

KENDALL COUNTY



BOERNE, TEXAS

KENDALL COUNTY POLICY MANUAL

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	I-III
INTRODUCTION.....	IV
ACKNOWLEDGEMENT.....	V
1.00 COUNTY EMPLOYMENT	
1.01 Employment At-Will.....	1
1.02 Employment Classification.....	1-2
1.03 Equal Employment Opportunity.....	2
1.04 ADAAA (Americans With Disabilities Act).....	2
1.05 GINA (Genetic Information Nondiscrimination Act).....	3
1.06 Application For Employment.....	3-5
1.07 Criminal History Check.....	5
1.08 Nepotism.....	5
Texas Nepotism Charts.....	6-7
2.00 EMPLOYEE BENEFITS	
2.01 Employee Insurance.....	8
2.02 EAP Services.....	8-10
2.03 Workers' Compensation.....	10-11
2.04 Retirement/Rehire.....	11
2.05 Social Security.....	12
2.06 USSERA.....	12-13
2.07 Jury Duty.....	13
3.00 LEAVE TIME	
3.01 Vacation.....	14-15
3.02 Sick Leave.....	16-17
3.03 Sick Leave Pool.....	18-22
3.04 Holidays.....	23-24
3.05 Family and Medical Leave And Military Family Leave.....	25-34
3.06 Bereavement Leave.....	35-36
3.07 Military Leave 09/13/2021.....	37
3.08 Inclement Weather and Emergencies.....	38
Paid Quarantine Leave 8/23/2021	
Mental Health Leave Policy (Peace Officers Only) 02/28/22	
4.00 WORK RULES AND EMPLOYEE RESPONSIBILITIES	
4.01 General Employee Responsibilities.....	39
4.02 Professional Appearance.....	39

4.03 Uniforms.....	39
4.04 Work Schedule And Work Week.....	40
4.05 Attendance and Timeliness.....	40-41
4.06 Volunteers and Guests At the Workplace.....	42
4.07 Break for Nursing Mothers.....	43
4.08 Conflict of Interest.....	44
4.09 Outside Employment.....	44
4.10 Political Activity.....	45
4.11 Safety.....	46
4.12 Seat Belt.....	47
4.13 General Harassment.....	48-49
4.14 Sexual Harassment.....	49-50
4.15 Discrimination Or Retaliation.....	50-51
4.16 Smoking, Use of Tobacco And Other Devices.....	52
4.17 County Property.....	53
4.18 Operation of Motor Vehicles.....	54-55
4.19 Use of Social Media By Employees.....	56
4.20 County Website.....	57
4.21 Use of Telephones, Computers and Internet.....	57-59
4.22 Cellular Telephones.....	60
4.23 Travel and Conference Expenses.....	61-64
4.24 Workplace Violence And Threats of Violence.....	65
 5.00 PERSONNEL FILES	
5.01 General Personnel Files.....	66
5.02 Contents Of Personnel Files.....	66-67
 6.00 FAIR LABOR STANDARDS ACT SAFE HARBOR	
6.01 Fair Labor Standards Act Safe Harbor.....	68-69
6.02 Pay Periods and Timecards.....	69-71
6.03 Compensation and Salary Administration.....	71-72
6.04 Payroll Deductions.....	72
6.05 Longevity Pay.....	73
6.06 Hours Worked, Overtime and Law Enforcement... ..	74-76
6.07 Transfer.....	77
6.08 Demotions.....	77
6.09 Promotions.....	77
 7.00 GRIEVANCES	
7.01 Grievances.....	78-82
 8.00 DISCIPLINARY PROCEDURES	
8.01 Discipline.....	83-86

9.00 DRUGS AND ALCOHOL

9.01 Drugs and Alcohol – All Employees.....	87-90
9.02 Drugs and Alcohol – CDL Only.....	91-94
Appendix A – Reasonable Suspicion	

10.00 SEPARATIONS

10.01 Separations Of Employment.....	95
10.02 Notification.....	96
10.03 Surrender of County Property.....	96
10.04 Exit Interviews.....	96

1.00 EMPLOYMENT WITH KENDALL COUNTY

1.01 EMPLOYMENT AT-WILL

Except as approved by the Commissioners Court, all employment with Kendall County shall be at-will employment. Nothing in the following policy statements concerning employment shall give rise to any right or expectation to the contrary.

Except as approved by the Commissioners Court, no contract shall exist between any employee and Kendall County for any term of employment, specified or unspecified and no official or department head shall have the authority to bind the county to any such contract.

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

1.02 EMPLOYEE CLASSIFICATION

Each county position has an employee classification that identifies how the position is paid and how benefits are granted by Commissioners Court. The classification of an employee cannot be changed without the approval of the Commissioners Court.

REGULAR FULL-TIME - A regular full-time employee shall be an employee in a position which has a normal work schedule of 40 hours or more per workweek and shall include emergency and law enforcement employees. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Kendall County makes exempt status determination based on the Fair Labor Standards Act.

REGULAR 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 workweek. Regular part-time employees may be eligible for certain county benefits. All regular part-time employees must participate in county-sponsored retirement system (Texas County and District Retirement System) regardless of the number of hours worked in a week.

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

INTRODUCTORY PERIOD – All new regular employees or employees who are promoted or transferred may serve a 90-day introductory period before the employee is eligible for a raise. Any significant absence may extend the introductory period by the length of the absence.

ELECTED AND APPOINTED OFFICIALS - Elected and appointed officials are those individuals who hold elected positions under the Constitution and laws of the State of Texas or who are appointed by appropriate authority to such positions and those individuals who, under the laws of the State, hold positions filled by appointment by the District Judge or Juvenile Board. Elected and appointed officials do not accumulate vacation leave, sick leave, and are exempt under the FLSA. Elected and appointed officials are entitled to health insurance, retirement benefits, social security and other benefits as required by law.

County employees appointed to a position by the Commissioners Court or other bodies, including the Election Commission, are considered as exempt or non-exempt employees as classified by federal law and regulations.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

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

1.04 AMERICANS WITH DISABILITIES

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

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

It is the policy of Kendall County to prohibit any harassment or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subjected to such treatment or has witnessed such treatment, the situation should be reported to his or her elected official, appointed official, department head or Human Resources.

1.05 GINA (Genetic Information Nondiscrimination Act)

Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants employees or their family members; the manifestation of diseases or disorders in family members (family member history); and requests for or receipt of genetic services by applicants, or employees, or their family members. Employment provisions in Title II of GINA apply to the same covered entities as Title VII of the Civil Rights Act of 1964 whether or not the employer conducts genetic testing. The provisions prohibit employers from discriminating against individual employees or job candidates on the basis of genetic conditions or predisposition to certain disease even if an employer does not conduct genetic testing.

1.06 APPLICATION FOR EMPLOYMENT

APPLICATION PROCEDURE

Before an individual can be considered to be an applicant for employment with Kendall County, he or she shall be required to complete an employment application on the form approved by Commissioners Court. Copies of such employment applications are available on the county's website (www.co.kendall.tx.us) or from the Human Resources Department and may be picked up at any time during normal business hours.

SELECTION

Elected/Appointed officials shall be responsible for selecting the applicant that best meets the qualifications for an available position in his or her department. All others are subject to Commissioners Court approval.

DISQUALIFICATION

Applicants shall be disqualified from consideration for employment if they:

1. Do not meet the minimum qualifications necessary to perform the essential functions of the position for which he or she is applying;
2. Have made a false statement on the application form or any other document related to or which has a bearing on the selection process;
3. Have committed or attempted to commit a fraudulent act at any stage of the application process;
4. Are prohibited or disqualified by law, rule or regulation from holding the position applied for; or

5. Are related to another county official or employee as set out in the nepotism policy.

OFFER CONDITIONAL

Job offers are conditional upon passing a physical examination administered by a licensed health care provider at the county's expense. Reasonable accommodation will be made for disabilities in accordance with the Americans with Disabilities Act.

Job offers are conditional upon passing a drug screening and a background check. Elected officials, department heads, and supervisors may impose other appropriate performance related conditions as needed.

As allowed by law, certain positions may also require physical fitness, agility, and psychological testing.

A driving record check will be required for any applicant whose duties involve the operation of a motor vehicle and may be required for other applicants.

NEW HIRE ORIENTATION

All newly elected or appointed officials and newly employed personnel shall report to the Human Resources Department to complete necessary employment forms. The Human Resources Department shall be promptly notified of all prospective new hires, including their proposed starting dates and pay rates.

INTRODUCTORY PERIOD

It is the policy of the county that all new employees be placed on an introductory period of at least 90 days. Upon successful completion of the introductory period, the employee will be given regular employment status.

1. During the introductory period, the employee's department head or supervisor will carefully observe the employee's job performance. Any deficiencies in performance will be discussed with the employee by the department head or supervisor so that the employee will have an opportunity to correct such deficiencies.
2. At any time within the 90 day introductory period, but not later than two weeks prior to the completion of the introductory period, the employee's supervisor shall evaluate the employee's performance and make a recommendation to the applicable department head concerning whether the employee should be granted regular employment status. Prior to the end of the introductory period, the department head shall make a determination concerning the employee's status and decide whether the employee is granted regular status, separated from employment or continued in an introductory status. The memo shall be included in the employee's personnel file. The department head shall notify Human Resources and the employee upon completion of the introductory period as to whether or not the introductory period has been satisfactorily completed and the status of the affected employee.
3. During the introductory period the employee does not have the right to request a grievance hearing. Termination during this period may be effective immediately based

solely on the employee's failure to perform satisfactorily as a county employee as determined by his or her department head or Commissioners Court.

1.07 CRIMINAL HISTORY CHECK

When a conditional offer of employment is extended to an applicant for employment in a full-time or part-time position with the county, a criminal history check shall be required.

The results of the criminal history check may disqualify an applicant from employment with the county. However, depending on a variety of factors (for example, the nature of the employment position, the nature of the conviction, age of the applicant when the illegal activity occurred), the applicant may still be eligible for employment with Kendall County.

If an applicant attempts to withhold information or falsify information pertaining to previous convictions, the applicant will be disqualified from further employment consideration in any position with the county due to falsification of an application. An employee who has withheld or falsified information pertaining to previous convictions will be subject to disciplinary action, including termination of employment.

An offer of employment may be extended to an applicant prior to the completion of the criminal history check. However, the applicant shall not be allowed to commence employment with the county prior to the satisfactory completion of the criminal history check.

