay, at the discretion of the elected official or department head.

D. TEMPORARY CHANGE IN STATUS FOR EXEMPT EMPLOYEES:

1. During a disaster declaration, non-elected exempt employees who are assigned to work the disaster shall be temporarily reclassified as non-exempt employees during the time declared as disaster. The temporary status as set forth in this paragraph shall begin on the date that the Brazos County Judge declares an emergency and shall continue during the time declared as an emergency and, further until the end of the emergency as determined and declared by the Brazos County Judge in the exercise of his sole discretion. During the time of the emergency, these temporarily designated non-exempt employees shall be paid an hourly wage in accordance with the overtime requirements of FLSA and shall be entitled to any other benefits accruing to any other normal or regular non-exempt employee.

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2.07.2 POLICY ON EMERGENCY CLOSING AND PAYMENT OF EMPLOYEES(cont)

D. TEMPORARY CHANGE IN STATUS FOR EXEMPT EMPLOYEES(cont.)

2. An employee who is recalled to duty shall be compensated at one and on half (1.5) times their hourly rate for all hours worked.

E. COMPENSATION FOR RESERVE DEPUTIES CALLED INTO SERVICE:

1. Any Reserve Deputy Sheriff or Reserve Deputy Constable called into service during a declared emergency or disaster by the County Judge or County Commissioners shall be paid a salary equal to a current pay group 21, step 2 for all hours worked.

F. OTHER OVERTIME COMPENSATION:

1. For all other emergency weather conditions, not declared a disaster by the County Judge, employees who are called out after normal working hours shall be paid for a minimum of four (4) hours straight time, or time and one half (1.5) for actual hours worked, whichever is greater. The four hours straight time shall not count towards hours worked for the purpose of overtime calculation, unless such hours are actually worked. Department Heads/Elected Officials shall maintain sufficient records to determine hours worked by employees on "call outs" to calculate overtime.

G. OTHER EMERGENCY LEAVE:

1. Employees may be granted up to three (3) days emergency leave annually during the calendar year, unless additional days are granted by the Commissioners Court for circumstances caused by unforeseen weather conditions, including a natural disaster, which prevent an employee from being able to travel to the county courthouse or other county office or job site. Such circumstances include, but are not limited to, roads made impassible by heavy rains, or ice.

H. OTHER CLOSINGS OF OFFICES:

1. An elected official may choose to close his or her office at any time, however, until the County Judge or Commissioners Court has officially closed county operation(s), employees shall use accrued leave (vacation, compensatory time, or personal leave) or leave without pay.

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2.08 POLICY ON MEDICAL INSURANCE

2.08.1 ELIGIBILITY:

All full time regular employees of Brazos County shall be eligible for the group medical and dental insurance benefit.

A portion of the premium for the coverage for eligible employees may be paid by the County with the balance being paid by the employee. The amount to be paid by the County is subject to change each fiscal year.

2.08.2 DEPENDENT COVERAGE:

Eligible employees may cover their qualified dependents by paying the full premium for the dependents.

Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

2.08.3 EXTENSION OF COVERAGE:

Employees who leave the employment of Brazos County may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Information on extension of benefits under COBRA is available in the Human Resource Department and may be obtained during the normal working hours for that office.

2.08.4 LIFE INSURANCE:

Employees may have a limited amount of life insurance on themselves as part of their group medical insurance coverage. Eligible employees may purchase additional life insurance by paying the additional premium. This additional premium shall be made through payroll deduction each pay period.

2.08.5 INFORMATION:

Details of coverage under the group medical insurance plan and group dental plan are available in the Human Resource Department, and may be obtained during the normal working hours for that office.

BRAZOS COUNTY

2.09 POLICY ON WORKERS' COMPENSATION

2.09.1 ELIGIBILITY:

All Brazos County employees are covered by workers' compensation insurance while on duty for Brazos County.

2.09.2 BENEFITS:

Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of his/her job.

Workers' compensation also pays a partial salary continuation benefit for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses. An employee who sustains an on-the-job and work-related injury may take sick leave or vacation for the first five (5) days away from work. Workers Compensation will then pay approximately seventy percent (70%) of the employees' wages. Any employee who chooses to take sick leave or vacation for the first five (5) days will not be allowed to "buy back" those five days. Deputies and detention officers who are injured in the course of their work will receive 100 percent salary continuation while incapacitated as guaranteed under the Texas State Constitution. Risk Management will notify Human Resources and the Payroll Department when an employee is to be off the job due to an on-the-job and work-related injury or illness.

Brazos County has an alternative duty program that allows an employee to work a job description prescribed by a treating Physician. This program allows the employee to remain on the regular payroll with benefits for a set period of rehabilitation. This program may be re-authorized by the employee's doctor, department head, and Risk Management every four weeks.

An employee who declines to accept a bonified offer of alternative duty will forfeit the Workers Compensation Loss Time Benefit. (See Return to Work Policy)

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2.09 POLICY ON WORKERS' COMPENSATION (continued)

2.09.3 MEDICAL ATTENTION:

An employee who sustains an on-the-job injury may seek medical attention from an authorized medical facility or professional only in accordance with the Texas Workers Compensation regulations. A list of physicians may be obtained from Risk Management or by visiting www.twcc.gov on the Internet. The County requires statements of the employee's medical condition and a release to return to work from the attending physician. An employee may be required to submit to an examination by an independent physician as determined by the Workers Compensation third party administrator.

2.09.4 REPORTING WHILE RECOVERING FROM INJURY:

An employee who is on leave due to an on-the job work-related injury must contact the appropriate supervisor and Risk Management at least once each workweek to report on his/her condition. Failure to provide the required medical reports or to contact the appropriate supervisor and Risk Management as required is grounds for disciplinary action upon returning to work for failure to follow policy.

2.09.5 ACCIDENT REPORTING:

Any employee who suffers a job-related illness or injury shall be required to notify his/her supervisor as soon as possible. The employee or his/her supervisor shall make a report by phone to the Workers Compensation Coordinator in the Risk Management Department within 24 hours of the injury. This means during the shift that the injury occurs and certainly no later than 24 hours after the accident occurs.

Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

2.09.6 PHYSICIAN'S RELEASE:

An employee who has lost time because of a work related accident or illness shall be required to provide a release from the attending physician before being allowed to return to work. When an employee has returned to work, Risk Management will notify the Human Resources Department and the Payroll Department that the employee has returned to work.

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2.09 POLICY ON WORKER'S COMPENSATION (continued)

2.09.7 CONTRIBUTORY FACTORS:

An employee's workers' compensation benefits shall be denied if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

2.09.8 COORDINATION WITH LEAVE POLICIES:

Brazos County counts an employee's leave due to a work-related injury or illness to the employee's 12 week leave entitlement under the Family Medical Leave Act. Because workers' compensation leave is designated as FMLA leave, benefits are governed by the applicable provisions of the FMLA policy contained herein.

2.09A POLICY ON RETURN-TO-WORK:

This policy covers employees who are on leave due to an occupational injury or illness. Because employees are our most valuable resource, Brazos County Risk Management attempts to help employees return to work as soon as possible after their physician certifies their fitness to do so.

2.09A.1 COORDINATION WITH ATTENDING PHYSICIAN:

An employee on leave due to a work-related disability can return to work only when Risk Management receives the attending physician's written medical release authorizing such return. Risk Management, in conjunction with the Elected Official or Department Head is responsible for providing the physician with a copy of the employee's job description, copies of job description for potential modified-duty assignments, and written information explaining Brazos County's return-to-work program.

2.09A.2 JOB DESCRIPTIONS:

Elected Officials and Department Heads are responsible for working with supervisors to ensure that job descriptions accurately and completely describe the essential functions of each position. Risk Management coordinates with treating physicians, supervisors and the injured employee to develop a modified-duty position that will allow the employee to continue to work while recovering to fill his/her regular job functions.

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2.09 POLICY ON WORKER'S COMPENSATION (continued)

2.09A POLICY ON RETURN TO WORK (continued)

2.09A.3 RETURN-TO-WORK OPTIONS:

Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician. The following options are explored:

2.09A.3 RETURN-TO-WORK OPTIONS (continued)

- a. Return to prior position. An employee is offered the opportunity to return to his/her prior position if the attending physician has certified that the employee can perform the essential functions of the job with or without reasonable accommodations. Risk Management is responsible for working with the employee's supervisor, the Elected Official, an attending physician and third-party consultants, as necessary to provide any reasonable accommodations.
- b. Modified duty. An employee who is not yet able to return to their former duties is offered (subject to the restrictions set out in Section 2.09A.3 of this policy) a temporary modified-duty assignment that has been approved by the employee's attending physician. The Risk Management office is responsible for working with the employee's supervisor, the Elected Officials, Department Heads and the attending physician to develop and implement the duty assignment. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternate position.

2.09.A.4 RESTRICTIONS ON MODIFIED DUTY ASSIGNMENTS:

The following restrictions apply to modified-duty assignments:

- a. No guarantee of work. As provided in Section 2.09A.3 (a) of this policy, Risk Management must endeavor to return employees to gainful employment as soon as possible by exploring modified-duty assignments. However, Risk Management does not guarantee the availability of modified-duty work.
- b. Pay rates and workers' compensation benefits. Employees on light duty are not guaranteed the rate of pay they receive for the position they held at the time they sustained their work-related injury or illness. Employees may receive temporary income benefits from workers' compensation to supplement this income to a pre-injury level. (Exceptions: Commissioned law enforcement officers are guaranteed 100 % of their salary by the State Constitution while incapacitated under workers' compensation standards whether on modified-duty assignment or

BRAZOS COUNTY

2.09 POLICY ON WORKER'S COMPENSATION (continued)

2.09A POLICY ON RETURN TO WORK (continued)

not.) The pay rate for modified-duty assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work in light-duty positions before they have received the maximum medical improvement are eligible for temporary partial disability benefits under Texas' Workers' Compensation Program if they earn less than they earned in the position held at the time they sustained the work-related accident or illness.

2.09.A.4 RESTRICTIONS ON MODIFIED DUTY ASSIGNMENTS (continued)

Employees in modified-duty positions are not permitted to supplement their workers' compensation benefits by using their accrued vacation, personal, or medical sick leave.

- c. Twelve (12) week limit. Modified-duty assignments are temporary arrangements intended to complement and facilitate the healing process. Modified-duty assignments are reviewed after each physician's visit. Modified-duty assignments cannot exceed 12 weeks without approval from the Elected Official or Department Head in charge of that position.

2.09.A.5 EMPLOYEE REFUSAL OF WORK/TRAINING:

In the event that an employee refuses to return to regular or modified duties in response to a written, bona fide offer of employment by Brazos County sent via certified mail, the employee is separated from Brazos County and his/her position will be filled permanently. (NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave entitlement. See section 9)

2.09.A.5 EMPLOYEE REFUSAL OF WORK/TRAINING: (continued)

A written offer of employment must clearly state:

- a. The position offered and the duties of the position;
- b. Risk Management's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
- c. The job's wage, working hours and location.

2.09.A.6 PERMANENT DISABILITIES:

When reaching a maximum medical improvement, an employee can have a permanent disability that impairs the employee's ability, with or without reasonable

BRAZOS COUNTY

2.09 POLICY ON WORKER'S COMPENSATION (continued)

2.09.A.6 PERMANENT DISABILITIES (continued)

accommodations, to return to his or her regular position. Risk Management, in consultation with the employee's attending physician and the Workers' Compensation Carrier, must evaluate the following options:

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

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

2.09.A.7 MEDICAL INFORMATION:

All employee medical information is held in strict confidence in accordance with the Americans with Disabilities Act. Medical inquiries are limited to those permitted under the Texas's Workers' Compensation statute and applicable federal law.