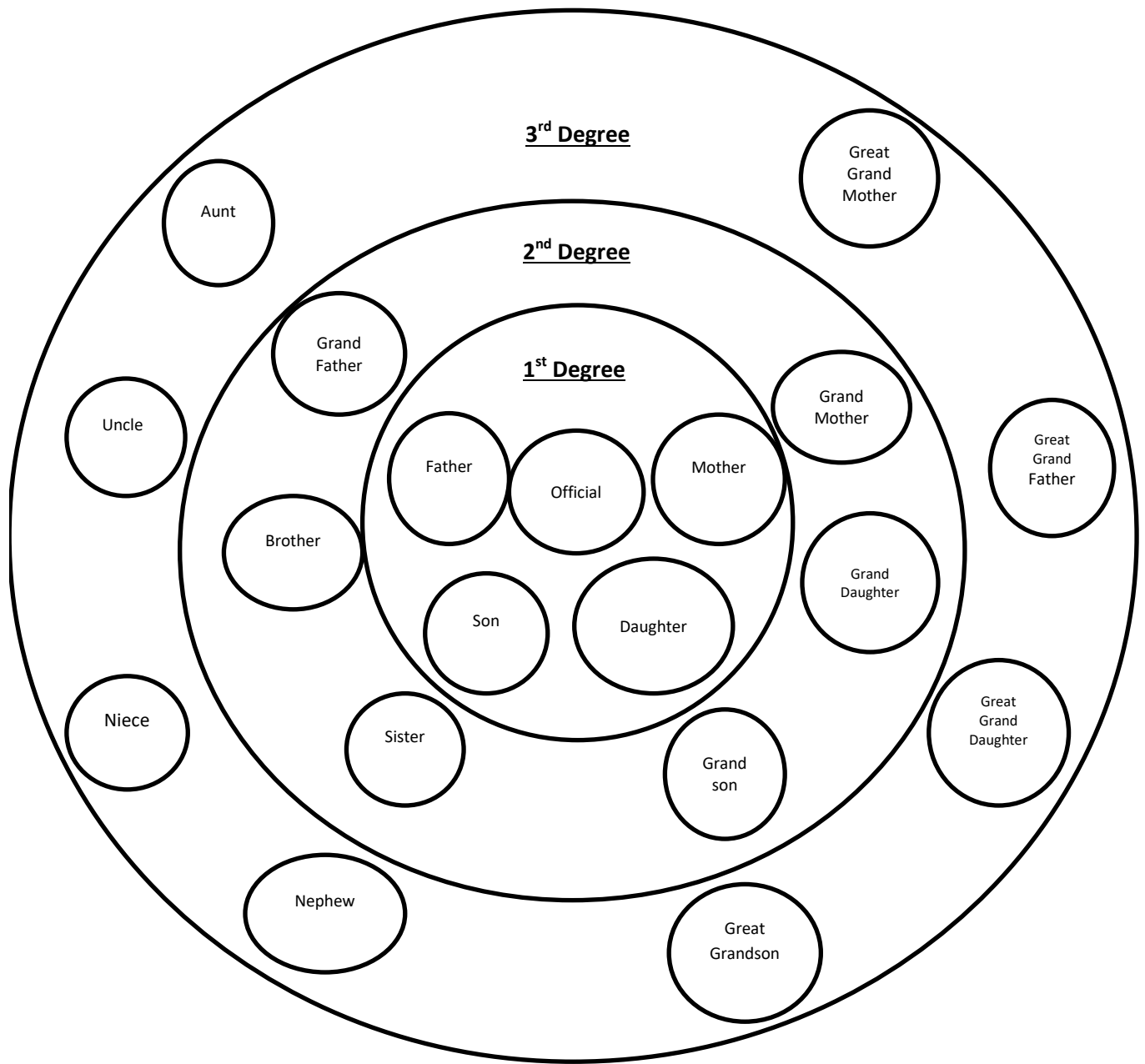
1.08 NEPOTISM

HIRING OF RELATIVES

County officials and department heads shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he or she supervises.

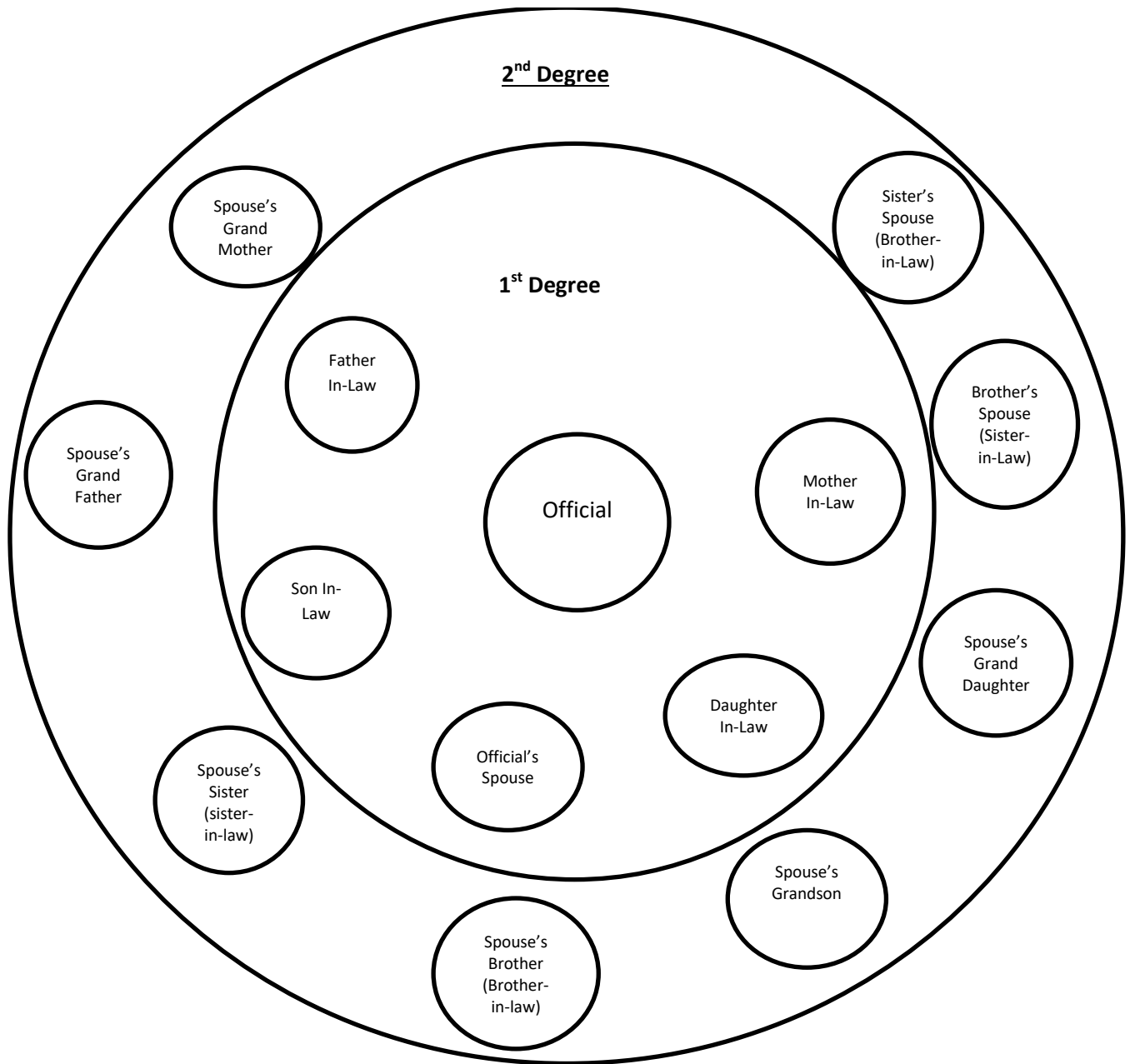
The civil method shall be used for determining the degree of relationship. (See the charts that follow).

Violation of this policy may subject an elected or appointed official to removal from office. Any employee violating this policy or being employed in violation of this policy shall be subject to disciplinary action including termination of employment.



Consanguinity Kinship Chart (Blood)

**TEXAS NEPOTISM CHART
CIVIL LAW METHOD**



Affinity Kinship Chart
(Marriage)

TEXAS NEPOTISM CHART
CIVIL LAW METHOD

2.00 EMPLOYEE BENEFITS

2.01 EMPLOYEE INSURANCE

It shall be the policy of Kendall County to provide medical insurance and other insurance benefits to county officials and employees as set out herein. Payment for such benefits may be shared by the county and the official or employee as determined by the Commissioners Court. Newly hired employees and newly elected or appointed officials shall be eligible for such benefits upon employment. Processing of applications will result in coverage being delayed. In some instances, coverage may be reduced or denied because of requirements of the county's benefit providers.

ELIGIBILITY

Elected and appointed officials, regular full-time and regular part-time employees of Kendall County may participate in group insurance benefits. Temporary employees and contract labor are not eligible for group insurance benefits. Kendall County may pay all or part of the official's or employee's premium. The Commissioners Court shall determine the percentage of the premium (if any) that the county will pay during the budget process and may differentiate between the percentage paid for employees working at least 30 hours per week and employees working less than 30 hours per week. The portion of the premium which exceeds the percentage paid by the county shall be the responsibility of the official or employee.

DEPENDENT COVERAGE

Eligible officials or employees may cover their qualified dependents by paying the Commissioner Court approved premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

LIFE AND OTHER INSURANCE

Group insurance benefits may include a limited amount of life insurance and other insurance benefits as determined by the Commissioners Court.

INFORMATION

Information concerning eligibility and coverage under the group medical, dental, life and other insurance plans are available in the Human Resources Department and may be obtained during normal business hours.

2.02 EMPLOYEE ASSISTANCE PROGRAM

PURPOSE

It is the policy of Kendall County to provide an Employee Assistance Program (EAP) as a benefit to assist employees with personal problems.

The purpose of the EAP is to combine sound management principles with a humanitarian approach to assist employees in handling personal problems. The program seeks to restore individual health and productivity, improve efficiency, and retain experienced employees.

Since family problems also impact job performance, family members may also use the services of the EAP.

COVERAGE

Elected/Appointed officials and regular employees and their family members are eligible for this benefit and free to contact the EAP.

PROGRAM ACCESS

The EAP can be accessed at 1-866-327-2400. The EAP is available 24 hours a day, seven days a week to assist management and employees.

LEAVE TIME

An employee will not be charged leave time for the initial EAP appointment if the supervisor is notified of the scheduled appointment.

The employee should use appropriate leave banks to attend any subsequent treatment that may be recommended.

PROGRAM COST

There is no cost to the employee for the services provided by the EAP; however, any cost associated with recommended treatment with a professional resource is the employee's responsibility. The EAP will recommend treatment services that are covered by the health plan, whenever possible.

CONFIDENTIALITY

Federal and state statutes, along with professional ethics, require that the EAP exercise the highest standards concerning client confidentiality. Kendall County may disclose information to EAP in the course of receiving consultation or in making a referral. The EAP may only disclose client information to the employer with the written consent of the employee. The written consent will outline specific information that will be disclosed to management.

Federal and state statutes do require the disclosure of information in certain circumstances. These circumstances include the following situations:

- *Employees Deemed Potentially Harmful to Self or Others*
Confidentiality laws require EAP to disclose confidential information when there is imminent danger to the health and safety of the client. If a client is deemed imminently harmful to others, EAP is legally obligated to disclose confidential information to avoid risk or harm to the safety of any identifiable victim.
- *Child or Disabled Adult Abuse*
EAP has a "duty to report" to appropriate authorities when there is reason to suspect that a child or a "vulnerable handicapped adult" is being abused or neglected.

- *Court Order*
Specified information may be released to a court as required by a court order.
- *Medical Necessity*
Disclosure of appropriate information to medical personnel is permissible in a medical emergency.

Additional information may be obtained from the Human Resources Department.

2.03 WORKERS' COMPENSATION

ELIGIBILITY

Elected and appointed officials and employees are covered by workers' compensation insurance while in the performance of their duties for the county.

BENEFITS

Workers' compensation insurance pays for medical bills resulting from injury or occupational illness that an employee incurs while carrying out the duties of his or 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. The county shall not pay the difference between supplemental income benefits paid under workers' compensation and the employee's regular salary, except as may be required by law applicable to certain law enforcement personnel.

ACCIDENT REPORTING

Any employee who suffers a job related illness or injury, no matter how minor, is required to notify his or her supervisor within two hours. The supervisor will then contact Human Resources Department to arrange for medical attention and/or prepare the necessary paperwork to file an injury/illness report with the insurance carrier. Failure to promptly report job related injuries or illnesses might affect an employee's eligibility for benefits, or delay benefit payments.

PHYSICIAN'S RELEASE

An employee who has lost time because of a work related injury or illness is required to provide a release from the attending physician before being allowed to return to work. An employee released for light duty shall be reinstated to a light duty position if one is available in his or her department, otherwise he or she would be reinstated to any available light duty position in other departments of the county. If no light duty position is available, the employee will continue on leave with or without pay consistent with applicable law.

CONTRIBUTORY FACTORS

Workers' compensation benefits may be adversely affected or denied if an employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

NO ACCRUAL OF LEAVE

Employees absent on workers' compensation leave do not accrue vacation leave or sick leave and are not entitled to holiday leave during the period of their absence.

ADDITIONAL INFORMATION

Workers' compensation will run concurrently with FMLA.

Employees may obtain additional information on workers' compensation benefits from the Human Resources Department.

An employee out on workers compensation over seven days must report weekly to his or her supervisor.

2.04 RETIREMENT

ELIGIBILITY

Elected and appointed officials and regular full-time and regular part-time employees who meet the requirements of the system are eligible for retirement benefits through the Texas County and District Retirement Systems (TCDRS). Participation in the retirement system is mandatory for such officials and employees.

CONTRIBUTIONS

Eligible officials and employees shall make contributions to the retirement program through payroll deductions. Kendall County will also make contributions to each eligible person's retirement account in an amount to be determined annually by TCDRS and/or the Commissioners Court.

INFORMATION

Information on the retirement program may be obtained at the Human Resources Department during normal business hours.

RETIREE/REHIRE

Employees who retire from Kendall County and start receiving benefits from TCDRS may be rehired and continue receiving their annuity as long as:

1. The original termination was "bona fide" under the IRS guidelines; and
2. There was a separation from employment of at least three calendar months (or ninety days).

In order to be a bona fide termination, there can be no prior agreement between the county and the retiree that he or she would be rehired after retiring, and the retiree may not be given preferential status when applying for a vacant position. Contact the Human Resources Department for additional information.

2.05 SOCIAL SECURITY

Elected and appointed officials and employees are covered by Social Security under the Federal Insurance Contribution Act (F.I.C.A.) which provides certain retirement, disability, and other benefits.

CONTRIBUTIONS

Employee contributions to this program are made by deductions from each official's or employee's paycheck. The county will contribute an amount equal to the official's or employee's contribution in accordance with the requirements of F.I.C.A.

2.06 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

ELIGIBILITY

The Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to all uniformed service personnel (Army, Navy, Air Force, Marines, and Coast Guard), the reserve units of each, the Public Health Service commissioned corps, and the Army and Air National Guard.

REEMPLOYMENT RIGHTS

Eligible employees have the right to be reemployed in their county job if they left that job to perform service in the uniformed services and:

1. The county receives advance written or verbal notice of the employee's service;
2. The employee has five years or less of cumulative service in the uniformed services while with the county;
3. The employee returns to work or applies for reemployment in a timely manner after conclusion of services; and
4. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

Persons who are past or present members of the uniformed service, have applied for membership in the uniformed service, or are obligated to serve in the uniformed service may not be denied initial employment on the basis of their service or future service commitment.

Employees who are past or present members of the uniformed service, have applied for membership in the uniformed service, or are obligated to serve in the uniformed service may not be denied reemployment, promotion or any benefit of employment on the basis of their service or future service commitment.

The county may not retaliate against anyone assisting in the enforcement of USERRA rights, including a person testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

Employees who must leave their job to perform military service have the right to elect to continue their existing county health plan coverage for themselves and their dependents for up to 24 months while in the military. Employees who do not elect to continue their health coverage have the right to be reinstated in the county's health plan when they are reemployed with the county.

Additional information regarding USERRA is available in the Human Resources Department or Veterans Services Office.

2.07 JURY DUTY LEAVE AND COURT APPEARANCES

JURY DUTY

Employees of Kendall County who are called for jury duty shall receive regular pay for the period that 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 not include extra pay if jury service involves time outside the employee's normal work schedule. Employees may also retain any fees paid for jury service for any additional expenses incurred.

COURT ATTENDANCE ON BEHALF OF THE COUNTY

Employees who are subpoenaed or ordered to attend court to appear as a party or witness on behalf of the county or to testify in an official capacity on behalf of the county should contact the attorney representing the Commissioners Court. Such employees shall be entitled to leave with pay for such period as their court attendance may require.

OTHER COURT APPEARANCES

Employees attending court involving personal matters or proceedings that they are not required to attend as part of their duties as a county employee shall use compensatory time, holiday leave or vacation leave for such absences or be on leave without pay. No county official or employee shall testify as an expert witness for compensation in proceedings being heard in the Kendall County Judicial District Court or federal courts with jurisdiction in Kendall County.

REQUIRED DOCUMENTATION

The employee shall notify his or her supervisor when a subpoena or jury summons has been received and shall furnish his or her supervisor with a copy of the subpoena, summons and release documents for verification.

3.00 LEAVE TIME

3.01 VACATION

ELIGIBILITY

All regular full-time and regular part-time employees shall be eligible for vacation benefits. Elected and appointed officials and temporary employees shall not be eligible for vacation benefits.

ACCRUAL RATE

Employees working 40 hours per week or more and who have worked for the county for less than 10 years shall be entitled to 80 hours of vacation leave with pay each year accrued at the rate of 3.08 hours per pay period.

Employees working 40 hours per week or more and who have worked for more than 10 years shall be entitled 120 hours of vacation leave with pay each year accrued at the rate of 4.62 hours per pay period.

Employees working 40 hours per week or more and who have worked 20 years or more shall be entitled to 160 hours of vacation leave with pay each year accrued at the rate of 6.16 hours per pay period.

Employees working less than 40 hours per week will accrue vacation leave on a reduced pro-rata basis based on the hours worked per week.

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

EMERGENCY MEDICAL SERVICES

EMS employees assigned to work on a rotating shift basis, who have worked for the county for less than 10 years, shall be entitled to 120 hours of vacation leave with pay each year accrued at the rate of 4.62 hours per pay period.

EMS employees assigned to work on a rotating shift basis, who have worked for the county for more than 10 years but less than 15, shall be entitled to 168 hours of vacation leave with pay each year accrued at the rate of 6.46 hours per pay period.

EMS employees assigned to work on a rotating shift basis, who have worked for the county for more than 15 years but less than 20, shall be entitled to 192 hours of vacation leave with pay each year accrued at the rate of 7.38 hours per pay period.

EMS employees assigned to work on a rotating shift basis, who have worked for the county for more than 20 years, shall be entitled to 240 hours of vacation leave with pay each year accrued at the rate of 9.23 hours per pay period.

INITIAL ACCRUAL AND WAITING PERIOD

Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of six months in such a position before being eligible to take any accrued vacation.

MAXIMUM ACCRUAL

An employee may accumulate a maximum of 160 hours of vacation leave. Accumulated vacation leave in excess of this amount must be taken in the year accumulated or it shall be forfeited.

SCHEDULING

Scheduling of vacation shall be at the discretion of the individual county official, department head, or supervisor.

BORROWING PROHIBITED

Employees shall only be able to use vacation leave which has already been accrued and shall not be allowed to borrow vacation days against possible future accumulations.

PAY IN LIEU OF VACATION

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

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 accumulated vacation time.

PAY AT SEPARATION FROM EMPLOYMENT

If an employee has worked for at least one year in a position which accrues vacation and the employee resigns, is terminated, or is separated from employment for any other reason, the employee shall receive pay for all unused vacation up to the maximum of 160 hours allowed under this policy. An employee, who has not worked for a minimum of one year in a position which accrues vacation, shall not be eligible for any vacation pay upon separation.

RECORD KEEPING

Each employee shall be responsible for accurately recording all vacation time used on his or her time sheet. All such records shall be subject to confirmation by the employee's supervisor.

TRANSFER

An employee transferred from one department of the county to another department of the county will retain accumulated vacation leave in accordance with this policy which will be charged against the department to which the employee is transferred.

3.02 SICK LEAVE

ELIGIBILITY

All regular full-time and regular part-time employees shall be eligible for paid sick leave. Elected and appointed officials, temporary, and contract employees shall not be eligible for sick leave benefits.

ACCRUAL RATE

Eligible employees working 40 hours per week or more shall accrue sick leave at the rate of 3.69 hours per pay period. 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.

Eligible employees working less than 40 hours per week shall accrue sick leave on a reduced pro-rata basis based on the hours worked per week.

Sick leave will not accrue while an employee is on leave without pay.

EMS employees assigned to work on a rotating shift basis shall accrue sick leave at the rate of 4.24 hours per pay period.

USE OF SICK LEAVE

Sick leave may be used for the following purposes:

1. Illness or injury of the employee;
2. Appointments of the employee or member of the employee's immediate family, with physicians, optometrists, dentists, and other qualified medical professionals;
3. To attend to the illness or injury of a member of the employee's immediate family; and
4. Sick leave may be used for maternity or paternity.

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

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

If you are a participant of the Sick Leave Pool (SLP) (Section 3.03) you may apply to receive additional sick leave time after all other earned leave time is exhausted.

Absence from work due to injury or illness received in the performance of duty and covered by Workers' Compensation will not be charged against sick leave.

Improper use of sick leave shall be grounds for disciplinary action up to and including termination of employment.

NOTIFICATION REQUIRED

When sick leave is used for medical appointments, an employee shall be required to notify his or her department head or supervisor of the intent to use sick leave as soon as the employee knows of the appointment. When use of sick leave is not known in advance, an employee shall notify his or her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. When it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his or her supervisor as soon as possible. If the employee believes that the situation will cause the employee to miss more than one day of work, the employee should notify his or her department head or supervisor of the anticipated length of absence.

DOCUMENTATION REQUIRED

An employee absent for three or more consecutive work days (two consecutive work shifts for EMS employees as assigned to work on a rotating shift basis) on sick leave may be required to provide his or her department head with a physician's statement or other acceptable documentation of the injury or illness causing the absence. Documentation requirements shall also apply in situations where the absence is due to the illness of a member of the immediate family. Documentation of illness or injury may also be required for any sick leave used during the two weeks prior to resignation or abandonment of employment by any employee.

BORROWING PROHIBITED

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

PAY OF SICK LEAVE AT SEPARATION OR RETIREMENT

1. Kendall County employees with 8 years of continuous service to Kendall County, leaving employment in good standing, shall be paid at their then current rate of pay 50% of sick leave hours accumulated up to a maximum of 160 hours.
2. Kendall County employees with 8 years of continuous service to Kendall County, leaving employment due to retirement and meeting TCDRS requirements, shall be paid at their then current rate of pay 100% of sick leave hours accumulated up to a maximum of 320 hours.
3. Employees not meeting either one of the criteria mentioned above are not eligible for pay of unused sick leave hours.
4. There is no limit to the number of hours of sick leave that can be accumulated.
5. "Good standing" as used herein means that the subject employee is not under disciplinary probation and has no disciplinary action pending against them.

3.03 SICK LEAVE POOL

The purpose of the SLP policy is to establish guidelines for the administration of the voluntary SLP to benefit eligible employees who experience a catastrophic illness or injury. This policy is established by the Kendall County Commissioners Court. The SLP program provides a source of additional paid leave to an employee when a catastrophic illness or injury causes an employee to exhaust all earned leave time and go into a non-pay status.