2.09.A.8 COORDINATION WITH FMLA:

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

It is Brazos County's policy to designate an employee's leave due to work-related injury or illness as FMLA leave. To the extent permitted by the FMLA, Brazos County counts the period of an employee's modified-duty assignment toward the employee's FMLA entitlement.

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

Until employees have exhausted their 12-week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided that they are able to perform the job's essential functions.

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2.10 POLICY ON RETIREMENT

2.10.1 ELIGIBILITY:

Brazos County is a member of the Texas County and District Retirement System. Membership in the retirement system is mandatory for all regular full-time and part-time employees. Temporary employees are not eligible to participate in the Retirement Program.

2.10.2 CONTRIBUTIONS:

Eligible employees shall make contributions to the retirement program through a system of payroll deduction.

2.10.3 INFORMATION:

Information on the retirement program may be obtained at the Human Resource Department during the normal working hours for that office.

2.10.4 INSURANCE COVERAGE FOR RETIREES:

- (a) Retiree Insurance Coverage for employees hired prior to August 30, 2011 with eight (8) or more years of cumulative service with Brazos County at retirement

All full-time employees who were hired prior to August 30, 2011 and who retire from Brazos County are eligible to retain the same medical and dental insurance coverage, on a contributory basis, that the Retiree, as defined below, had immediately prior to his or her retirement date, subject to the requirements stated herein. In order to retain said medical and dental insurance on a contributory basis, Retirees must have eight (8) or more years of cumulative service with Brazos County, which must have begun prior to August 30, 2011. Retirees must pay to Brazos County, or a designee of Brazos County, on a monthly basis, an amount equivalent to that which current employees pay for medical and dental insurance ("Retiree Contribution"). The Retiree Contribution may be adjusted from time to time to account for any changes in insurance policy premiums, but shall remain consistent with the contribution of all current employees enrolled in equivalent medical and dental insurance plans. Brazos County will contribute an amount that is equivalent to that which Brazos County pays for medical and dental insurance for current employees ("County Contribution"). For this Section 2.10.4, a

2.10 POLICY ON RETIREMENT (continued)

2.10.4 INSURANCE COVERAGE FOR RETIREES (continued)

BRAZOS COUNTY

retiree is defined as a full time active Brazos County employee who retires (begin to collect benefits) and meets the criteria set by Brazos County and Texas County and District Retirement System for retirement (“Retiree”). All Retiree medical and dental insurance is subject to approval and funding by the Brazos County Commissioner’s Court.

- (b) Retiree Insurance Coverage for employees hired prior to August 30, 2011 with less than eight (8) years of cumulative service with Brazos County at retirement

All full time employees who were hired prior to August 30, 2011 and who retire with less than eight (8) years of cumulative service with Brazos County will be eligible to receive the same medical and dental insurance coverage said Retiree had immediately prior to his or her retirement date, but the Retiree shall pay the entire premium for said medical and dental insurance coverage in full, and there shall be no contribution made by Brazos County. The Retiree’s required medical and dental insurance premium payment will be based on actual plan cost at the time of retirement and shall be adjusted from time to time based on actual plan cost as determined by the Brazos County Commissioner’s Court. All payments for medical and dental insurance by Retirees will be paid to Brazos County, or a designee of Brazos County. All Retiree medical and dental insurance is subject to approval and funding by the Brazos County Commissioner’s Court.

- (c) Retiree Insurance Coverage for employees hired on or after August 30, 2011

All full time employees who are hired on or after August 30, 2011 and who retire from Brazos County will be eligible to receive the same medical and dental insurance coverage said Retiree had immediately prior to his or her retirement date, but the Retiree shall pay the entire premium for said medical and dental insurance coverage in full, and there shall be no contribution made by Brazos County. The Retiree’s required medical and dental insurance premium payment will be based on actual plan cost at the time of retirement and shall be adjusted from time to time based on actual plan cost as determined by the Brazos County Commissioner’s Court. All payments for medical and dental insurance by Retirees will be paid to Brazos County, or a designee of Brazos County. All Retiree medical and dental insurance is subject to approval and funding by the Brazos County Commissioner’s Court.

2.10 POLICY ON RETIREMENT (continued)

2.10.4 INSURANCE COVERAGE FOR RETIREES (continued)

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- (d) For purposes of Section 2.10.4, Insurance Coverage for Retirees, if an employee leaves employment with Brazos County after August 30, 2011 and returns at a later date, he or she will be treated as a new hire and will not be eligible to receive the County Contribution towards his or her medical or dental insurance at the time of retirement.
- (e) In the event medical insurance coverage and/or dental insurance coverage is discontinued or declined on a Retiree, and/or Retiree's spouse or dependent, the Retiree, Retiree's spouse or dependent is prohibited from adding medical insurance coverage and/or dental insurance coverage at a subsequent date. This prohibition is required by the Texas Local Government Code, Sec. 175.002(c).
- (f) **Grace Period for Retiree Insurance Payments**
Premiums will still be considered timely if received within 30 days after the due date. Coverage may be cancelled after three (3) months of non-payment of premiums.
- (g) Changes made to Section 2.10.4, Insurance Coverage for Retirees are not retroactive.

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2.11 POLICY ON SOCIAL SECURITY

2.11.1 SOCIAL SECURITY:

All Brazos County employees shall participate in the Federal Social Security program which provides certain retirement, disability, and other benefits.

2.11.2 CONTRIBUTIONS:

Contributions to this program shall be made by deductions from each employee's paycheck in accordance with the requirements of this program.

The County shall contribute an amount equal to the employee's contribution in accordance with the requirements of this program.

BRAZOS COUNTY

2.12 POLICY ON FAMILY AND MEDICAL LEAVE

2.12.1 ELIGIBILITY:

To be eligible for benefits under this policy, an employee must:

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

2.12.2 QUALIFYING EVENTS:

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

- a. for the birth and care of the newborn child of the employee;
- b. for the placement with the employee of a son or daughter for adoption or foster care;
- c. to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- d. to take medical leave when the employee is unable to work because of a serious health condition.

2.12.3 SERIOUS HEALTH CONDITION:

FMLA defines “serous health condition” as defined by 29 CFR, 825.114 Sec. 101 of the Act means an illness, injury, impairment, or physical or mental condition that makes an employee unable to perform the essential functions of his/her job or continuing treatment by a health care provider.

Serious health condition of a spouse, child, or parent shall be defined the same as for an employee.

BRAZOS COUNTY

2.12 POLICY ON FAMILY AND MEDICAL LEAVE (continued)

2.12.4 LEAVE AMOUNT:

Leave up to 12 weeks per rolling 12 month period may be used under this policy.

The County will measure the 12 month period as a rolling 12 month period measured back from the date an employee uses any leave under this policy.

All leave taken under this policy during the prior 12-month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.

If a husband and wife both work for the County, the maximum combined leave they shall be allowed to take in any 12-month period for the birth or placement of a child is 12 weeks.

2.12.5 PAID AND UNPAID LEAVE:

If an employee has accrued leave, the employee shall be required to use the FMLA leave time concurrent with paid leave and while on Workers Compensation.

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, compensatory time and any other paid leave, with the rest of the 12 week leave period being without pay.

An employee taking leave for the birth of a child shall be required to take paid sick leave, and/or other paid leave for the recovery period, after the birth of the child prior to going on leave without pay.

After the recovery period from giving birth to a child, the employee shall be required to use vacation and other available paid leave, 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 HAS ACCRUED COMPENSATORY TIME WILL BE REQUIRED TO TAKE THAT COMPENSATORY TIME PRIOR TO TAKING ANY VACATION LEAVE.

BRAZOS COUNTY

2.12 POLICY ON FAMILY AND MEDICAL LEAVE (continued)

2.12.5 PAID AND UNPAID LEAVE (continued)

The maximum amount of paid and unpaid leave that may be used under this policy in any 12-month period is 12 weeks.

While on leave under this policy, an employee will continue to accrue vacation and sick leave in the same manner as if they were actively at work until they have exhausted the hours earned at the date the FMLA begins. Employees who are on leave under the FMLA and are unpaid will not be allowed to accrue vacation and sick leave.

2.12.6 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 their proportionate share of the premium.

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 under this policy shall be made through regular payroll deduction while the employee is on leave with pay.

While on leave without pay **under this policy**, the employee shall be required to pay for premiums due to the County under this policy no later than 30 days after the due date which the County sets or the coverage shall be discontinued.

2.12.7 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 12 week leave eligibility.

BRAZOS COUNTY

2.12 POLICY ON FAMILY AND MEDICAL LEAVE (continued)

2.12.8 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 employee should respond to the request for the Physician's Statement within 15 days of the request or provide a reasonable explanation for the delay.

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

- 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.

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.

BRAZOS COUNTY

2.12 POLICY ON FAMILY AND MEDICAL LEAVE (continued)

2.12.8 PHYSICIAN'S STATEMENT: (continued)

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.

2.12.9 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.

2.12.10 REINSTATEMENT:

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

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

The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave.

BRAZOS COUNTY

2.12 POLICY ON FAMILY AND MEDICAL LEAVE (continued)

2.12.11 REPAYMENT 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 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.

2.12.12 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.

2.12.13 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.

BRAZOS COUNTY

2.13 NEUTRAL ABSENCE POLICY

2.13.1 ELIGIBILITY:

All Brazos County employees are covered by this Policy, subject to any applicable legal restrictions such as military leave taken under USERRA.

2.13.2 PURPOSE:

The purpose of this policy is to allow the County to replace employees who are unable to come to work so that the County is able to continue the work of the County without undue hardship to individual departments, the County and the citizens we serve.

2.13.3 REASONS:

This policy will be applied for all leave including, but not limited to, personal leave of absence, work related injury, employee's own illness, employee's absence due to family illness, or any other reason that keeps the employee from returning to work for six consecutive months. Leave taken under the Family Medical Leave Act is not counted in the six (6) consecutive month period.

2.13.4 INSURANCE:

Employees on unpaid leave scheduled to extend beyond the calendar month in which leave begins will be eligible to continue coverage in the county's group insurance plan at their own expense through their rights under COBRA. Employees on leave under FMLA will have their insurance continued by the county under the conditions set forth in FMLA.

2.13.5 TERMINATION:

If an employee is unable to return to work after six months from the last full day the employee was at work, or compensated for (whichever occurs later), the employee will be terminated. (Exception: Military leave under USERRA guidelines or any other applicable federal restrictions).

This would only occur after the employee has exhausted all paid leave (sick, vacation) accumulated and all comp-time that the employee may have accumulated.

BRAZOS COUNTY

2.14 POLICY ON SERVICE AWARDS

Brazos County (“County”) recognizes the importance of the contributions of loyal and committed staff to the continuing success of the County. In appreciation of this dedicated service, Brazos County recognizes employees as they reach annual milestone anniversaries of employment.

2.14.1 ELIGIBILITY:

Full-time and part-time active employees become eligible for a service award when they meet their anniversary date. The awards that are available for employees to choose from vary based upon years of service.

2.14.2 Procedure

Human Resources will send out notification to the employee the month following their anniversary date. The employee will have 90 days to come by Human Resources to pick out their service award from an array of awards.

BRAZOS COUNTY

3.01 POLICY ON ATTENDANCE AND TIMELINESS

3.01.1 ATTENDANCE:

Each employee shall report to work on each day he/she is scheduled to work 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.