SICK LEAVE POOL DEFINITIONS

Eligible Employee: defined as a regular full-time county employee with 12 or more months of continuous employment with the county who is paid from the general fund of the county, from a special fund of the county or from special grants paid through the county.

Pool Administrator: defined as the person designated by the Commissioners Court to administer the county SLP program using criteria established in this policy.

Sick Pool Review Panel: defined as a panel that consists of the Pool Administrator, and two other persons, designated by the Commissioners Court, on a calendar year basis, to serve on the Panel. Each Panel member shall be either an employee or an elected/appointed official of the county. The Panel serves to review any cases that may require additional consideration or those the Administrator intends to deny.

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

Catastrophic Illness or Injury: defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all earned leave time and thus lose compensation from the county.

Prolonged Period: defined as a period of 30 or more calendar days.

Day: defined as an eight-hour period.

Eligibility

Requests for hours from the SLP are considered on a first-come, first-served basis. In order for a request to be considered, employees who submit a request to receive hours from the SLP must meet the following basic eligibility requirements -

- Employee must be continuously employed by the county for 12 months
- Employee must be actively enrolled in the program for the current calendar year
- Employee must have met all requirements for enrollment
- Employee must apply to the Pool Administrator using designated forms
- Employee must exhaust all paid leave time prior to becoming eligible to use time from the SLP
- Employee must provide a Medical Certification of Illness/Injury from the health care practitioner who is treating the employee for the catastrophic injury/illness
- Employee must not be receiving Workers' Compensation benefits
- Employee must not be claiming a catastrophic illness or injury that occurred during the course of employment with any other employer

Enrollment and Contributions to the Pool

Employees who enroll in the program must have been continuously employed by the county for 12 months and must have accrued a minimum of 48 Sick Leave hours before they may contribute to SLP. Additionally, contribution to the pool must not cause an employee to drop below 40 hours at the time of contribution. Contribution is done at the same time as enrollment using the same form.

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

Enrollment for the SLP will take place in December and attributed to the coming calendar year. It is the responsibility of the employee to submit the enrollment form to the SLP Administrator.

While employees are only required to contribute one day or eight hours, they may contribute up to five days or 40 hours of accrued sick leave to the SLP each calendar year, in increments of eight hours. Upon termination of employment for any reason, employees may contribute up to 10 days or 80 hours of sick leave to the SLP.

Employee Responsibility

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

1. Complete the SLP Request form and submit it to his or her department head/supervisor for completion of his or her portion of the form.
2. Submit the Medical Certification of Illness/Injury form completed by both the employee and the licensed medical practitioner who is providing the treatment for the illness/injury.
3. Provide additional information or documentation if requested by the Pool Administrator in order to make a determination on the request.
4. Upon return to work after being off on SLP, provide a written release from a licensed medical practitioner documenting the employee's ability to return to duty and the return date.

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

Department Heads/Supervisors Responsibility

The Supervisor who receives a SLP Request form from an employee shall do the following:

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

Pool Administrator Responsibility

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

The Pool Administrator is specifically responsible for the following tasks:

1. Review of each request for sick leave hours from the SLP on an individual basis, apply the criteria set forth in this policy and consult with a medical expert, when needed, to determine if a condition is severe enough to be considered catastrophic.
2. Notify the employee in writing when the request for SLP leave has been approved or denied within five business days of the submittal of the request.
3. Bring to the Review Panel cases that may require additional consideration by the Panel or those the Administrator may deny.
4. Notify the employee's department head/supervisor of the status of any SLP request.
5. Protect confidential information submitted in the process of requesting or receiving hours from the SLP.
6. Request of additional information from an employee, when needed, in order to determine whether to approve or deny a request from the SLP.
7. Process all requests for leave within five business days from the time the complete written request is received.
8. Maintain adequate records of SLP balances, deposits and withdrawals.
9. Maintain adequate documentation of both approved requests and denied requests.
10. Present a report of all SLP activity, at least annually, to Commissioners Court. Such report shall contain general information on numbers of requests, denials and hours used from the SLP and current SLP balance.

Qualifying Illness or Injury

The Pool Administrator must review each request and determine if the illness or injury presented is a qualified catastrophic illness or injury. This policy defines catastrophic illness or injury as follows:

Catastrophic Illness or Injury: A severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and forces the employee to exhaust all earned leave time and thus lose compensation from the county.

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

- Stroke
- Incapacitating heart attack
- Cancer
- Major surgery
- Seriously complicated pregnancy
- Seriously complicated hysterectomy
- Hepatitis
- Broken hip

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

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

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

- Broken limb
- Cold/allergy/pneumonia
- Hysterectomy with minor or no complications
- Pregnancy with minor or no complications
- Elective cosmetic surgeries unrelated to a serious diagnosis
- Certain types of surgery with minor or no complications (appendectomy, tonsillectomy, etc.).

Such conditions typically require two days or less hospitalization and typically require three weeks or less recovery time.

Approval and Disbursements

The Pool Administrator will review each request and apply the criteria established by this policy before approving or denying any request for hours from the SLP.

Eligible employees, *who have contributed to the SLP* during the current calendar year may be granted up to 400 hours **OR** a maximum of one-third of the balance of the SLP at the time of the request, whichever is less. This is the maximum amount permitted per employee, per calendar year.

The Pool Administrator shall not disburse more than 160 hours of leave time and shall require a new request for any additionally requested hours even for the same medical event. The SLP operates on a calendar year from January through December. An employee may request to use the SLP for one or more catastrophic illnesses in the course of one calendar year; however, once the maximum allowed amount is reached in a given calendar year, as described above, no further requests may be considered until the next calendar year. In addition to presenting a review of denials, the Pool Administrator may also bring before the SLP Review Panel any cases that may require additional consultation prior to making a determination.

Eligible employees who use leave hours from the SLP are not required to pay back the SLP leave. Employees who use sick leave from the SLP do not earn sick, vacation or compensatory leave while off; however, they do earn Holiday leave and this leave will be used in place of SLP leave if a holiday occurs during such time off. Regular accruals will resume when the employee returns to full-time regular employment.

After each event of a catastrophic illness or injury, any unused SLP hours that remains in an employee's sick leave balance, after the employee returns to work, will be returned to the SLP. In no case, will disbursed sick leave be eligible for monetary payout if the employee did not use the leave time. The estate of a deceased employee who had received SLP leave is not entitled to payment for unused sick leave acquired from the SLP.

Review of Denials

In the case that the Pool Administrator makes the determination that a request to the SLP may not meet criteria and thus may be denied, the Pool Administrator shall call a meeting of the SLP Review Panel prior to notifying the employee of a final determination.

The SLP Review Panel consists of the Pool Administrator, and two other persons, designated by the Commissioners Court, on a calendar year basis, to serve on the SLP Review Panel. Each panel member shall be either an employee or an elected/appointed official of the county. During the meeting of the SLP Review Panel the Pool Administrator shall present all relevant information in the case. Upon review of all information the SLP Review Panel will determine whether to confirm the denial of the request or to recommend the Administrator grant the request. The decision of the Administrator to grant SLP hours is final.

If a request is denied, a notification will be sent to the employee with a description of the reason(s) for denying the request. A separate notification will be sent to the department head or Supervisor of the office where the employee works indicating that the request was denied. Such departmental notification will contain no protected health information.

3.04 HOLIDAYS

ELIGIBILITY

Elected and appointed officials and regular full-time and regular part-time employees shall be eligible for holiday benefits as set out herein.

HOLIDAYS

Officials and employees (other than law enforcement and EMS personnel who are assigned to work on rotating shifts) shall be entitled to time off with compensation on each approved holiday. Compensation shall be based on the number of hours that the eligible employee would normally be scheduled to work on the day that the holiday occurs. Approved holidays for the following calendar year shall be determined by the Commissioners Court no later than December 31 of each year.

HOLIDAY COMPENSATION TIME

Holiday compensation time is a benefit for non-exempt regular employees (other than employees assigned to work on a rotating shift basis) who are required to work on a holiday (including approved inclement weather days) and employees who work on a rotating shift basis who are required to work on a holiday that occurs on a day other than their normally assigned work day (including approved inclement weather days). Such employees will be credited with holiday compensation time equal to the number of hours actually worked, provided that for any time worked less than two hours, the employee will be credited with at least two hours of holiday compensation time and provided further that time worked in excess of FLSA standards for overtime shall be credited and the affected employee shall be compensated in accordance with the policy concerning overtime. The Human Resources Department will maintain records of accrued holiday compensation time for those employees entitled to such benefit. Holiday compensation time may be accumulated without limit and shall be used as time off or lost, provided that any holiday compensation time earned as overtime shall be treated as compensatory time in accordance with the policy concerning overtime.

HOLIDAY LEAVE FOR LAW ENFORCEMENT AND OTHER PERSONNEL

Holiday leave is a benefit for non-exempt law enforcement personnel assigned to work on a rotating shift basis and employees in positions required to be manned seven days a week. Eligible employees shall receive holiday leave time equal to the number of hours of holiday time approved by the Commissioners Court. Each approved holiday is considered eight hours for purposes of calculating holiday leave. Eligible employees shall be credited with the approved number of hours of holiday leave at the beginning of each calendar year and may take such leave any time during the year. Employees must coordinate the time that such leave is taken with their supervisor and receive approval from their department head prior to usage of holiday leave. An employee may be allowed to carry over a maximum of 48 hours of holiday leave to the following calendar year only if every effort has been made by the employee to use holiday leave during the year earned and the requirements of the county result in the affected employee not being able to use all earned leave. Holiday leave shall be used as time off. Eligible employees will not be paid for holiday leave upon cessation of employment with the county. Part-time and temporary employees are not eligible for holiday leave. An employee who becomes eligible for holiday leave after January 1 of any year shall be entitled to holiday leave

based on the remaining approved county holidays for that calendar year. An eligible employee who leaves employment for any reason prior to the end of a calendar year and who has used holiday leave in excess of the number of hours of holiday leave earned up to that time will be charged for such leave and have an amount deducted from their final pay check based on the number of hours of excess leave taken and the employee's hourly pay rate.

HOLIDAY LEAVE FOR EMS PERSONNEL

Emergency Medical Services personnel (only those who work rotating shift schedules) will receive eight hours of pay for holiday(s) that fall during the pay period regardless, if the employee works on that holiday or not. The pay will be based on the employee's current hourly rate of pay. Temporary and contract labor staff are not eligible for holiday pay or holiday leave.

HOLIDAY DURING VACATION

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

TRANSFER

An employee who has accrued holiday compensation time or accrued holiday leave time that is transferred from one department of the county to another department of the county will retain such time which will be charged against the department to which the employee is transferred.

SPECIAL OBSERVANCES

Whenever possible, consideration will be given to employees requesting time off for religious or other special observances, which are not designated as approved holidays of the county. Request for leave under this section shall be made to the employee's supervisor or department head. Accumulated vacation, holiday leave time or compensatory time may be used for leave granted under this section; otherwise, such leave shall be without pay.

3.05 FAMILY AND MEDICAL LEAVE

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

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

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

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

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: **(1)** a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: a) treatment two or more times within 30 days of incapacity, or b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity; **(2)** any period of incapacity due to pregnancy or pre-natal care; **(3)** any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time; **(4)** any period of incapacity which is permanent or long term due to a condition that treatment is not effective; **(5)** any period of incapacity or absence to receive multiple treatments by a health care provider.

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave: **(1)** leave may be taken to address any issue

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

Up to 12 weeks leave per 12-month period may be used under this policy.

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

If a married couple both work for the County the maximum combined leave they shall be allowed to take in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single 12-

month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.

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

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

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

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

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

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

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

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

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

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

At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12-month- period.

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

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

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

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

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

Certification of the serious health condition of the employee shall include: **(1)** the date the condition began; **(2)** its expected duration; **(3)** the diagnosis of the condition; **(4)** a brief statement of the treatment; and **(5)** a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of the serious health condition of an eligible family member shall include: **(1)** the date the condition began; **(2)** its expected duration; **(3)** the diagnosis of the condition; **(4)** a brief statement of treatment; and **(5)** a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

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

Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include: **(1)** if the injury or illness was incurred in the line of duty while on active duty; **(2)** the approximate date on which the illness or injury occurred and the probably duration; **(3)** a description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care; **(4)** if the covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to; **(5)** the relationship of the employee and the covered military service member or covered veteran; or **(6)** in lieu of certification, an ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for a eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.

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

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

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

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

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

leave, the leave request may be denied until at least 30 days from the date the County receives notice.

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

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

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

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

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

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

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

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

Military Family Leave

Under the MFL, there are two types of leave available: **(1)** a qualifying exigency leave; **(2)** leave to care for a covered service member; or **(3)** to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve, or National Guard).

Qualifying Exigency Leave

Eligible employees may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active duty status in a foreign country. Qualifying exigencies may include: **(1)** short-notice deployment (up to 7 days of leave); **(2)** attending certain military events and related activities; **(3)** arranging for alternative childcare; **(4)** addressing certain financial and legal arrangements; **(5)** periods of rest and recuperation for the covered military member (up to 5 days of leave); **(6)** attending certain counseling sessions **(7)** attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status); **(8)** other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee; **(9)** attending family support or assistance programs and informational briefings; **(10)** to act as the covered military member's representative before a governmental agency; **(11)** to address issues that arise from the death of a covered military member while on active duty status in a foreign country; **(12)** other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and employee.

Military Caregiver Leave

Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member of the Armed Forces (Regular, Reserve or National Guard) or a veteran of the Armed Forces (Regular, Reserve, or National Guard).

An eligible employee may take up to 26 weeks of leave to care for a covered service member of the Armed Forces (Regular, Reserve, or National Guard) who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy. This leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12-month period.

Eligible employees may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

Intermittent Leave

Leave because of a serious health condition, or either type of Military Family leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. Military leave due to qualifying exigencies may also be taken on an intermittent basis. If leave is unpaid, the county will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the county may temporarily transfer the eligible employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Substitution of Paid Leave

Kendall County requires substitution of paid leave for all FMLA or MFL events. Employees must follow the vacation and sick policy guidelines. Employees also must use all of the earned compensatory time for FMLA or MFL events prior to using accrued vacation or sick leave. The balance of Family Medical Leave is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

Health Insurance Benefits

During an approved Family Medical Leave, the county will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the county will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through the County Treasurer's office. An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the county for the cost of the premiums paid by the county for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA

leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Return from FMLA Leave

Upon return from FMLA leave, eligible employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. An eligible employee is not guaranteed the actual job held prior to leave.

Notice

If the need to use FMLA leave is foreseeable, the employee must give the county at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the Human Resources Office. When submitting a request for leave, the employee must provide sufficient information for the county to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave.

Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the county if the requested leave is for a reason for which FMLA leave was previously taken or certified.

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

When an employee requests leave, the Human Resources Office will inform the employee whether they are eligible under the FMLA or MFL. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible, the county will provide the employee with a written notice indicating the reason for ineligibility. If leave will be designated as FMLA or MFL protected, the county will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12 or 26 week entitlement.

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Human Resources Office. When the employee requests leave, the county will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after the employee requests leave).

If the employee provides at least 30 days' notice of medical leave, they should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The county, at its expense, may require an examination by a second healthcare provider designated by the county, if it

reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the county, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The county may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the county each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

3.06 BEREAVEMENT LEAVE

A. The following policy applies to all regular full-time and regular part-time employees other than EMS employees assigned to work on a rotating shift basis:

- (1) Such employees shall be allowed leave up to one workweek, per occurrence, with pay for the death of the following family members: spouse, child or parent.
- (2) Such employees shall be allowed up to three working days of leave, per occurrence, with pay for the death of the following family members: brother, sister, father-in-law, mother-in-law, grandparent, or grandchild.
- (3) Such employees shall be allowed up to one working day of leave, per occurrence, with pay for the death of the following family members: uncle, aunt, nephew, niece, great grandparent or great grandchild. Up to one working day of leave, per occurrence, with pay shall also be allowed for the death of the employee's brother-in-law or sister-in-law, or the death of a grandparent or grandchild of the employee's spouse.
- (4) A "working day" for purposes of this policy is defined as a day that the affected employee is normally assigned to work. For a full-time employee, that is usually 8 hours, but may be more or less. For a part-time employee, it will be the number of hours that the affected employee is normally assigned to work on the given day.

B. The following policy applies to EMS employees assigned to work on a rotating shift basis:

- (1) Such employees shall be allowed up to two contiguous shifts of leave, per occurrence, with pay for the death of the following family members: spouse, child or parent.
- (2) Such employees shall be allowed up to one shift of leave, per occurrence, with pay for the death of the following family members: brother, sister, father-in-law, mother-in-law, grandparent, or grandchild.
- (3) Such employees shall be allowed up to eight hours of leave, per occurrence, with pay for the death of the following family members: uncle, aunt, nephew, niece, great grandparent or great grandchild. Up to eight hours of leave, per occurrence, with pay shall also be allowed for the death of the employee's brother-in-law or sister-in-law, or the death of a grandparent or grandchild of the employee's spouse.

Department heads have discretion to allow the full amount of authorized leave or a lesser amount of leave if necessary in order to perform assigned departmental functions.

ADDITIONAL UNPAID LEAVE

Kendall County understands the deep impact that the death of a relative can have on an individual or a family. Therefore, depending on the circumstances, additional non-paid time off may be granted at the discretion of the department head. In situations involving the death of a family member for which leave with pay is granted by this policy, the affected employee may make arrangements with his or her department head for additional unpaid leave, not to exceed four working days or, for EMS employees assigned to work on rotating shift basis, not to exceed

two shifts. Additional unpaid time off may be granted depending on the circumstances such as the distance the employee must travel to attend services, the extent of the employee's responsibility for funeral arrangements, and the extent of the employee's responsibility for taking care of the family members or estate of the deceased person.

OTHER BEREAVEMENT LEAVE

Regular full-time and regular part-time employees, including EMS employees assigned to work on a rotating shift basis, may be allowed time off with pay, up to a maximum of four hours per occurrence or up to 16 hours per calendar year, to attend the funeral services of a relative who is not a family member for which other leave is granted by this policy, or to attend the funeral services of a friend.

In the event of the death of a county employee or someone closely associated with Kendall County, a department head or elected official may approve representation at the services. Employees who attend services at the direction of an elected official or department head are representing Kendall County, and therefore they will not be charged with any time off.

TIMELY NOTIFICATION AND RESPONSE

Employees shall notify their department head as early as possible concerning the need for bereavement leave and provide documentation, if necessary, to verify the relationship of the deceased. Department heads should timely respond to all requests for bereavement leave in compliance with this policy, advising the affected employee of the amount of bereavement leave allowed, the time that the leave will begin and the time that the leave will end.

3.07 MILITARY LEAVE

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

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

An employee going on military leave shall provide their supervisor with a set of orders within two business days after receiving them.

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

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

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3.08 INCLEMENT WEATHER DAYS AND EMERGENCY CLOSING

It is the policy of Kendall County that regular full-time and regular part-time employees unable to report for work due to inclement weather (flooding, snow, ice or other adverse weather condition) or some other condition that renders travel unsafe, not be penalized for their absence and that those employees who do report for work in such conditions be compensated for their attendance.

1. The County Judge, for Kendall County employees not serving under an elected or appointed official; and elected or appointed officials for employees under their supervision, are authorized to make a determination when weather conditions are so severe that it is unsafe for employees to travel from their residences to their assigned work station. Whenever possible, information will be disseminated over local radio and television stations and a recording placed on the County Courthouse telephone system and the county website (www.co.kendall.tx.us) stating whether or not employees will be expected to report for work and any exceptions to the general determination.

In addition, if some other condition exists which makes it impossible or hazardous for employees to report for work, the same officials are authorized to excuse employees under their supervision from reporting to work.

2. When a determination is made that employees will be excused from reporting for work:
 - a. Those employees who do not report for work will receive their regular pay for that day;
 - b. Those employees who do report for work will receive their regular pay for that day and will be compensated for time worked in accordance with the holiday compensation time policy (see 3.04 Holidays).
3. Employees called out to work other than their normal working hours shall be compensated for such time in accordance with applicable law and the policies set out in this Manual provided that such employees shall receive at least two hours compensation for any time worked.

Since some county departments are continuously operating public safety and service departments, some personnel will be required to work during emergency closings. Each department head is responsible for determining which employees are essential for required departmental operations during emergency closings.

4.00 WORK RULES AND EMPLOYEE RESPONSIBILITIES

4.01 GENERAL EMPLOYEE RESPONSIBILITIES

The county is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and avoidance of even the appearance of illegal or unethical conduct in the course of their regular duties. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, county officials, and their fellow employees.

4.02 PROFESSIONAL APPEARANCE

Employees of the county are hired to provide services to the county's citizens and to perform specific tasks in a professional manner. As representatives of the county, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. Employees are expected to exercise regular hygiene care and to dress and groom in a neat and tasteful manner, which is appropriate to the particular job being performed. Neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the county's work force. In particular the following attire is inappropriate -

- Low cut blouses, tank tops or halter tops
- Strapless shirts
- Tank tops/spaghetti strap dresses/shirts
- Jeans/trousers with holes or tears
- Sweat suits or wind suits
- Skirts/pants or shorts higher than knee length
- Skirts with revealing splits or slits
- Leggings
- Overalls
- Provocative or revealing attire (revealing bare back or midriffs)
- Lip, nose or any earrings on a visible part of the body (excluding ears)
- Shoes not in good repair and/or inappropriate footwear (i.e. crocs, flip flops, thongs, shower shoes or beach wear)

4.03 UNIFORMS

Some employees are provided with uniforms identifying them as Kendall County employees. Such uniforms should only be worn while traveling to and from work and while performing county duties unless permission is granted by the department head. Employees who have been issued county uniforms must return these uniforms before leaving employment with the county.

4.04 WORK SCHEDULE AND WORK WEEK

APPLICATION

This policy applies to all county employees other than certain emergency and law enforcement employees whose departments have established separate shift schedules and work hours having the approval of Commissioners Court.

WORK SCHEDULE

The normal work hours for Kendall County employees shall be any scheduled eight-hour day from 8:00 a.m. until 5:00 p.m., Monday through Friday. The normal hours of work will include two 15-minute breaks and a lunch period. County offices may be closed on Saturdays and Sundays. Individual departments may offer alternative scheduling at the discretion of the department head in compliance with the Fair Labor Standards Act (FLSA).

WORKDAY

The workday for the county shall begin at 12:00 a.m. each day and shall end 24 consecutive hours later.

WORKWEEK

For purposes of record keeping and to determine overtime in compliance with the FLSA, the county workweek shall be based on a 40-hour workweek beginning at 12:00 a.m. on Sunday.