3.01.2 TARDINESS:

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

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

3.01.3 NOTIFICATION:

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

3.01.4 EXCUSED AND UNEXCUSED:

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

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

3.01.5 ABANDONMENT OF POSITION:

An employee who does not report for work for three consecutive scheduled workdays, and who fails to notify his/her supervisor, shall be considered to have resigned his/her position by abandonment.

BRAZOS COUNTY

3.01 POLICY ON ATTENDANCE AND TIMELINESS (continued)

3.01.6 UPDATING PERSONNEL RECORDS:

Employees are responsible for informing the Human Resource Department of any changes in personal status such as name, address, marital status, dependent(s) age, payroll deductions, insurance, etc. Brazos County is not responsible for any loss of benefits caused by an employee's failure to report such changes.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY

3.02.1 GENERAL POLICY:

Brazos County attempts to provide each employee with adequate tools, equipment and vehicles for the county job being performed.

3.02.2 RESPONSIBILITY:

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

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

3.02.3 PERSONAL USE:

Personal use of county vehicles, equipment, supplies, tools, and any other county property shall not be permitted unless specifically authorized by a departmental policy.

3.02.4 LICENSES:

A county employee who operates any county equipment or vehicle which requires a license shall be required to have a current active license for that vehicle or equipment and be on the authorized drivers list any time he/she operates it.

Any employee who operates a vehicle or equipment which requires a license for legal operation shall notify his/her supervisor of any change in the status of that license. Copies of these changes must be given to Risk Manager.

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

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

An employee who operates a county owned vehicle should familiarize themselves with the policies approved for that department.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.5 ACCIDENTS:

Any employee involved in an accident while operating county equipment or vehicles shall immediately report the accident to his/her supervisor and to the proper law enforcement or other authority immediately. The employee's supervisor shall report the accident to the Risk Management Department immediately.

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

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.1 ACCEPTABLE USE POLICY

a. INTRODUCTION:

Information Resources (IRs) are strategic assets of Brazos County that must be managed as a valuable resource. Misuse of Information Resources owned, managed, and/or operated by Brazos County exposes Brazos County, its department heads and its employees to civil, criminal, and attitudinal sanctions and penalties and must be avoided. The co-operation of authorized users is essential for effective security and this policy is consistent with ISO 17799 Sections 5.2, 7.1, 7.3, and 9.3.

b. PURPOSE:

The *Brazos County Acceptable Use Policy* is established to achieve the following:

To ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources.

To establish prudent and acceptable practices regarding the use of information resources.

To educate individuals who may use information resources with respect to their responsibilities associated with such use.

c. AUDIENCE:

The *Acceptable Use Policy* applies equally to all individuals granted access privileges to any Brazos County Information Resource.

d. DEFINITIONS:

See the *Brazos County Security Policies Standard Definitions* for definitions of terms used in this policy. This document is located at: <http://bcweb/docs/securitydefs>

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.1 ACCEPTABLE USE POLICY (continued)

e. POLICY DEPENDENCIES:

This policy references other policies listed below:

Email Policy

Internet Policy

Portable Computing Policy

f. ACCEPTABLE USE POLICY:

Ownership of Electronic Files and Documents

Electronic files created, sent, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of Brazos County's elected officials are treated as the property of Brazos County.

All messages, files and documents – including personal messages, files and documents – located on Brazos County's Information Resources are owned by Brazos County, any portion of which may be subject to Copyright laws, records retention rules, the Texas Public Information Act, Rule 12 of the Texas Rules of Judicial Conduct or other regulatory legislation such as the Health Insurance Portability and Accountability Act, the Gramm-Leach-Bliley Act, the Federal Information Security Management Act, or the Sarbanes-Oxley Act.

Privacy

Electronic files created, sent, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of Brazos County Commissioners Court are not private, and may be accessed in accordance with this policy and the governance structures referenced above.

Restrictions

No user is authorized to bring personally owned computer hardware or software onto the work site without first notifying the Information Technology Department (IT).

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.1 ACCEPTABLE USE POLICY (continued)

No user is authorized to install any software on any IR owned by Brazos County without the permission of the Information Security Officer (ISO) in the IT Department. All installations of software will be performed by or monitored by IT. Exceptions to this policy in which unmonitored installations of software are expedient and prudent, shall be documented as part of each information security audit undertaken by Brazos County. Known exceptions include, but are not necessarily limited to, declared states of emergency and other emergency management and law enforcement situations.

Users must not use non-standard shareware or freeware software without IT management approval obtained in advance unless it is on the Brazos County's standard software list.

No user is authorized to physically move IRs from the work place without first notifying the department manager and IT. Workplace shall be defined to include county-owned vehicles, polling places, and offsite locations such as hotels and convention centers while attending conferences, seminars and training. Exceptions to this policy in which movement of IRs from the work place are expedient and prudent, shall be documented as part of each information security audit undertaken by Brazos County. Known exceptions include, but are not necessarily limited to, declared states of emergency and other emergency management and law enforcement situations.

No user is authorized to change the configuration settings on any IR. Requests for configuration changes must be directed to and performed by IT.

No user is authorized to make copies of software packages licensed to Brazos County. Brazos County in many cases has only purchased the right to use the software, and has not purchased the right to reproduce the software.

Users must not make unauthorized copies of copyrighted software. IT will make the determination whether to make copies of software for backup purposes, as

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.1 ACCEPTABLE USE POLICY (continued)

provided for in the software license agreement. The original copies of software will be stored in a fireproof vault in the Information Technology Department. Exceptions to this policy may be required by Homeland Security or law enforcement grants, shall be documented as part of each information security audit undertaken by Brazos County.

No user is authorized to purchase any IR for Brazos County before consulting with IT. This is to ensure compatibility with existing IRs. At the request of the department head, IT will assist in evaluating and purchasing IRs. For capital project expenditures, department heads will require a written evaluation from IT and this will be presented to Commissioner's Court with their request.

No user is authorized to enter into any type of licensing or maintenance agreement pertaining to IRs owned by Brazos County, without the approval of the ISO and Brazos County Commissioners Court.

Users must not attempt to access any data or programs contained on Brazos County's systems for which they do not have authorization or explicit consent.

Users must not divulge dialup or dial back modem phone numbers to anyone.

Users must not share their Brazos County account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smart cards), or similar information or devices used for identification and authorization purposes.

Users must not purposely engage in activity that may: harass, threaten or abuse others; degrade the performance of IRs; deprive an authorized user access to an IR; obtain extra resources beyond those allocated; circumvent Brazos County's computer security measures.

Users must not download, install or run security programs or utilities that reveal or exploit weaknesses in the security of a system. For example, users must not run password cracking programs, packet sniffers, port scanners or any other non-approved programs on Brazos County Information Resources.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.1 ACCEPTABLE USE POLICY (continued)

Users must not intentionally access, create, store or transmit material that Brazos County may deem to be offensive, indecent or obscene. Exceptions to this policy include criminal investigation, prosecution, or defense where this aspect of routine business has the explicit approval of the Brazos County Commissioners Court, Judges and Prosecutors; and may include Homeland security and other law enforcement situations.

Users must not otherwise engage in acts against the aims and purposes of Brazos County as specified in its governing documents or in rules, regulations and procedures adopted from time to time.

Computers and their associated software packages that are located in the work place are considered the property of Brazos County and are to be used only by employees of Brazos County. This equipment is not to be used or altered by relatives or friends. Exceptions to this policy in which non-Brazos County Employees will use county-owned computers and software, shall be documented as part of each information security audit undertaken by Brazos County. Known exceptions include, elections, declared states of emergency and other emergency management and law enforcement situations.

Except as permitted under Incidental Use in this policy, private or personal use of IRs owned by Brazos County is not allowed. IRs owned by Brazos County may not be used for personal benefit.

Requirements

All users must adhere to and abide by the *Brazos County Internet Policy*.

All users of portable computing devices must adhere to and abide by the *Brazos County Portable Computing Policy*.

Each user will be held individually responsible for all activity that occurs within the Brazos County Network as a result of use of the user's account and password, provided that the password was obtained and used with the individual's knowledge.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.1 ACCEPTABLE USE POLICY (continued)

Users should not leave an active screen unsupervised. If a user is leaving their workstation unattended for a brief period (fewer than 10 minutes) the monitor should be darkened. If the workstation is to be left unattended for more than 10 minutes the user should log out to reduce the risk of unauthorized access.

All users should log out at the end of the workday.

When practical, users should position monitors so that screens are not easily visible to visitors or passersby, thereby limiting access to confidential or identifying information.

Misuse of IRs owned by Brazos County must be reported to the ISO.

Suspicion or confirmation of unauthorized access or attempts at unauthorized access to Brazos County IRs must be reported to the ISO immediately.

Any malfunction with IRs owned by Brazos County is to be brought to the attention of IT so that proper maintenance action can be taken.

Users must report any weaknesses in Brazos County's computer security, or any incidents of possible misuse or violation of this or other Security Policies to the ISO.

On termination of the relationship with Brazos County, users must surrender all IRs owned, maintained or managed by Brazos County.

Incidental Use

As a convenience to Brazos County employees, incidental use of Information Resources is permitted. The following restrictions apply:

Incidental personal use of electronic mail, internet access, fax machines, printers, copiers, and so on, is restricted to Brazos County approved users; it does not extend to family members or other acquaintances. Incidental use must not result in direct costs to Brazos County.

Incidental use must not interfere with the normal performance of an employee's work duties.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.1 ACCEPTABLE USE POLICY (continued)

No files or documents may be sent or stored that may cause legal action against, or embarrassment to Brazos County.

Storage of personal email messages, voice messages, files and documents within Brazos County's Information Resources must be nominal.

Incidental use of Brazos County information resources must adhere to the following applicable Brazos County policies:

- *Email Policy*
 - *Internet Policy*
 - *Portable Computing Policy*
- Home Use*

Many users have purchased personal Information Resources to be used in their home to support their work at Brazos County. Brazos County is appreciative of this and wishes to encourage it. In some cases, Brazos County will supply the Application Software. Brazos County requires that proper Antivirus and Antispyware software be installed on these personally owned computers. Brazos County will provide the user with the Antivirus and Antispyware software, documentation for its use, and installation instructions.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.2 EMAIL POLICY

a. INTRODUCTION:

This policy is established to achieve the following:

To ensure compliance with applicable statutes, regulations, and mandates regarding the management of Information Resources.

To establish prudent and acceptable practices regarding the use of email.

To educate individuals using email with respect to their responsibilities associated with such use.

Protecting exchanges of information between Brazos County and other entities to prevent loss or misuse of information and to ensure compliance with applicable legislation is consistent with ISO 17799 Section 8.7.

b. PURPOSE:

The purpose of the *Brazos County Email Policy* is to establish the rules for the use of Brazos County email for the sending, receiving, or storing of electronic mail.

c. AUDIENCE:

The *Email Policy* applies equally to all individuals granted access privileges to any Brazos County information resource with the capacity to send, receive, or store electronic mail.

d. DEFINITIONS:

See the *Brazos County Security Policies Standard Definitions* for definitions of terms used in this policy.

e. POLICY DEPENDENCIES:

This policy references other policies listed below:

Acceptable Use Policy

Data Backup Policy

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.2 EMAIL POLICY (continued)

f. EMAIL POLICY:

All sensitive material transmitted out of the Brazos County Network external network must be encrypted.

All user activity on Brazos County information resources is subject to logging and review.

All emails sent or received by users on the Brazos County's Electronic Mail System is subject to backup and offsite storage.