4.05 ATTENDANCE AND TIMELINESS

ATTENDANCE

Each employee shall report to work on each day that he or she is scheduled to work unless prior approval for absence is given by the employee's department head or supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

TARDINESS

Each employee shall be at his or her place of work at the starting time set by his or her department head or supervisor unless prior approval is given 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 unless permission to leave early is given by the department head or supervisor.

NOTIFICATION

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

EXCUSED AND UNEXCUSED

Each department head or 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. Unexcused absences or tardiness shall make an employee subject to disciplinary measures including termination of employment.

ABANDONMENT OF POSITION

An employee who has not been granted leave, who does not report for work for three consecutive scheduled work days and who fails to notify his or her supervisor of the reason for the absence without good cause may be considered to have resigned his or her position by abandonment effective immediately.

4.06 VOLUNTEERS AND GUESTS AT THE WORKPLACE

VOLUNTEERS

Some departments use volunteers to assist in the accomplishment of duties and responsibilities. While this is a commendable method to accomplish assigned responsibilities and to acquaint members of the public with county personnel and procedures, there must be policies in place to protect the county from liability and ensure that confidential or privileged information is not compromised. Accordingly, any department that allows volunteers (non-county employees or officials) to operate or be a passenger in county owned machinery or motor vehicles and/or allow volunteers to perform county functions and/or allow volunteers on county owned property not open to the public shall require the volunteer to complete an information form provided by the Human Resources Department and execute a release of liability and indemnification agreement provided by the County Attorney. These forms must be completed and returned to the Human Resources Department prior to the time the volunteer is allowed to operate or be a passenger in county owned machinery or motor vehicles and before the volunteer is allowed to be on county owned property not open to the general public.

GUESTS

It is expected that employees will sometimes have guests at the workplace. However, it should be kept in mind that many departments of the county possess confidential and privileged information and no unauthorized person should be allowed access to such information, intentionally or otherwise. Visits by adult guests should be conducted with the permission of and under guidelines set by the department head. Visits should be of limited duration and conducted so that there is no interference with other employees and no disruption in the workplace.

MINOR CHILDREN

Employees should not bring children to the workplace. If an employee wants to show children his or her place of employment, permission should be requested from his or her department head. If the department head approves a visit, it should be brief (not to exceed one hour) and conducted so that there is no interference with other employees and no disruption in the workplace.

While children are in the workplace, they must be directly supervised by the host/parent at all times.

Employees are not permitted to bring ill children to work. Employees are provided with time-off benefits which should be used to care for an ill child.

4.07 BREAKS FOR NURSING MOTHERS

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. The FLSA does not require any breaks other than for nursing mothers. However, if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

It is the policy of the county to provide two paid 15-minute breaks daily for nursing mothers in all departments, including emergency and law enforcement personnel. The two 15-minute breaks are not in addition to the two 15-minute breaks allowed some employees. Nursing mothers will be allowed whatever time is needed to express breast milk. However, if the time required to express breast milk exceeds the two 15-minute breaks allowed herein, the excess break time will be unpaid time off. Nursing mothers are entitled to express breast milk breaks for one year following the birth of their child.

Nursing mothers will be provided with a private location, other than a bathroom, to express breast milk. The location will be shielded from view, free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case-by-case basis by the employee's department head.

Employees of the county who need to express breast milk may not be discriminated against or retaliated for making such request.

An employee who violates this policy is subject to disciplinary action. An elected or appointed official who violates this policy is subject to sanctions as allowed by law, including if justified, removal from office.

4.08 CONFLICT OF INTEREST

A conflict of interest arises when an employee of Kendall County engages in any employment, relationship or activity which could be viewed as affecting the employee's job efficiency or which would tend to reduce his or her ability to make objective decisions in regard to his or 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 of employment.

PROHIBITED

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

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

Conflict of interest for elected and appointed officials of the county is governed by State law.

If an employee is not sure whether a particular activity would constitute a conflict of interest, the employee should consult with his or her supervisor, department head or the attorney representing the Commissioners Court before participating in the questionable activity.

4.09 OUTSIDE EMPLOYMENT

Kendall County employees are expected to give their full and undivided attention to their job duties. Unless prior approval is obtained from their department head, employees shall not use Kendall County facilities or equipment or their association with Kendall County for outside employment. Employees shall not use Kendall County facilities or equipment or their association with Kendall County to carry on a private business or profession. County employees shall not engage in a profit-making business nor become involved with a non-profit organization that interferes with the employee's assigned duties or is a conflict of interest with Kendall County.

4.10 POLITICAL ACTIVITY

Employees of Kendall County shall have the right to support political candidates of their choice and are encouraged to engage freely in political activities of their choice while on their personal time.

PROHIBITIONS

County officials and employees shall not:

1. Use their official authority or influence to interfere with or affect the result of any campaign for nomination or election to political office;
2. Directly or indirectly coerce, attempt to coerce or influence another person to pay, lend or contribute anything of value to a political party, political action committee, political candidate or to any agency thereof, for any political reason;
3. Use any vehicle, equipment or other property owned by the county for any political activity;
4. Advocate or campaign on behalf of any political candidate party or issues on county time; or
5. Participant in political activity of any kind, or favor or appear to favor or oppose any nominee, candidate or other seeker of public office, while wearing a uniform, exhibiting any badge or insignia, official or otherwise, associated with their employment.

SANCTIONS

Violations of this policy may subject an elected or appointed official to removal from office. Any employee violating this policy shall be subject to disciplinary action including termination of employment.

4.11 SAFETY

SAFETY STANDARDS

It is the policy of Kendall County to provide a safe working environment for all employees. To that end, all employees shall conduct themselves in a courteous and efficient manner, be safety-conscious, and avoid horseplay. In addition to general standards of good sense, employees are expected to be mindful of the safety of co-workers and others in the work environment, and to adhere to all safety standards established for their job or for the department in which they work.

County officials and department heads whose departments employ machinery or equipment operators, persons who handle hazardous materials, or the like, shall be responsible for establishing specific safety standards for all such persons, positions and procedures, and for ensuring compliance therewith. Such safety measures may include the requirement that certain employees submit to drug testing without prior notice in instances in which such testing is authorized or mandated under federal or state law.

VIOLATIONS

Failure to follow the safety standards set by the county or by the elected official or other department head shall subject the employee to disciplinary action up to and including termination of employment.

REPORTING

Employees observing unsafe working conditions shall take appropriate steps to correct those conditions or report the unsafe conditions to their department head. The department head/supervisor may report the unsafe conditions to the Safety Committee or Human Resources Department for appropriate action to correct the problem(s). Failure to report dangerous conditions may subject the employee to disciplinary action. (See 2.03 Workers' Compensation).

4.12 SEAT BELTS

PURPOSE

This policy is intended to protect county employees operating or riding in motor vehicles, including construction equipment, from the hazards of motor vehicle accidents.

APPLICABILITY

This policy is mandatory for all county employees operating county-owned vehicles, passengers in county-owned vehicles, and all employees operating personal vehicles while engaged in county business, and employees riding as a passenger in a vehicle while on county business.

This policy is not applicable to EMS Paramedics assisting patients in an EMS unit.

POLICY

Operators of tractors or other off-road vehicles equipped with a "Roll-Over Protection Structures" (ROPS) will use seat belts.

Vehicle passengers will be permitted to ride only in areas of the vehicle designed for that purpose.

Seat belts shall be used by all employees riding in a vehicle while the vehicle is in motion.

Employees who have a medical condition which may preclude wearing a seat belt may carry a physician's note indicating a waiver for medical reasons.

VIOLATIONS

Failure to follow the safety standards set by the county shall make an employee subject to disciplinary action, up to and including termination. An employee causing an accident resulting in major injury or death because of failure to follow safety standards shall be terminated.

REPORTING

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

4.13 GENERAL HARASSMENT

It is the policy of Kendall County to treat all employees with respect and dignity and not to discriminate against any employee on the basis of any protected class. Kendall 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 swiftly take appropriate action to address any violations of this policy. (Procedures are followed the same way as Grievance 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 or her ability to perform his or her job.

1. Submission to such conduct is either an expressed or implied condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the harassed person; or
3. 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.

Examples of harassment are:

1. Verbal: Comments which are not flattering regarding a person's national origin, race, color, religion, age, gender, and appearance of disability, or other protected status. This includes epithets, slurs, and negative stereotyping.
2. Non-Verbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrate insults, belittles, or shows hostility or aversion toward an individual, or group because of national origin, race, color, religion, age, gender, and appearance of disability, or other protected status.

Employees who feel they have been harassed should immediately report the situation to the Elected or Appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or the attorney representing the Commissioners Court.

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

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

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who believe they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that

reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the attorney representing the Commissioners Court.

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

4.14 SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by Kendall County, whether committed by elected official, appointed official, department head, co-worker or non-employee the county does business with. It is the policy of Kendall County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

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

Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the attorney representing the Commissioners Court.

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

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

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

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.

c. Report continuing sexual harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge or the attorney representing the Commissioners Court.

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

Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the attorney representing the Commissioners Court.

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.

4.15 DISCRIMINATION OR RETALIATION

GENERAL STATEMENT

It is the policy of Kendall County that no applicant for employment or present or former employee shall be discriminated against or retaliated against by any official or employee of Kendall County because the applicant or present or former employee has exercised his or her rights under the constitution and laws of the United States or constitution and laws of the State of Texas or under the Kendall County policies.

PARTICULAR PROCEEDINGS

1. Sexual Harassment – An applicant for employment, present or former employee of Kendall County shall not be discriminated against or retaliated against by any official or employee of Kendall County because the applicant or present or former employee, in good faith reported an incident of sexual harassment, filed a complaint of sexual harassment, gave testimony or participated in an investigation conducted by the county or a state or federal agency, assisted or cooperated with an investigator of the county or state or federal agency, or testified or participated in any proceeding or hearing conducted by the county or any state or federal agency.
2. Violation of Law – An employee of Kendall County who in good faith reports a violation of state or federal law by Kendall County or an official or employee of Kendall County to an appropriate law enforcement agency shall not be suspended from employment, terminated from employment or have any other adverse personnel action taken against him or her because he or she in good faith reported a violation of the law.

3. Workers' Compensation – Employees of Kendall County shall not be retaliated or discriminated against by any official or employee of Kendall County because they:
 - a. filed a workers' compensation claim in good faith;
 - b. hired a lawyer to represent them in a workers' compensation claim;
 - c. instituted or caused to be instituted in good faith a proceeding under the Texas Workers Compensation Act; or
 - d. testified or are scheduled to testify in a proceeding under the Texas Workers' Compensation Act.

Violation of State or Federal Constitution or Laws – No official or employee shall retaliate against or discriminate against any applicant for employment or any present or former employee of Kendall County because the applicant or employee opposed an unlawful employment practice or because he or she made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing by the county or any state or federal agency involving violation of his or her Constitutional rights or violation of any state or federal law prohibiting discrimination based on race, color, religion, national origin, sex, age or disability.

4.16 SMOKING, USE OF TOBACCO AND OTHER DEVICES

Kendall County is committed to providing the public and County employees with a healthy environment, free of tobacco and smoke from tobacco and other substances. It is the County's policy that the use of tobacco, including smoking and the use of devices that provide nicotine or other substances in vapor form are not permitted on County premises, in County buildings, facilities, equipment or vehicles, except as allowed herein;

1. Employees shall not smoke or use tobacco in another form (chewing tobacco, snuff) or use vapor devices, including e-cigarettes, while in County buildings, on County premises or while in County equipment or vehicles except as allowed herein.
2. Employees may smoke or use tobacco in another form or use vapor devices, including e-cigarettes, outside of County buildings in designated areas, provided that cigarette butts and other wastes are disposed of in provided containers.
3. Visitors and members of the public shall be required to comply with the County's policy while on County premises, in County buildings or in County equipment and vehicles.
4. Employees who normally work indoors should use scheduled work breaks to smoke or otherwise use tobacco or vapor devices in compliance with this policy.
5. Conflicts between smokers, users of tobacco in other forms and users of vapor devices and non-smokers should be resolved by the immediate supervisor of the individuals involved and, if necessary, their Department Head. In all cases, the right of a non-smoker to protect his or her health and comfort will take precedence over another employee's desire to smoke, use tobacco in any form, or use vapor devices.
6. County employees who violate this policy will be subject to disciplinary action up to and including termination of employment. Other persons who violate this policy will be required to leave County buildings, premises, equipment or vehicles.

4.17 COUNTY PROPERTY (GENERAL)

RESPONSIBILITY

Each County official and employee shall be responsible for the care, maintenance, proper use, and upkeep of all vehicles, tools and other County equipment assigned to them. County employees shall only use equipment, vehicles, tools and other County property that they are authorized to use. Employees that are issued property are required to turn in all property to their supervisor or Department Head upon separation of employment.

PERSONAL USE PROHIBITED

Personal use of County vehicles, equipment, supplies, tools, and other County property is prohibited. Use of public property, labor or services by a public official or employee for private benefit constitutes a violation of law. Officials and employees shall not transport family members, friends or any other unauthorized persons in County vehicles. Violation of this policy will be grounds for disciplinary action up to and including termination of employment for employees and loss of vehicle use by officials.

LICENSES

A County employee whose duties require the operation of any County equipment or vehicle which requires a license to operate shall be required to have a current active operator's license for that vehicle or equipment. Any employee who operates a vehicle or equipment which requires such a license shall notify his or her supervisor or Department Head of any change in the status of their license and shall be subject to possible job change or termination of employment if they no longer have a valid license, either because the license expires, is suspended or revoked. An employee whose job involves operation of a vehicle or equipment requiring such a license, who is deemed uninsurable by the County's vehicle insurance carrier shall be subject to possible job change or termination of employment, even though the employee's license has not been revoked or suspended.

REPORTING OF COLLISIONS, ACCIDENTS OR INCIDENTS

Any employee involved in a collision, accident or other incident that results in damage to any property or injury to any person shall immediately report the collision, accident or incident to his or her supervisor or Department Head. The supervisor or Department Head shall require the subject employee to prepare a written report within 24 hours of the occurrence of the collision, accident or incident unless the subject employee is injured or disabled as the result of the collision, accident or incident to the extent that they cannot prepare a written report. In such instances, the supervisor or Department Head shall prepare the report based on information available. A copy of all such reports shall be provided to the County Auditor within 48 hours of the occurrence of the subject collision, accident or incident unless a holiday or weekend prevents the report being submitted within that time. In such instances, the report shall be submitted to the County Auditor during the next County business day. The subject Department head shall retain a copy of the report.

4.18 OPERATION OF MOTOR VEHICLES

POLICY

It is the policy of the County that all persons required to operate motor vehicles in performance of County duties do so in a safe and lawful manner. It is also the policy of the County that County vehicles are not used for personal purposes.

LICENSE AND INSURANCE

All persons required to operate motor vehicles (whether employee owned or County owned) in performance of County business must possess the appropriate driver's license and insurance. Employees using their own vehicles on County business must carry at least the minimum amount of liability insurance required by law. County vehicles should be used for travel on County business whenever possible. Any County employee whose duties require the operation of a motor vehicle, but who does not possess the appropriate driver's license and/or the required insurance or is not insurable may be reassigned to another job position, not requiring the operation of a motor vehicle if such a position is available; or terminated from employment. Such termination is not disciplinary and the subject employee is not entitled to pursue a grievance.

DISABILITY

A County employee whose duties involve the operation of a motor vehicle and who becomes physically or mentally unable to safely operate a motor vehicle may be reassigned to another job position, not requiring the operation of a motor vehicle if such a position is available; or terminated from employment, provided that any procedures required by any applicable law or regulation are followed. Such termination is not disciplinary and the subject employee is not entitled to pursue a grievance.

CONVICTIONS OF VIOLATING THE LAW

Any County employee required to operate a motor vehicle in performance of County business who is convicted of any of the following violations may be subject to termination of employment. (A plea of guilty or nolo contendere or being placed on probation or deferred adjudication is considered the same as a conviction for the purposes of this policy.)

1. Driving while intoxicated or under the influence of drugs or alcohol;
2. Hit and run, failure to stop and render aid, failure to stop and provide information;
3. Any offense concerning the negligent or unlawful operation of a motor vehicle that results in death or bodily injury to any person; and
4. Operating a motor vehicle without a driver's license or with an improper, invalid or suspended driver's license.

TRAFFIC VIOLATIONS

Any County employee whose duties require the operation of a motor vehicle and who is guilty of the following, whether or not the employee is operating a County vehicle or another vehicle at the time of the violation, may be subject to termination of employment.

1. Two or more moving violations within a period of one year, or
2. Two or more at fault accidents within any period of employment with the County;
3. One at fault accident and moving violation during any period of employment with the County;
4. One negligent collision resulting in serious bodily injury to any person (hospitalization or death) or extensive property damage to any property (in excess of \$1000.00).

REPORTING COLLISIONS

Any County official or employee who is involved in a motor vehicular collision, regardless of how minor, while operating a motor vehicle (personal or County owned) on County business, shall, if physically able, immediately report the collision to the appropriate law enforcement agency and comply with the reporting requirements in Section 4.16.

REPORTING VIOLATIONS

Any County employee whose duties require the operation of a County motor vehicle and who is convicted of a moving violation, whether or not he or she is operating a County vehicle at the time of the incident resulting in the conviction, shall report the conviction to his or her Department Head within two working days of the conviction. The Department Head shall make a written report of the conviction to the County Auditor within two working days of the Department Head's receipt of the information concerning the conviction.

PROHIBITED USE

1. County vehicles shall not be driven out of the County except on official County business and then, only with prior approval of the Commissioners Court, elected official or Department Head involved.
2. County vehicles shall not be used to transport family members or acquaintances of the official or employee concerned, unless involved in approved activities.
3. County vehicles shall not be used for personal errands or for personal travel. Except as approved by the Commissioners Court, County vehicles shall not be driven to and from the residence of the official or employee concerned outside of Kendall County. Except as approved by the Commissioners Court, County vehicles shall not be driven to secondary employment locations.
4. County employees shall not use cell phones or other electronic devices in violation of any law, order or ordinance, while operating County motor vehicles, including making or receiving calls or texting.

SANCTIONS

Violation of this policy is grounds for immediate termination of employment of the employee concerned and the loss of use of county vehicles by the official or employee involved.

4.19 USE OF SOCIAL MEDIA BY EMPLOYEES

While Kendall County encourages its employees to enjoy and make good use of their OFF-DUTY TIME, certain activities on the part of employees may become a problem if they have the effect of impairing the work of any employee; harassing, demeaning, or creating hostile working environment for any employee; disrupting the smooth and orderly flow of work within the county; or harming the goodwill and reputation of the county and/or employees among its constituents or in the community at large. Employees must ensure that the use of the social media does not produce the adverse consequences noted above. For this reason, the county reminds its employees that the following guidelines apply in their use of social media such as but not limited to Facebook, MySpace, YouTube, LinkedIn and Twitter:

1. If any employee publishes any personal information about themselves, another employee of Kendall County, or constituent in any public medium (print, broadcast, digital or online) that:
 - a) has the potential or effect of involving the employee, his or her co-workers, or the county in any kind of dispute or conflict with other employees or third parties;
 - b) interferes with the work of any employee;
 - c) creates a harassing, demeaning, or hostile working environment for any employee;
 - d) disrupts the smooth and orderly flow of work within the office, or the delivery of services to the county's clients or customers;
 - e) harms the goodwill and reputation of the county and/or employees among its constituents or in the community at large; or
 - f) tend to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information
 - g) you must comply with copyright laws, and cite or reference sources accurately;
 - h) do not link Kendall County's website or post Kendall County material on a social media site without written permission from your supervisor;
 - i) all Kendall County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct;
 - j) any confidential information that you obtained through your position at Kendall County must be kept confidential and should not be discussed through in social media forum.
 - k) Violation of this policy may lead to discipline up to and including the immediate termination of employment.
2. No employee may use county equipment or facilities for furtherance of non-work-related activities or relationships.

The employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending upon the circumstances.

4.20 COUNTY WEBSITE

The Kendall County website is created to provide timely and informative information to the citizens of Kendall County. It shall be the policy of the county to post information for public viewing on the website that includes, but is not limited, to the following:

1. Agendas of the Commissioners Court
2. Minutes of the Commissioners Court
3. Tax rate notifications
4. Notice of available employment opportunities
5. Notice of requests for bids and proposals
6. Requests for qualifications
7. Burn Ban Status
8. Emergency Services information
9. Current contact information for all county officials

The contents of the Kendall County website are the responsibility of the Commissioners Court. The website shall be updated and maintained in a timely manner and in accordance with applicable law by an individual in each department, having a need/requirement to post information, as designated by the department head/official. The Commissioners Court may designate an individual as the website administrator. No person shall edit or alter another department's webpages without expressed approval of that department head.

4.21 USE OF COUNTY TELEPHONES, ELECTRONIC MAIL, COMPUTERS, AND INTERNET USE

County telephones are intended for official use. Recognizing that there may be extenuating circumstances regarding the use of county telephones for personal matters, county employees and officials may place personal long-distance telephone calls on county telephone equipment provided, payment for such charges are made to the County Treasurer's Office. The Auditor's Office may provide the department heads with long distance telephone bills for each employee in their department. Note: A call to notify family of county requirements to work unscheduled overtime is a county business call.

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

Use of Kendall County computers, networks, and internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination of employment.

It is the policy of Kendall County to ensure that the use of computers and electronic communications equipment is consistent with the county's legitimate business interests. Therefore, Kendall County reserves and intends to exercise the right to access and monitor the use of such equipment as deemed necessary. It shall be the responsibility of each department head to monitor and control the use of computer equipment assigned to his or her department.

Employees shall adhere to the following guidelines when using county owned computers and/or electronic communications equipment:

1. Computers, computer files, software, the E-mail system and the Internet furnished to employees are county property intended for county business.

County employees are prohibited from installing any software on county computers. This includes software on and software upgrades available on the internet. Of specific note are those software products that afford peer to peer connectivity and open up portals which pose a significant security risk to the county's network. The use of radio station software programs, all of which use large amounts of bandwidth, is also expressly prohibited on county computers. Such software (peer to peer and radio stations software) should never be installed on county owned computers or any computer attached to the county's network. Existing installations of such software should be reported to the personnel designated by the Commissioners Court. County employees are prohibited from installing county software on their (non-county) personal computer, unless authorized by an elected/appointed official. In addition, employees are prohibited from altering the existing hardware or making additions to hardware on county computers without authorization.