Electronic mail users must not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of Brazos County or any department of Brazos County unless appropriately authorized (explicitly or implicitly) to do so. Where appropriate, an explicit disclaimer will be included unless it is clear from the context that the author is not representing Brazos County. An example of a simple disclaimer is: "the opinions expressed are my own, and not necessarily those of Brazos County."

Individuals must not send, forward or receive confidential non-public personal customer information or sensitive information (social security numbers, bank account and routing numbers, etc.) through non-Brazos County email accounts. Examples of non-Brazos County email accounts include, but are not limited to, Hotmail, Yahoo mail, AOL mail, and email provided by other Internet Service Providers (ISP).

Acceptable Use

All users of Brazos County's Electronic Mail System must adhere to the *Brazos County Acceptable Use Policy*.

Unacceptable Use

The following activities on Brazos County's Electronic Mail System are prohibited by policy:

- Sending email that is intimidating or harassing.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.2 EMAIL POLICY (continued)

- Using email for conducting personal, for-profit business.
- Using email for purposes of political campaigning.
- Violating copyright laws by inappropriately distributing protected works.
- Posing as anyone other than oneself when sending email, except when authorized to send messages for another when serving in an administrative support role.
- The use of unauthorized e-mail software

The following activities on Brazos County's Electronic Mail System are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:

- Sending or forwarding chain letters.
- Sending unsolicited messages to large groups except as required when conducting Brazos County business.
- Sending excessively large messages that are unrelated to county business.
- Sending or forwarding email that is likely to contain computer viruses.

Incidental Use

As a convenience to Brazos County employees, incidental use of Brazos County's Electronic Mail System is permitted. The following restrictions apply:

Incidental personal use of email is restricted to Brazos County approved users; it does not extend to family members or other acquaintances.

Incidental use must not result in direct costs to Brazos County.

Incidental use must not interfere with the normal performance of an employee's work duties.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.3 INTERNET POLICY

a. INTRODUCTION:

The Internet provides Brazos County with significant access to and capability for dissemination of information to organizations and individuals outside of Brazos County. Misuse of the Internet exposes Brazos County, its department heads and its employees to civil, criminal, and attitudinal sanctions and penalties and must be avoided. The co-operation of authorized users is essential for effective security and this policy is consistent with ISO 17799 Sections 5.2, 8.3, 9.3, and 12.1.

b. PURPOSE:

The *Brazos County Internet Policy* is established to achieve the following:

To ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources.

To establish prudent and acceptable practices regarding the use of the Internet.

To educate individuals who may use the Internet, the intranet, or both with respect to their responsibilities associated with such use.

c. AUDIENCE:

The *Internet Policy* applies equally to all individuals granted access privileges to any Brazos County Information Resource.

d. DEFINITIONS:

The *Acceptable Use Policy* applies equally to all individuals granted access privileges to any Brazos County Information Resource.

e. POLICY DEPENDENCIES:

This policy references other policies listed below:

Acceptable Use Policy

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.3 INTERNET POLICY (continued)

f. INTERNET POLICY:

All users of Brazos County Information Resources who access the Internet must adhere to and abide by the *Brazos County Acceptable Use Policy*.

Software for browsing the Internet will be provided to authorized users for business and research use only.

All software used to access the Internet must be part of the Brazos County standard software suite or approved by the Information Security Officer (ISO) in the IT Dept. This software must incorporate all vendors' provided security patches.

All software used to access the Internet shall be configured to use the firewall http proxy.

All sites accessed must comply with the *Brazos County Acceptable Use Policy*.

System logs must be automatically maintained by the Information Technology Department for all Internet access activity.

All user activity on Brazos County Information Resources is subject to logging and review.

No unlawful, abusive, offensive, harassing or otherwise objectionable material may be made available via Brazos County web sites.

No unlawful, abusive, offensive, harassing or otherwise objectionable material may be transmitted across the Internet in either public or private messages.

No personal commercial advertising may be made available via Brazos County web sites.

Internet access using Brazos County Information Resources may not be used for personal gain or non-Brazos County personal solicitations.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.3 INTERNET POLICY (continued)

No Brazos County data will be made available via Brazos County web sites without ensuring that the material is available to only authorized individuals or groups.

All sensitive Brazos County material transmitted over external networks must be encrypted.

Electronic files are subject to the same records retention rules that apply to other documents and must be retained in accordance with departmental records retention schedules.

The use of the Internet is a privilege, not a right, which may be revoked by the user's department head or elected county official at any time for unacceptable use.

Acceptable Use

Communication with professional associations, governments, universities, businesses and/or individuals directly associated with the facilitation of county business as authorized by the department head or elected official.

Distribution of information to the general public whereby distribution is made in compliance with the Brazos County records retention rules, the Texas Public Information Act, Rule 12 of the Texas Rules of Judicial Conduct and/or other applicable regulatory legislation such as the Health Insurance Portability and Accountability Act, the Gramm-Leach-Bliley Act, the Federal Information Security Management Act, or the Sarbanes-Oxley Act.

Incidental communication among Brazos County authorized users and professional colleagues that facilitates work assignments and professional development or debate in a work related field of knowledge.

Unacceptable Use

Personal use not related to the conduct of work on behalf of Brazos County or other organizations as set forth in agreements and contracts with Brazos County.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.3 INTERNET POLICY (continued)

To gain unlawful access to information or computer and communication resources.

Intentional introduction of, or experimentation with, malicious code as computer worms or viruses.

Illegal, fraudulent, or malicious activity; political activity; religious promotion; or activity on behalf of organizations or individuals having no affiliation with Brazos County.

Transmission of material in violation of applicable copyright laws or patents.

The intentional sending of messages that are likely to result in the loss of recipient's work or system and any other message that otherwise interferes with the work of others.

Generation, storage, transmission or other use of data or other matter that is abusive, profane, or offensive to a reasonable person.

Incidental Use

As a convenience to Brazos County employees, incidental use of Internet access is permitted. The following restrictions apply:

Incidental personal use of Internet access is restricted to Brazos County approved users; it does not extend to family members or other acquaintances.

Incidental use must not result in direct costs to Brazos County.

Incidental use must not interfere with the normal performance of an employee's work duties.

No files or documents may be sent or stored that may cause legal liability for, or embarrassment to Brazos County.

Storage of personal files and documents within Brazos County's Information Resources should be nominal.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.4 PORTABLE COMPUTING POLICY

a. INTRODUCTION:

Portable computing devices are becoming increasingly powerful and affordable. Their small size and functionality are making these devices ever more desirable to replace traditional desktop devices in a wide number of applications. However, the portability offered by these devices may increase the security exposure of groups using the devices. Protecting the information resources accessed remotely using mobile computing and teleworking technology is consistent with ISO 17799 Section 9.8.

b. PURPOSE:

The purpose of the *Brazos County Portable Computing Policy* is to establish the rules for the use of mobile computing devices and their connection to the Brazos County Network. These rules are necessary to preserve the integrity, availability, and confidentiality of Brazos County information resources.

c. AUDIENCE:

The *Portable Computing Policy* applies equally to all individuals that utilize Portable Computing devices and access Brazos County Information Resources.

d. DEFINITIONS:

See the *Brazos County Security Policies Standard Definitions* for definitions of terms used in this policy. This document is located at: <http://bcweb/docs/securitydefs>

f. POLICY DEPENDENCIES:

This policy references other policies listed below:

Acceptable Use Policy

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

g. PORTABLE COMPUTING POLICY:

Acceptable use of Brazos County-owned portable computing devices is governed by the *Brazos County Acceptable Use Policy*.

Only Brazos County approved portable computing devices may be used to access Brazos County Information Resources.

Portable computing devices must be password protected.

Brazos County data should not be stored on portable computing devices. However, in the event that there is no alternative to local storage, all sensitive Brazos County data must be encrypted using approved encryption techniques.

Brazos County data must not be transmitted via wireless to or from a portable computing device unless approved wireless transmission protocols along with approved encryption techniques are utilized.

All remote access (dial in services) to the Brazos County Network must be either through an approved modem pool or via an Internet Service Provider (ISP).

Non-Brazos County computer systems that require network connectivity must conform to Information Technology standards and must be approved in writing by the Information Security Officer in the IT Department.

Non-Brazos County computer systems requiring connections to the Brazos County Network under contractual agreements signed prior to the adoption of this policy should be reviewed by Information Technology to ensure conformance to Information Technology standards.

Unattended portable computing devices must be physically secure. This means they must be locked in an office, locked in a desk drawer or filing cabinet, or attached to a desk or cabinet via a cable lock system.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

Brazos County-owned portable computing devices must not be used to connect to the Online Library Wireless Network without prior written approval by the Information Security Officer in the IT Department.

Portable computing devices that require access to Brazos County's network must connect using their Ethernet network interface card physically cabled to Brazos County's Ethernet network only, when in Brazos County.

Configuration of equipment for the purpose of dual homing on Brazos County's internal Ethernet network and any wireless network is not permitted at any time.

Exceptions to this policy in which connections of Brazos County-owned portable computing devices to Brazos County-owned wireless networks are expedient and prudent, shall be documented as part of each information security audit undertaken by Brazos County. Known exceptions include, but are not necessarily limited to, transmission of digital video from patrol cars, declared states of emergency and other emergency management and law enforcement situations.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.5 WIRELESS COMMUNICATION POLICY

a. INTRODUCTION:

Wireless networking has great potential for improving access to information and services. For this reason, its use is spreading rapidly. Unfortunately, implementations that are done incorrectly pose security risks. This policy addresses the correct configuration required to reduce those risks. Protecting the information resources accessed remotely using mobile computing and teleworking technology is consistent with ISO 17799 Section 9.8.

b. PURPOSE:

The *Brazos County Wireless Communication Policy* prohibits access to Brazos County's Network via unsecured wireless communication mechanisms. Only wireless systems that meet the criteria of this policy or have been granted an exclusive waiver by the Information Security Officer are approved for connectivity to Brazos County's Network.

c. AUDIENCE:

The *Wireless Communication Policy* covers all wireless data communication devices (e.g., personal computers, cellular phones, PDAs, etc.) connected to any of Brazos County's Network. This includes any form of wireless communication device capable of transmitting packet data. Wireless devices and/or networks without any connectivity to Brazos County's Network do not fall under the purview of this policy.

d. DEFINITIONS:

See the *Brazos County Security Policies Standard Definitions* for definitions of terms used in this policy. This document is located at: <http://bcweb/docs/securitydefs>

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.5 WIRELESS COMMUNICATION POLICY (continued)

e. POLICY DEPENDENCIES:

This policy references other policies listed below:

None.

f. PORTABLE COMPUTING POLICY:

Access Points and Cards

All Wireless Access Points and Base Stations connected to Brazos County's Network must be registered and approved by the Information Security Officer in the IT Department.

All Wireless Access Points and Base Stations connected to Brazos County's Network are subject to periodic penetration tests and audits.

All wireless Network Interface Cards (i.e., PC cards) used in Brazos County laptop or desktop computers must be registered with the Information Security Officer in the IT Department.

Users must not extend or re-transmit network services in any way. Users must not install a router, switch, hub, or wireless access point to the Brazos County Network without approval of the Information Security Officer in the IT Department.

Users must not install network hardware or software that provides network services without approval of the Information Security Officer in the IT Department .

Users are not permitted to alter network hardware in any way.

Approved Technology

All wireless LAN access must use IT-approved vendor products and security configurations.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY (continued)

3.02.6 POLICY ON USE AND SECURITY OF THE COMPUTER SYSTEMS

3.02.6.5 WIRELESS COMMUNICATION POLICY (continued)

VPN Encryption and Authentication

All computers with wireless LAN devices must utilize an IT-approved Virtual Private Network (VPN) configured to drop all unauthenticated and unencrypted traffic. To comply with this policy, wireless implementations must maintain point-to-point hardware encryption of at least 128 bits. All implementations must support a Media Access Control (MAC) address that can be registered and tracked.

Setting the SSID

The SSID shall be configured so that it does not contain any identifying information about the organization, such as the County name, division title, employee name, or product identifier.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY(continued)

3.02.7 POLICY ON USE OF CELLULAR TELEPHONES AND PAGERS

3.02.7.1 PURPOSE:

The purpose of this policy is to provide guidelines for the assignment, use and control of cellular telephones and/or pagers to ensure such equipment is used in the most efficient and ethical manner. The acquisition and use of cellular telephones and/or pagers by county departments and employees shall be in accordance with Penal Code 39.02(2).

3.02.7.2 ELIGIBILITY AND ACQUISITION:

The assignment of a cellular telephone and/or pager shall be based on the employee's need for immediate communication as deemed necessary by the Elected Official or Department Head. The assignment of cellular telephones and/or pagers should be considered a benefit to county employees, but a necessary tool. The Elected Official or Department Head should not assign cellular telephones and/or pagers when a less costly alternative is safe and effective (i.e. two way radio, landline telephone, etc.).

As an alternative to county owned cellular telephones, the Elected Official or Department Head, may choose to give an allowance to an employee who needs a cellular telephone, but would not be able to use it for county purposes only. The decision will be at the discretion of the Elected Official or Department Head. In this instance, the employee would be compensated with an allowance that is the same as the standard cellular telephone rate established by Commissioners Court. Continued allowance toward the cellular telephone is contingent on providing the front page of the monthly statement to the Elected Official or Department Head on at least a quarterly basis.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY(continued)

3.02.7 POLICY ON USE OF CELLULAR TELEPHONES AND PAGERS(continued)

3.02.7.2 ELIGIBILITY AND ACQUISITION: (continued)

The Purchasing Department shall maintain a master list of all employees who have acquired a county issued cellular telephone and/or pager. In addition, all cellular telephones and/or pagers will be acquired through the county's contract provider. All changes in service must be processed through the Purchasing Department to keep records accurate. It shall be the responsibility of the Elected Official or Department Head to ensure that sufficient funds are budgeted for the monthly operational costs associated with cellular telephones and/or pagers prior to assigning a cellular telephone and/or pager to an employee. Charges for cellular telephones and/or pagers should be made according to accounting procedures.

3.02.7.3 USE OF COUNTY OWNED CELLULAR TELEPHONES/PAGERS:

- a. Cellular telephones and/or pagers are to be used for the conduct of county business and should not be misused for personal communications.
- b. Cellular telephones and/or pagers should not be used when a less costly alternative is safe, convenient and readily accessible (e.g.) two-way radio, landline telephone, etc.).
- c. Using a cellular telephone while operating a vehicle is strongly discouraged.
- d. Cellular transmissions are not secure, therefore employees should use discretion in relaying confidential information. Reasonable precautions should also be made to prevent equipment theft and vandalism.

3.02.7.4 CELLULAR TELEPHONE/PAGER MISUSE:

Any abuse, which indicates inordinate use of cellular telephones and/or pagers will be considered misconduct and neglect of duty, subject to removal of cellular telephone and/or pager use and/or disciplinary action upon and including termination.

BRAZOS COUNTY

3.02 POLICY ON COUNTY PROPERTY(continued)

3.02.7 POLICY ON USE OF CELLULAR TELEPHONES AND PAGERS(continued)

3.02.7.5 ADMINISTRATION:

The Elected Official or Department Head shall be responsible for the administration and adherence of the Cellular Telephone and Pager Policy for their department. This Policy can be more restrictive if the Elected Official or Department Head deems necessary, but shall never be less restrictive.

Employees who are authorized to use of a cellular telephone and /or the use of a pager will be required to sign an agreement for use, which may be obtained from the Elected Official or Department Head.

3.02.7.6 DATA PLANS

If the elected official or department head states that the use of the internet on a cell phone is a requirement for a county employee to fulfill the duties of his position, it is allowable and not subject to payroll taxes, (i.e.: Road and Bridge needs to check the weather before processing certain materials on a road to track location and duration of storms). Due to the cost of this service, the elected official or department head should consider less costly alternatives. The cell phone internet service should only be used for official County business.

BRAZOS COUNTY

3.03 POLICY ON CONFLICT OF INTEREST

3.03.1 CONFLICT OF INTEREST:

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

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

3.03.2 PROHIBITED:

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

- a. Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
- b. Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- c. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- d. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the County;
- e. Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

BRAZOS COUNTY

3.04 POLICY ON POLITICAL ACTIVITY

3.04.1 POLITICAL ACTIVITY:

Employees of Brazos 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;
- 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; or
- d. No political campaigning, verbally or written is permitted within the courthouse during the periods of voting.

County employees are not required to contribute to any political fund or to render any political service to any person or party whatsoever; and employees will not be removed, demoted, reduced in pay, or otherwise mistreated for refusing to do so.

BRAZOS COUNTY

3.05 POLICY ON SAFETY

3.05.1 GENERAL POLICY:

It is the policy of Brazos County to make every effort to provide safe working conditions for all county employees.

3.05.2 SAFETY STANDARDS:

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

An employee must report every on-the-job accident, no matter how minor, to his/her supervisor. Employees, supervisors, and department heads are responsible for immediately filing with Risk Management an accident report on every accident that involves any injury. Brazos County follows safety standards as adopted by the State Health Department.

3.05.3 VIOLATIONS:

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

3.05.4 REPORTING:

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head, who will immediately file a report with Risk Management.

3.05.5 EMPLOYEE:

Employees are encouraged to make suggestions to their supervisors of improvements that would make the county work place safer.

BRAZOS COUNTY

3.06 POLICY ON SEXUAL HARASSMENT

3.06.1 POLICY:

It is the policy of Brazos County to treat all employees with respect and dignity and not to discriminate against any employee on the basis of sex. Brazos County prohibits any form of sexual harassment. Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature constitutes sexual harassment.

3.06.2 DEFINITION:

Sexual harassment shall include, but not be limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

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

Men or women can be victims of sexual harassment.

3.06.3 CLAIMS:

All claims of sexual harassment shall be taken seriously and investigated promptly. It

is the intent that the privacy of the person involved will be protected to the extent necessary to conduct a proper investigation. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

If the investigation substantiates that the complaint is valid, immediate corrective action to stop the harassment and prevent its recurrence will be taken. Such corrective action may, in appropriate instances, include discipline up to and including discharge of the offending person.

BRAZOS COUNTY

3.06 POLICY ON SEXUAL HARASSMENT (continued)

3.06.4 REPORTING:

An employee who feels he/she has been or is being subjected to sexual harassment should immediately report the situation to:

1. his/her immediate supervisor;
2. the elected official or department head who is responsible for the department in which they work.

If, for any reason, the employee feels that reporting the harassment to the department head or elected official may not be the best course of action, the report should be made to the Director of Human Resources, and/or the Director of Risk Management,

The supervisor, elected 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, filing a notice of the claim with the Director of Human Resources and Director of Risk Management. Risk Management may assist in the investigation of any and all alleged violations.

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.

3.06.5 OTHER RIGHTS:

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

This policy amends and supersedes all other previously adopted policies on sexual harassment.

BRAZOS COUNTY

3.07 POLICY ON GENERAL HARASSMENT

3.07.1 POLICY:

It is the policy of Brazos County to treat all employees with respect and dignity and not to discriminate against any employee on the basis of any protected class. Brazos County prohibits any form of harassment.

Harassment is prohibited by federal and state laws. This policy prohibits harassment of any kind, and the county will take appropriate action swiftly to address any violations of this policy. The definition of harassment is: verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting (including racial and ethnic slurs) which, in the employee's opinion, impairs his/her ability to perform his/her job.

3.07.2 DEFINITION:

Harassment shall include, but not be limited to, verbal or physical conduct of a nature where:

- a. Submission to such conduct is either an expressed or implied condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the harassed person;
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;
- b. Verbal: comments which are not flattering regarding a person's nationality, origin, race, color, religion, gender, age, body disability, or appearances. Epithets, slurs, negative stereotyping;
- e. Non-verbal: distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion towards an individual, or group because of national origin, race, color, age, gender, pregnancy, appearance, disability, marital or other protected status.

3.07.3 CLAIMS:

All claims of harassment shall be taken seriously and investigated promptly. It is the intent that the privacy of the person involved will be protected to the extent necessary to conduct a proper investigation. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

If the investigation substantiates that the complaint is valid, immediate corrective action

BRAZOS COUNTY

3.07 POLICY ON GENERAL HARASSMENT (continued)

3.07.3 CLAIMS (continued)

to stop the harassment and prevent its reoccurrence will be taken. Such corrective action may, in appropriate instances, include discipline up to and including discharge of the offending person.

3.07.4 REPORTING:

An employee who feels he/she has been or is being subjected to harassment should immediately report the situation to:

- a. his/her immediate supervisor;
- b. the Elected Official or Department Head who is responsible for the department in which they work.

If, for any reason, the employee feels that reporting the harassment to the department head or elected official may not be the best course of action, the report should be made to the Director of Human Resources, and/or the Director of Risk Management.

The supervisor, elected 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, filing a notice of the claim with the Director of Human Resource and Director of Risk Management. Risk Management may assist in the investigation of any and all alleged violations.

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.

3.07.5 OTHER RIGHTS:

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

This policy amends and supersedes all other previously adopted policies on harassment.

BRAZOS COUNTY

3.08 POLICY ON WORKPLACE VIOLENCE

Brazos County strives to provide a safe workplace for all employees. To ensure a safe workplace and reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

3.08.1 PROHIBITED CONDUCT:

Brazos County has zero tolerance for any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited and is grounds for immediate termination.

- a. Causing physical injury to another person;
- b. Making threatening remarks;
- c. Aggressive or hostile behavior that creates a reasonable fear or injury to another person or subjects another individual to emotional distress;
- d. Intentionally damaging employer property or property of another employee;
- e. Possession of a weapon while on County property or while on County business;
- f. Committing acts motivated by, or related to sexual harassment or domestic violence.

3.08.2 REPORTING PROCEDURES:

Any potentially dangerous situations must be reported immediately to a supervisor or the Risk Management Department. Reports can be made anonymously and all reported incidents shall be investigated by the Sheriff's Department and/or Risk Management. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The County will actively intervene at any indications of possibly hostile or violent situation.

BRAZOS COUNTY

3.08 POLICY ON WORKPLACE VIOLENCE (continued)

3.08.3 RISK REDUCTION MEASURES:

Hiring: Risk Management, at the request of the Elected Official or Department Head will take reasonable measures to conduct background investigations to review a candidate's background and reduce the risk of hiring individuals with a history of violent behavior.

Safety: The County conducts annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

Individual Situations: While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Risk Management Department if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:

- a. Discussing weapons or bringing them to the workplace;
- b. Displaying overt signs of extreme stress, resentment, hostility or anger;
- c. Making threatening remarks;
- d. Sudden or significant deterioration of performance;
- e. Displaying irrational or inappropriate behavior.

Employees at Risk: Risk Management will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are made subject to harassment, violence, or threats from a non-employee. Risk Management and Security will design a plan with at risk employees to prepare for any possible emergency situations.

BRAZOS COUNTY

3.08 POLICY ON WORKPLACE VIOLENCE (continued)

3.08.4 DANGEROUS EMERGENCY SITUATIONS:

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given.

3.08.4 ENFORCEMENT:

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

3.09 TOBACCO FREE WORKPLACE

Brazos County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in county buildings, equipment, and vehicles is strictly prohibited. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways. Because of the relative novelty of the technology and the possible relationship to tobacco laws and medical drug policies, electronic cigarette legislation and public health investigations are currently pending in many countries. Current regulations vary widely, from regions with no regulations to others banning the devices entirely. In keeping with efforts to provide a healthy environment, Brazos County prohibits the use of electronic cigarettes in county buildings.

3.09.1 EMPLOYEE IDENTIFICATION (ID) CARD/BADGE POLICY

Brazos County ID cards will contain at a minimum the Brazos County name and seal, the employee's name, and a photo of the employee.

New Hires

- All New Hires will receive their ID card at orientation.
- Courthouse Security will setup building access for the ID cards once they receive the Proximity Card Key Registration Form from the New Hire's Elected Official or Department Head.

BRAZOS COUNTY

3.09.1 EMPLOYEE IDENTIFICATION (ID) CARD/BADGE POLICY (continued)

Replacement ID Cards

- It is the responsibility of each employee to account for the whereabouts of his/her ID card. Any lost or stolen card must be immediately reported to the employee's Elected Official or Department Head. The Elected Official or Department Head will need to notify Courthouse Security of the loss/stolen ID so that the building access can be removed from the system.
- Employees may receive 1 replacement ID card at no charge every 5 years; thereafter, the employee will be required to pay \$8.50 for any subsequent ID card replacements. Employees will need to make their payment at the Treasurer's Office and then bring the receipt to Human Resources before a new ID will be processed.
- Human Resources will replace cards that are defective at no charge (this does not cover intentional damage); the employee will be required to turn in the defective card in order to obtain a new ID card at no charge.

Leaving Employment

- Upon leaving employment with Brazos County, all employees are required to return their ID card to their Elected Official or Department Head.
- Elected Officials or Department Heads should notify Courthouse Security as soon as possible of an employee that is leaving or has left so that the access the employee had may be removed from the system.
- All ID cards issued by Brazos County remain the property of the County.
- Elected Officials or Department Heads should send the IDs to HR for destruction.
- HR will notify Courthouse Security of the employee leaving to ensure access is removed from the system.

BRAZOS COUNTY

4.01 POLICY ON PAY PERIODS AND TIME SHEETS

4.01.1 PAY PERIOD:

The pay period for Brazos County shall be a biweekly pay period with the pay period dates established by the Commissioners' Court.

4.01.2 CHECK DELIVERY:

Paychecks will not be issued other than on regularly scheduled pay day unless the date is changed by the Commissioners Court.

If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

The County Treasurer is responsible for the proper distribution of paychecks. Checks may be released only to the individual responsible for their proper distribution within the department or an individual assigned by the Department Head or Elected Official.

An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the County Treasurer after discussion with the Department Head or Elected Official.

4.01.3 TIME SHEETS:

Each employee shall be required to fill out a time sheet to be turned in to his/her supervisor on the last day of each pay period.

The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

4.01.4 PAY ADVANCES:

Advances in pay shall not be made to any employee for any reason

BRAZOS COUNTY

4.01 POLICY ON PAY PERIODS AND TIME SHEETS (continued)

4.01.5 TRAVEL ADVANCES:

Travel advances for Out-Of-County travel will be allowed as outline in section 12 – Policy on Reimbursement of Expenses and the Travel Advance Policy adopted by the Commissioners Court. Travel advance requests must be filed with the Auditor’s Office ten days prior to departure date so that proper approval from Commissioners Court may be secured. Any excess funds must be returned to the Treasurer’s office immediately upon return. Should an employee, who has received a travel advance, leave the employment of the County without providing documentation to account for the travel advance, they will have the amount of the travel advance taken from their last pay check.

BRAZOS COUNTY

4.02 POLICY ON COMPENSATION

4.02.1 CLASSIFICATION PLAN:

Brazos County maintains a classification plan by which each class of positions is assigned to a pay group based on the principal of equity among positions requiring similar knowledge, skills, and abilities and having similar levels of responsibility.

4.02.2 PAY PLAN:

Pay ranges for each pay group and for exempt positions are established by a pay plan, which if approved by the Commissioners Court, becomes a part of the county budget.

4.02.3 APPLICATION:

This policy shall apply to all county employees except law enforcement employees.

Compensation for law enforcement employees shall be handled in accordance with the policies established in the Sheriff's Department with the approval of the Commissioners Court.

4.02.4 SALARIED EMPLOYEES:

All salaried employees shall be paid on a biweekly salary basis.

4.02.5 HOURLY EMPLOYEES:

For full-time regular employees, the bi-weekly salary compensates the employee for all hours worked up to 40 in any workweek.

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

4.02.6 TEMPORARY EMPLOYEES:

Temporary employees shall be paid hourly at the salary rate established by the Commissioners Court at budget time.

BRAZOS COUNTY

4.02.7 SUPPLEMENTAL PAY FOR CERTIFIED INTERPRETERS:

Employees who take the initiative through their own efforts to complete a prescribed course of study that is directly related to their position may qualify for a supplemental pay with Court approval. This incentive is designed to recognize, with increased pay, professional certification attained by County employees that enhance their productivity and effectiveness in tangible ways. The employee must present mastery of the course of study by means of a certificate, license, or degree. Currently, the only certification recognized by the Commissioner's Court as qualifying for the supplement is the certification for Certified Interpreters; with the supplemental pay amount to be determined by the Court.

BRAZOS COUNTY

4.03 POLICY ON LONGEVITY PAY

4.03.1 GENERAL:

Brazos County has three types of longevity pay. The County longevity pay adopted by the Commissioners Court; State reimbursed longevity pay as authorized by the Government Code for Assistant Prosecutors; and Longevity pay for Commissioned Deputies as authorized by the Local Government Code.

Longevity pay for purposes under the County Longevity Pay Policy is considered benefit pay, and is in addition to the regular salary approved by the Commissioners Court, and set by the employing official and/or department head. Longevity pay will be calculated based the number of year of service as of September 30th of each year. For pay purposes, longevity pay will be distributed once a year with the first paycheck in November or upon separation from employment if eligible.

4.03.2 ELIGIBILITY:

All full-time regular employees, to include elected officials and to exclude temporary and part-time employees, shall be eligible for the longevity pay benefit.

Longevity pay will be based on the completion of years of employment as of September 30th. Employees must be employed through September 30th to receive a distribution in the subsequent November. The incremental periods will begin with one year and end with thirty-five years.

BRAZOS COUNTY

4.03 POLICY ON LONGEVITY PAY (continued)

4.03.3 PAYMENT:

For pay purposes, longevity will be distributed to each eligible employee once a year with the first pay in November or upon separation from employment if eligible.

Longevity pay will be paid based on the following schedule:

1 year	\$ 120
2 years	\$ 240
3 years	\$ 360
4 years	\$ 480
5 through 9 years	\$ 600 per yr.
10 through 14 years	\$ 1,200 per yr.
15 through 19 years	\$ 1,800 per yr.
20 through 24 years	\$ 2,400 per yr.
25 through 29 years	\$ 3,000 per yr.
30 through 34 years	\$ 3,600 per yr.
35 years and longer	\$ 4,200 per yr.

An employee who terminates employment with the County is not entitled to prior service credit with the County should the employee choose to return to County employment at a later date. All previous prior service credits approved by the Commissioners Court will be grandfathered.

It is the responsibility of the Commissioners Court to provide budget appropriations for each department's longevity requirement.

4.03.4.1 GENERAL:

All full-time Assistant Prosecutors as defined in the Local Government Code Chapter 41 (d) shall be paid longevity pay at the rate of twenty dollars (\$20.00) per month for each year of lifetime service credit, up to a maximum amount of \$5,000.00. The longevity pay is effective beginning with the month following the month in which the fourth year of lifetime service credit is accrued.

An Assistant Prosecutor means an Assistant District Attorney, Assistant Criminal District Attorney or an Assistant County Attorney compensated by the state to perform the duties of a District Attorney. A full-time Assistant Prosecutor is an Assistant Prosecutor who is normally scheduled to work at least 40 hours per week as an Assistant Prosecutor.

BRAZOS COUNTY

4.03 POLICY ON LONGEVITY PAY (continued)

4.03.4.2 ELIGIBILITY:

An Assistant Prosecutor is entitled to longevity pay to be included in the Assistant Prosecutor's compensation if the Assistant Prosecutor is a full-time employee on the first workday of the month, is not on leave without pay on the first workday of the month and has accrued at least four years of lifetime service credit no later than the last day of the preceding month.

The District Attorney for Brazos County shall certify the eligibility of all Assistant Prosecutors to receive longevity pay supplement.

If an Assistant Prosecutor ceases to be a full-time employee after the first workday of a month, but otherwise qualifies for longevity pay, the Assistant Prosecutor's compensation for that month will include full longevity pay. An Assistant Prosecutor who is on leave without pay for an entire month does not accrue lifetime credit for the month. An Assistant Prosecutor who simultaneously holds two or more positions that accrue lifetime service credit accrues credit for only one of the positions.

4.03.4.3 PAYMENT:

For pay purposes, longevity pay will be distributed to each eligible Assistant Prosecutor according to State Statute and according to procedures established by the County Auditor.

BRAZOS COUNTY

4.03 POLICY ON LONGEVITY PAY (continued)

4.03.5 LONGEVITY PAY FOR COMMISSIONED DEPUTIES:

4.03.5.1 GENERAL:

All full-time commissioned Deputies of the Sheriff's Department shall receive longevity pay of not less than five dollars (\$5.00) per month for each year of service in the department up to and including twenty-five (25) years.

All commissioned Deputies of the Sheriff's Department will be evaluated yearly to determine which will receive State Longevity or County Longevity based on whichever is greater.

4.03.5.2 ELIGIBILITY:

All full time commissioned Deputies are entitled to longevity pay to be included in the commissioned Deputy's pay each year following the date the commissioned Deputy completes one year of service in the Sheriff's Department.

The Sheriff shall certify the eligibility of each commissioned Deputy to receive longevity pay supplement to the Human Resources Department.

A commissioned Deputy who terminates employment with Brazos County and returns to employment with the Sheriff's Department at a later date shall be paid longevity pay beginning October 1st after the completion of one year of service with the Sheriff's Department and certification of eligibility has been received.

4.03.5.3 PAYMENT:

For pay purposes, longevity pay will be distributed to each eligible commissioned deputy once a year with the first pay period in November or upon termination.

BRAZOS COUNTY

4.04 POLICY ON PAYROLL DEDUCTIONS

4.04.1 REQUIRED DEDUCTIONS:

Deductions shall be made from each employee's paycheck for federal withholding, Social Security, Medicare, Texas County and District Retirement System contributions for eligible employees, court ordered child support and any other deductions required by law.

4.04.2 OPTIONAL DEDUCTIONS:

Any optional deduction authorized by the Commissioners' Court and approved by the employee for group health insurance, specialized insurance, and deferred compensation shall also be made from the employee's paycheck.

No optional deduction shall be made from an employee's paycheck unless the employee submits written authorization for the deduction to the Human Resources Department.

BRAZOS COUNTY

4.05 POLICY ON WORK SCHEDULE AND WORKWEEK

4.05.1 ADMINISTRATIVE WORK WEEK:

The official work period for most employees of Brazos County, except for the Sheriff's Department and jail personnel, is a seven-day work period beginning at 12:01 a.m. on Saturday and ending at 12 midnight on the following Friday.

4.05.2 WORK SCHEDULE:

The normal hours of work for most positions in Brazos County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday with one hour for lunch, for a total of 40 hours per week. A morning and afternoon break of 15 minutes each is available to each employee, but this time does not accumulate if not taken.

Employees of the Sheriff's Department work varying schedules for a 28 day work cycle (work period). Each law enforcement employee who is not exempt from the overtime provisions of FLSA (deputy sheriffs and certified jail personnel) works a total of 160 scheduled hours during each 28-day work period. In addition, each of these employees is expected to work an additional 11 unscheduled hours during each 28-day period as needed and requested, for emergencies, court appearances, or any other necessary law enforcement activities, for a total of 171 hours per work period. The salary paid is intended to cover all hours worked up to 171 hours in the 28-day work period. The Sheriff must notify employees covered under the overtime provisions of the Fair Labor Standards Act (FLSA) at least annually of the beginning and ending dates and times of the first work period of the year. Subsequent work periods follow the calendar in 28-day cycles.

4.05.3 EXCEPTIONS:

In order to meet the needs of Brazos 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 department head.

BRAZOS COUNTY

4.05 POLICY ON WORK SCHEDULE AND WORKWEEK (continued)

4.05.3a WORK SCHEDULE AND WORKWEEK

Short-term modifications to an employee's normal work schedule as defined in Section 4.05 above may be approved at the discretion of the Department Head. Any significant modifications to an employee's work schedule must be considered by the Commissioners Court. Extended periods of working off-site or telecommuting must also have prior consideration from the Commissioners Court.

4.05.4 WORKDAY:

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

4.05.5 WORKWEEK:

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Brazos County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive work days later (168 hours). The work period for law enforcement will be on a 28 day work period to be set by the elected official.

4.05.6 BREAKS

The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child. Brazos County supports the practice of expressing breast milk.

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

The mother will be given a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis.

Brazos 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 department head and are not required to be given. If your department provides you with a break, it may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for

BRAZOS COUNTY

4.05 POLICY ON WORK SCHEDULE AND WORKWEEK (continued)

4.05.6 BREAKS (continued)

nursing mothers, however if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

BRAZOS COUNTY

4.06 POLICY ON HOURS WORKED AND OVERTIME

4.06.1 OVERTIME:

The policy of Brazos County is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays.

Department heads and other executives, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The overtime may be used as a factor in granting or denying paid leave other than vacation or sick leave.

Each county job description designates whether persons hired in that classification are covered by or exempt from the overtime provisions of FLSA.

4.06.2 HOURS WORKED:

Hours worked shall include all time actually spent in the service of Brazos County as defined in the Fair Labor Standards Act (FLSA) and its regulations.

4.06.3 OVERTIME APPLICATION:

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement employees.

Overtime for law enforcement employees is defined in the policy addressing law enforcement overtime in the Sheriff's Department.

4.06.4 OVERTIME DEFINITION:

For non-law enforcement employees, overtime begins to accrue with the 41st hour of actual work time during the seven (7) day workweek. For law enforcement employees, overtime begins to accrue with the 172nd hour of actual work time during the 28-day work period. Nonexempt employees are compensated for overtime by earning compensatory time.

BRAZOS COUNTY

4.06 POLICY ON HOURS WORKED AND OVERTIME (continued)

4.06.4 OVERTIME DEFINITION (continued)

Compensatory time off at one and one-half times the number of hours worked up to a maximum number of hours which may be accrued (480 hours for law enforcement employees and 240 hours for others); or payment at the rate of one and one-half the employee's regular hourly rate.

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

Except in emergency situations, an employee shall be required to have authorization from his/her supervisor before working overtime.

BRAZOS COUNTY

4.07 POLICY ON OVERTIME COMPENSATION

4.07.1 POLICY APPLICATION:

The Brazos County Commissioners Court discourages time and one-half payment for overtime, which is authorized by the elected official or department head in charge, only if adequate funds are available in the department's budget. In addition, the Court discourages the accumulation of compensatory time off at one and one-half times the number of hours worked because of the contingent liability this creates for the county. The preferable method is to schedule time off for the affected employee during the same work period before overtime is worked.

4.07.2 OVERTIME COMPENSATION:

Overtime compensation may be paid in the form of compensatory time off in accordance with the provisions of the FLSA.

The county calculates overtime compensation by two methods:

- a. Straight time is used to calculate overtime or compensatory time for periods of absence due to holidays, vacations, illness or other similar causes. Calculation of overtime for absences due to the use of compensatory time shall be at straight time.
- b. Time and one-half ($1 \frac{1}{2}$) the employee's regular rate of pay is used to calculate overtime or compensatory time when an employee physically works more than forty (40) hours in a work week or for law enforcement more than 171 hours in a 28 day work period.

Overtime hours for covered employees will be booked at one and one-half ($1 \frac{1}{2}$) times their overtime hours worked.

Non-exempt employees shall receive compensatory time off, with pay, at a rate of one and one-half ($1 \frac{1}{2}$) times the amount of overtime worked, if applicable.

BRAZOS COUNTY

4.07 POLICY ON OVERTIME COMPENSATION (continued)

4.07.3 MAXIMUM COMPENSATORY TIME:

In accordance with FLSA the maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours and 480 hours for Law Enforcement personnel. Law Enforcement personnel are employees who are empowered by State or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement.

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, if applicable until compensatory time has been used to bring the balance below the maximum.

Under FLSA regulations the county shall retain the right to "buy back" all or part of an employee's unused compensatory time by paying the employee for that time the employee's current regular rate of pay as outlined below.

The county will pay the employee for all compensatory time earned and not taken in excess of hours outlined above for the pay period in which the time is earned. The payroll officer is authorized to pay on the compensatory time that has been properly reported and recorded.

All compensatory time must either be taken or paid by the last payroll in December. If not, the compensatory time will be paid out at the employee's regular rate of pay.

4.07.4 USE OF COMPENSATORY TIME:

Employees shall use all compensatory time before using vacation leave.

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 but must be used before using vacation leave.

BRAZOS COUNTY

4.07 POLICY ON OVERTIME COMPENSATION (continued)

4.07.5 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.

4.07.6 BUY BACK OF COMPENSATORY TIME:

The County shall retain the right to “buy back” all or part of an employee’s unused compensatory time by paying the employee for that time at the employee’s current regular rate or the average of the last three (3) years of regular rate of pay, whichever is greater.

4.07.7 CASH PAYMENT FOR OVERTIME:

The County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee’s regular rate of pay or the average of the last three (3) years of regular rate of pay, whichever is higher.

4.07.8 RECORDKEEPING:

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period. No payment for compensatory time will be made that has not been officially recorded.

The department head shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee in his/her department and shall update the balance due to each employee at the end of each pay period.

The department head shall provide each eligible employee in his/her department with a statement of the employee’s compensatory time earnings, use, and balance at the end of each pay period.

4.07.9 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.

BRAZOS COUNTY

5.01 POLICY ON GRIEVANCES

5.01.1 PROCEDURE:

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

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

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

BRAZOS COUNTY

6.01 POLICY ON DISCIPLINE

6.01.1 DISCIPLINE:

Each supervisor shall have the authority to administer discipline to employees in his/her department for poor performance, violation of policies, disruptive behavior, or any other behavior or activity which the supervisor feels is not acceptable as it relates to the employee's job or the best interest of the department or county.

6.01.2 TYPES OF DISCIPLINE:

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

6.01.3 REASONS:

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

- a. Insubordination;
- b. Absence Without Leave including absences without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- c. Endangering the Safety of Other Persons through negligent or willful acts;
- d. Intoxication or Drug Abuse while on duty or in a county owned vehicle;
- e. Unauthorized use of Public Funds or Property;
- f. Violation of the Requirement of These Personnel Policies;
- g. Conviction of a felony;
- h. Conviction of Official Misconduct or oppression;
- i. Falsification of Documents or Records;
- j. Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- k. Unauthorized or Abusive Use of Official Authority;
- l. Incompetence or Neglect of Duty;
- m. Disruptive Behavior which impairs the performance of others.

BRAZOS COUNTY

6.01 POLICY ON DISCIPLINE (continued)

6.01.4 PROGRESSIVE DISCIPLINE:

The department head may take disciplinary action including dismissal, affecting an employee at any time. The severity of the discipline depends upon the nature of the infraction.

Actions other than oral or written warnings require the approval of the appropriate department head.

Except in the case of oral warnings, disciplinary action is accomplished or preceded by written notice to the employee involved. Notice includes a description of the just cause for the notice and, except in the case of dismissal, states the likely consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action is included in the employee's personnel file.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotions, pay increases, commendations, or other beneficial personnel action.

No employee shall have the expectation or right of progressive discipline.

6.01.5 EMPLOYMENT-AT-WILL:

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

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

BRAZOS COUNTY

7.01 POLICY ON DRUGS AND ALCOHOL

7.01.1 PURPOSE:

The purpose of this policy is to identify and remove the adverse effects of alcohol and drugs on job performance, and to protect the health and safety of our employees by providing education and treatment and to provide a drug and alcohol-free work place.

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

7.01.2 APPLICABILITY:

This policy shall apply to all employees of Brazos County regardless of rank or position and shall include temporary and part-time employees. C.D.L. drivers should refer to the Alcohol and Drug Abuse Policy for C.D.L. Drivers.

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

7.01.3 POLICY:

Brazos County shall implement a comprehensive drug and alcohol abuse education program. As part of that program, information will be provided on the availability of employee assistance program services.

Alcoholism and other drug addiction are recognized as diseases responsive to proper treatment, and this will be an option as long as the employee cooperates. Information to agencies that may assist employees is available in the Human Resources Department.

The following shall be a violation of this policy:

- a. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on county property.
- b. Being under the influence of alcohol or illegal drugs while on county property or while on duty for the county.

BRAZOS COUNTY

7.01 POLICY ON DRUGS AND ALCOHOL (continued)

7.01.3 POLICY (continued)

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

Employees who violate this policy are subject to appropriate disciplinary action including termination.

7.01.4 DEFINITIONS:

A controlled substance shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812), as amended. (A copy of this information is available for review in the Human Resources Department, Risk Management and Health Services)

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

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

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

BRAZOS COUNTY

7.01 POLICY ON DRUGS AND ALCOHOL (continued)

7.01.4 DEFINITIONS (continued)

Fitness For Duty shall mean to work in a manner suitable for the job. To determine “fitness” a medical evaluation may include drug and alcohol testing.

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

Reasonable Cause/Reasonable Suspicion shall mean an articulate belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol.

Testing shall be defined as urine or breath test to determine chemical or drug content.

Under the influence shall be defined as a state of having a blood alcohol concentration of 0.08 or more where “alcohol concentration” has the meaning assigned to it in **49.01 of the Penal Code**; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

7.01.5 POLICY VIOLATIONS:

Any of the following actions constitutes a violation of this Policy and may subject an employee to disciplinary action to include immediate termination:

- a. Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug, or attempting or assisting another to do so, while in the course of employment or engaged in a Brazos County sponsored activity, on premises, in owned, leased or rented vehicles or on county business.
- b. Working or reporting to work, conducting county business or being on county premises or in a county-owned, leased or rented vehicle while under the influence of an illegal drug, alcohol or in an impaired condition.

BRAZOS COUNTY

7.01 POLICY ON DRUGS AND ALCOHOL (continued)

7.01.6 PRESCRIPTION DRUGS:

Employees taking drugs prescribed by an attending physician must advise their direct supervisor in writing of the possible effects of such medication regarding their job performance and physical or mental capabilities. This written information must be kept confidential and communicated to the direct supervisor prior to the employee commencing work.

All medical information shall be kept confidential and the employer, without exception, will punish any breach of privacy and confidentiality in this regard.

All prescription drugs must be kept in their original container.

7.01.7 CORRECTIVE ACTION:

If an employee is reasonably suspected of:

- a. Engaging in a prohibited act or
- b. Being involved in a work related accident in which the use of alcohol or illegal drugs is implicated as a contributing factor.

The employee may be subject to one or more of the corrective actions defined herein. Circumstances which constitute a basis for determining “reasonable suspicion” may include but are not limited to:

- a. A pattern of abnormal or erratic behavior;
- b. Information provided by a reliable and credible source, if corroborated;

BRAZOS COUNTY

7.01 POLICY ON DRUGS AND ALCOHOL (continued)

7.01.7 CORRECTIVE ACTION (continued)

- c. Direct observation of drug or alcohol use, corroborated by two (2) individuals;
- d. Presence of the physical symptoms of drug or alcohol use (i.e. glossy or bloodshot eyes, alcohol odor on the breath, slurred speech, poor coordination and/or reflexes);
- e. A work-related accident.

Corrective actions, include but are not limited to:

- a. Testing;
- b. Termination of employment

7.01.8 SUPERVISORY AND EMPLOYEE TRAINING:

Supervisors will receive training regarding the Drug and Alcohol Policy and the use of the Employee Assistance Program. All employees will receive copies of the Drug and Alcohol Policy.

BRAZOS COUNTY

8.01 POLICY ON SEPARATIONS

8.01.1 DEFINITION:

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

8.01.2 TYPES OF SEPARATION:

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

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

8.01.3 RESIGNATION:

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Brazos County and the separation does not fall into one of the other categories.

An employee who intends to resign should notify his or her supervisor in writing at least ten working days prior to the last day of work. The supervisor is responsible for immediately notifying the department head and the Human Resources Director.

8.01.4 RETIREMENT:

A retirement shall be any situation in which an employee meets the requirements and begins to collect benefits under the county's retirement program and voluntarily elects to leave employment with Brazos County to do so.

An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

BRAZOS COUNTY

8.01 POLICY ON SEPARATIONS (continued)

8.01.4 RETIREMENT (continued)

An employee who is retiring is encouraged to submit their retirement resignation to the Human Resource Department in time for an application to retire to be received by the office of the Texas County and District Retirement System at least thirty (30) days and not more than ninety (90) days prior to the date on which the retirement is to become effective. The effective date specified in the application must be the last day of a calendar month and shall not be a date preceding the termination of the member's employment with the county.

8.01.5 DISMISSAL:

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation.

Brazos County is an "at-will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

8.01.6 REDUCTION IN FORCE:

An employee shall 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.

When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, and (3) qualifications of the employee for remaining positions.

BRAZOS COUNTY

8.01 POLICY ON SEPARATIONS (continued)

8.01.7 DEATH:

A separation by death shall occur when an individual dies while currently employed by Brazos County.

If an employee dies while still employed by the County, his/her designated beneficiary of his/her estate shall receive all earned pay and payable benefits.

8.01.8 DISABILITY:

An employee will be separated when for physical or mental reasons he/she cannot perform the duties of the job. The County Judge will appoint a physician who will examine the employee, present his/her findings to the county, and be paid by the county. The appointed physician's finding is final.

Voluntary separations based on reasons of disability must be substantiated by medical evidence if the disability may be a factor or condition of a retirement plan covering the employee.

The county will comply with the Americans With Disability Act and the FMLA when applicable.

8.01.9 ABANDONMENT OF POSITION:

An employee who is absent without leave for more than 3 days is deemed to have resigned his/her position.

Unless the department head determines otherwise, the resignation is not in good standing, and the employee may not be reemployed.

8.01.10 OTHER:

Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an "other" separation.

When a separation is designated as "other", the supervisor shall provide details of the nature of the separation for the personnel records.

BRAZOS COUNTY

8.01 POLICY ON SEPARATION (continued)

8.01.11 NOTIFICATION:

As soon as a supervisor becomes aware of separation from employment, or the intent to separate employment, by an employee, the supervisor shall be responsible for immediately notifying the Human Resources Department.

BRAZOS COUNTY

9.01 POLICY ON TERMINATION PAY

9.01.1 TERMINATION PAY:

Upon separation from county employment, a regular non-exempt employee will be paid for accrued and unused vacation time and compensatory time. All employees will receive payment for accrued compensatory time.

Payment for such leave balances will be included in the employee's final paycheck.

The employee will receive his/her final paycheck on the scheduled payday that falls on or immediately follows the employee's last workday.

The department head of an employee who is separated shall discuss with the employee the reason(s) for the separation in an exit interview whenever possible. Reason(s) for the separation are stated in writing on an Exit Interview Form which is signed by the supervisor and initialed by the employee except in unusual or emergency circumstances.

To ensure that the employee's insurance coverage continues to the end of the last month worked, the balance of the employee's insurance premiums will be deducted in full from the employee's last paycheck.

9.01.2 POLICY ON HEALTH INSURANCE PREMIUM REIMBURSEMENT FROM EMPLOYEES' PAY AFTER TERMINATION:

It shall be the responsibility of the employee and Elected Official or Department Head to notify the Human Resource Department of an employee's last day of work. At the time of notification from the employee, the employee will be required to complete a form to stop all Health and/or Dental insurance and optional deductions. Notification of the last day must be done before the first payroll of the following month.

If an employee or Elected Official/Department Head fails to contact the Human Resources Department in a timely manner and the deductions occur, the employee or the Elected Official or Department Head, on behalf of the employee, will be required to request reimbursement of the deduction from Commissioners Court no later than thirty (30) days after the employee's employment pay date. If the Commissioners Court approved the reimbursement and the deductions have been pre-taxed, the full amount deducted will not be reimbursed. The reimbursement will be reduced by the, taxes owed on the pre-taxed deduction and the employee's taxes plus the County's taxes will be submitted to the IRS.

BRAZOS COUNTY

10.01 POLICY ON JOB (CLASS) DESCRIPTIONS

10.01.1 JOB DESCRIPTION:

The Commissioners Court establishes and periodically reviews official job (class) descriptions for all classified positions in the county. The Human Resources Director reports annually to the Commissioners Court on the status of the classification and pay plans, noting any changes approved during the previous year.

10.01.2 DISTRIBUTION:

The job description for each employee's position will be (1) given to each employee at orientation (2) reviewed by the employee, and (3) placed in the employee's personnel file along with a certification that the employee reviewed it.

BRAZOS COUNTY

11.01 POLICY ON PERSONNEL FILES

11.01.1 GENERAL:

Personnel files are maintained in the Human Resources Department. The record copy of all personnel information related to an employee, except time sheets, shall be filed in the personnel file.

Information in an employee's personnel file must be disclosed upon request unless specific items are excepted from disclosure by law.

Each employee may choose whether the county discloses the employee's address and telephone number to the public on request. If a new employee does not request confidentiality within the first fourteen days of employment, the home address and telephone number in the file are considered public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Department.

An employee or his/her representative designated in writing may examine the employee's personnel file upon request during normal working hours at the Human Resources Department.

Employees are expected to inform their supervisor of any changes in or corrections to information recorded in their individual personnel file such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

BRAZOS COUNTY

11.01 POLICY ON PERSONNEL FILES (continued)

11.01.2 PERSONNEL ACTION:

The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- a. Position and Title Classification;
- b. Group and Pay Rate;
- c. Annual Salary;
- d. Separation;
- e. Other Actions Affecting the Employee's Status.

Each Personnel Action Form becomes a permanent part of the employee's personnel file.

1101.3 CONTENTS OF PERSONNEL FILES:

An employee's personnel file contains:

- a. A copy of the employee's application for employment;
- b. A signed copy of the employee's acknowledgment of receiving the employee handbook and the job (class) description for the position he/she currently occupies;
- c. A copy of the employee's social security card and identification;
- d. Personnel action forms;
- e. Performance evaluation records;
- f. Records of any citations for excellence or awards for good performance;
- g. Records of any reprimands or other disciplinary actions;
- h. Any other pertinent information having a bearing on the employee's status.

1101.4 LEAVE RECORDS:

Official records of annual leave and sick leave accrual will be kept for each employee by the payroll division of the County Treasurer's Office. Leave records are updated biweekly when each payroll is processed. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

Department Heads receive an updated printout of each of their employees' leave accrual and usage as the close of each biweekly pay period.

BRAZOS COUNTY

12.01 POLICY ON REIMBURSEMENT OF EXPENSES

12.01.1 TRAVEL REIMBURSEMENT:

The policy of the county is that employees be fully 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 requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures. Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies, will not be charged as costs to those grants, contracts, or agreements.

12.01.2 IN-COUNTY TRAVEL:

All necessary travel by county employees for authorized conduct of county business within the county is authorized. Reimbursement for the use of private automobiles by employees is made monthly upon submission of the required report and request forms. Mileage is reimbursed at the maximum not- taxable rate allowed by the Internal Revenue Service at the time the mileage is incurred. Employees are expected to report the shortest distance between destinations for all travel. Travel between an employee's residence and a county office is not allowable for reimbursement.

12.01.3 OUT-OF –COUNTY TRAVEL:

Out-of-county travel by county employees is permissible provided that it is authorized in advance by the department head and does not exceed departmental budgetary limitations. Reimbursement of out-of-county travel cost is based upon the most economical conveyance that is reasonably available. When private automobiles are used for out-of- county travel, reimbursement is allowed based on the State Mileage Guide published on the State Comptroller's WEB site www.window.state.tx.us or tourist class air fare, whichever is less. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available.

BRAZOS COUNTY

12.01. POLICY ON REIMBURSEMENT OF EXPENSES (continued)

12.01.4 SUBSISTENCE EXPENSES:

Employees engaged in necessary and authorized travel in the conduct of county business are reimbursed in accordance with the policy in force at the time of travel. Subject to documentation and reasonableness, subsistence expenses will generally be for registration, lodging, telephone, parking, tolls, taxi or limousine, and meals. Each department head shall have a copy of the current travel policy for employees to read.

12.01.5 TRAVEL ADVANCES:

Travel advances for Out-Of-County travel will be allowed as outlined in this section and the Travel Advance Policy adopted by the Commissioners Court if the anticipated travel expenses are more than \$25.00. The request should be submitted to the Department Head or Elected Official for approval and forwarded to the Auditor's office ten days prior to the departure date for processing. Employees are responsible for returning funds received in excess of their expenses to the Treasurer's office. Should an employee, who receives a travel advance, leave the employment of the County without providing documentation to account for the travel advance will have the amount of the travel advance taken from the employee's last paycheck.

12.01.6 LIMITATIONS:

Costs of personal entertainment, spouse's expenses, amusements, socials activities, that are not included in the registration fee, or alcoholic beverages are not allowable for reimbursement.

BRAZOS COUNTY

ACKNOWLEDGEMENT

I have received a copy of the Brazos County Personnel Manual that outlines my privileges and obligations as an employee and includes a summary of my benefits. I acknowledge that the provisions of these policies are part of the terms and conditions of my employment and that I agree to abide by them. I accept responsibility for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the county. If I need clarification on any of the information in this manual, I will contact my supervisor (or the Human Resources Department).

Since this information is subject to change, it is understood that any changes will be communicated to me by my supervisor or through official notices or bulletin boards.

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

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law.

Signature of Employee

Printed Name of Employee

Date Signed