2. The county prohibits the use of its computers, the E-mail system or the Internet in ways that are disruptive to others. Inappropriate or offensive messages, images, or documents containing racial or religious slurs or sexually suggestive or explicit language/photographs are prohibited. Employees should also note that E-mail messages and other contents of a computer hard drive are public records and may be open to public inspection in accordance with the Public Information Act of the State of Texas.
3. Sensitive or confidential information shall not be sent via electronic mail; for example, performance reviews, disciplinary actions, employee terminations, health related information, or other types of confidential reporting or any other information protected by law from public disclosure.
4. The county purchases and licenses the use of various types of computer software for business purposes. The county does not own the copyright to this software or its related documentation and unless authorized by the software developer, does not have the right to reproduce it. Employees shall use the software only in accordance with the license agreement. According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment.
5. Employees should adhere to the highest professional/ethical standards when using the Internet as they are representatives of the county.
6. Employees having knowledge of the misuse of any county computer equipment, electronic communications equipment or software shall notify their respective department head or elected official. The department head or elected official is responsible for notifying the personnel designated by the Commissioners Court and/or the appropriate law enforcement agency when necessary and applicable.
7. Employees in violation of this policy shall be subject to disciplinary action, up to, and including termination of employment. In addition, there are a number of state and

federal laws regarding computer crimes. Certain violations may result in a person being charged with an offense or civil action being taken or which criminal or civil administrative penalties may be imposed. In the event that Kendall County incurs a cost due to employee negligence or misuse of the Internet, the employee may be responsible for reimbursement of that cost.

8. Non-county employees should never be permitted to use county computer equipment without approval of the elected official/department head for specific authorization of county business only.

4.22 CELLULAR TELEPHONES

This policy applies only to cellular telephones provided by Kendall County to county officials, employees or agents and paid for by county funds. It does not apply to personal cellular telephones or pagers or cellular telephones paid for by discretionary funds or grants not under the control of the Kendall County Commissioners Court.

Unless approved by the Commissioners Court, Kendall County will not provide cellular telephones to any official, employee or agent of Kendall County. No individual official, employee or agent of Kendall County is authorized to enter into any agreement with any cellular telephone service provider that obligates Kendall County to be responsible for payment of cellular telephone charges.

Personal use of cellular telephones provided by Kendall County is absolutely prohibited.

AUTHORIZATION

Elected or appointed officials or department heads who require cellular telephones for themselves or for any person under their supervision shall submit a written request to the Commissioners Court. Those officials, employees or agents whose duties require a cellular telephone and that are approved by the Commissioners Court shall be provided with a cellular telephone at county expense. Such cellular telephones shall be used for official county business only.

REIMBURSEMENT

Those officials, employees or agents of the county who are not provided with a cellular telephone by the county and who incur expenses conducting official county business on a personal cellular telephone shall be reimbursed for such expenses upon approval by the Commissioners Court. The County Auditor shall establish procedures for reimbursement of such expenses at a rate approved by the Commissioners Court. Those seeking reimbursement for such expenses should be aware that their records are subject to audit and possibly Public Information Request.

LIMITATIONS ON USE AND SANCTIONS

1. Cellular telephones provided by Kendall County to officials, employees or agents of Kendall County are subject to control and regulation by the Commissioners Court. It is unlawful for a public official or employee to use publicly funded equipment or services for personal use. Accordingly, any official, employee or agent who makes or continues to receive personal calls on cellular telephones provided by the county and paid for by public funds shall be subject to criminal charges. In addition, any employee who makes or continues a received personal call on county provided and funded cellular telephones shall be subject to disciplinary action including termination of employment and the loss of a county provided cellular telephone.
2. Charges incurred by Kendall County in violation of this policy shall be the personal responsibility of the person causing the charges. The Human Resources Department is authorized to deduct the amount of any unauthorized charges from any payments due from Kendall County to the person responsible for such charges.

4.23 TRAVEL AND CONFERENCE EXPENSES

RESPONSIBILITY OF OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES

1. It is the responsibility of the county official or department head to ensure that travel performed by any official or employee under his or her supervision is for county business only, that the travel is in accordance with the approved departmental budget and that the appropriate travel forms are correctly completed, signed and timely submitted to the County Auditor's Office.
2. It is the responsibility of the traveling official or employee to correctly complete and timely submit the appropriate travel forms with required documentation that charges incurred are for county business as approved by the appropriate elected official or department head and that travel is performed and advances or reimbursements obtained in accordance with this policy.
3. The County Auditor's Office will maintain a list of allowable charges for lodging, per diem and mileage as approved by the Commissioners Court and provide such information to all county officials and employees.

ALLOWABLE EXPENSES – Following are allowable expenses to be paid by the county for officials or employees traveling on county business.

1. For travel within Kendall County, the traveling official or employee will only be reimbursed for actual mileage incurred. Officials or employees should carpool if attending the same event. Whenever possible, county vehicles should be used. If a county pool car is available at the courthouse, no reimbursement will be made for local mileage from the courthouse area for trips within the city limits of Boerne unless the car is unavailable.
2. For travel out of Kendall County, the traveling official or employee using his or her personal motor vehicle will be reimbursed for actual mileage to and from the destination (mileage will be paid from the official/employee's actual point of departure – the work station or his or her residence) whichever is nearer the destination and necessary travel at the destination. Other allowable expenses supported by documentation are lodging, meals on a per diem basis and registration as set out herein.

Following is a description of expenses which will be reimbursed, the documentation required, if any, to justify such expenses, and those expenses which will not be reimbursed.

MEALS

1. Meal expenses incurred while on county business will be reimbursed on a per diem basis as set by the Commissioners Court. **No cash advances for meals.**
2. It is required to submit detailed receipts in order to receive reimbursement of meal expenses. Meal charges in excess of the per diem rate will not be reimbursed.

3. When a meal is provided without charge as part of the event being attended, the traveling official/employee will not receive reimbursement for that meal unless reimbursement is approved by Commissioners Court.
4. Meal expenses incurred while on county business not requiring overnight stay will not be eligible for reimbursement.

LODGING

1. No lodging expenses incurred within Kendall County will be paid or reimbursed.
2. The county will reimburse the traveling county official or employee for the cost of lodging while traveling on official county business. The official or employee will obtain a detailed statement or receipt to be submitted with the appropriate travel expense form.
3. The County Auditor's Office has credit cards available for the payment of lodging expenses. (Please refer to the Policy on Usage of Credit Cards also available in the Auditor's Office)
4. Items that are possibly eligible for reimbursement on the hotel statement are:

Daily Room Charges, in the amount approved by Commissioners Court
Hotel Taxes required by law
Business Telephone Calls
Hotel Parking Fees

5. Items **NOT** eligible for reimbursement on the hotel statement are:

Meals
Personal expense items such as cleaning or laundry
Alcoholic beverage charges
Hotel Club charges
Recreation Facilities use charges
Movies
Personal Phone Calls

6. The county will reimburse the traveling official or employee for a maximum of one-day lodging prior to the start of a conference or seminar and/or a maximum of one-day lodging after the end of the conference or seminar. Officials or employees attending a conference or seminar that ends before 5:00 p.m. will not be eligible to receive lodging expenses to stay the night the conference or seminar ends. Any additional lodging will be at the expense of the official or employee unless proof is presented that the additional lodging is a result of extended county business in the area or that circumstances warranted delay in travel.

TRANSPORTATION

1. **Commercial Airlines** – Commercial airlines are normally the most economical mode of transportation for out-of-state travel. All out-of-state travel shall be presented to

Commissioners Court for approval prior to making travel arrangements. Traveling officials and employees are encouraged to take advantage of reduced rates for advance reservations. Airline tickets may be paid for in advance if the official or employee submits *Travel Advance Request* with documentation of the cost of the airline travel involved.

2. **Taxi, Bus, Shuttle & Rail Fares** – The traveling official/employee must obtain detailed receipts for taxi, bus or shuttle and rail fares to be reimbursed by the county for those fares relating to county business.
3. **Auto Rental** – When it is necessary, or when it is more economical to rent a vehicle than to use public transportation, the traveling official/employee will be reimbursed for the actual cost of renting the vehicle, including fuel. Collision damage waiver insurance will not be reimbursed. The county will reimburse for a mid-size or small size vehicle only. Rental agreements and copies of detailed receipts for fuel and other expenses must be submitted for reimbursement.
4. **Personal Vehicles** – The county will pay in advance or reimburse the traveling official or employee the rate approved by Commissioners Court for each mile of use of personal vehicles while traveling on county business. The mileage payment will be based on the most direct route to the destination where county business will be conducted plus reimbursement for business mileage traveled while at the destination. No other vehicle expense will be paid to the traveling official or employee other than the fixed price per mile.
5. **County-owned Vehicles** – The county will reimburse the traveling official or employee for fuel, oil and maintenance expenses when necessary in the conduct of county business. County facilities shall be used for maintenance, repair and upkeep of county vehicles whenever possible. Officials or employees will not be reimbursed for maintenance or repair expenses incurred on county vehicles using other than county facilities unless approved by the Commissioners Court. Detailed receipts for all expenses incurred must be submitted in order to obtain reimbursement. Officials and employees operating a county-owned vehicle must use the assigned fuel credit card for the purchase of fuel.

REGISTRATION

Registration fees will be paid or reimbursed based upon registration receipts or confirmation statements.

CANCELLATION OF TRAVEL

In the event an official or employee is unable to attend an activity involving county business for which reservations have been made, the official or employee shall give notice of cancellation as soon as possible. In the event airline tickets, lodging reservations or tuition or registration fees are non-refundable, in whole or in part, the official or employee involved shall attempt to obtain a replacement official or employee to attend the scheduled function. In the event no replacement is obtained, the official or employee may be required to reimburse the county for the funds lost if it is determined by Commissioners Court that the official or employee involved was at fault or negligent in the scheduling or cancellation of the travel involved.

TRAVEL EXPENSE FORMS

1. *Travel Advance Request* form shall be submitted by all officials and employees who want to receive a travel expense advance prior to undertaking travel. The form must be completed and signed by the traveling official or employee, approved by the appropriate person and submitted to the County Auditor's Office no later than 12:00 noon on the Wednesday before the Commissioners Court meeting prior to undertaking travel. Forms not timely submitted will not be approved. Within 10 working days of completing the travel for which the advance was obtained, the traveling official or employee shall sign the certification on *Travel Advance Request* along with the required documents and return any money not expended back to the county.
2. *Travel Reimbursement Request* shall be submitted for reimbursement of travel expenses. This form should be submitted to the County Auditor's Office within 10 working days of completion of travel. All required detailed receipts must accompany forms in order to receive full reimbursement.
3. *Local Mileage Reimbursement* shall be submitted for reimbursement for personal automobile mileage, either for local travel or for travel out of town on county business when no other expense is incurred. This form should be submitted monthly or within 10 working days of completion of travel.

CASH ADVANCES

Cash advances will be allowed for projected mileage, only.

4.24 WORKPLACE VIOLENCE AND THREATS OF VIOLENCE

Kendall County is committed to providing a workplace free of violence and protecting employees and the public generally from violent acts and threats of violence. The County will not tolerate or condone violence of any kind in the workplace. The County will also not tolerate or condone any threats of violence. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another person reasonably fear for their safety or the safety of others. Employees shall report all acts of violence or threatened acts of violence to their immediate supervisor or Department Head. Because of the incidents of violence and terrorism that have occurred in recent years, all employees should be alert to any communication that contains a threat of violence or any conduct that threatens violence, whether by current or former employees or the public generally, and report any such communications or conduct to their immediate supervisor or Department Head. Any supervisor or Department Head receiving a report of violence or threatened violence shall forward the report to the Kendall County Sheriff who shall have the incident investigated and take action as appropriate. No person, other than authorized law enforcement personnel, may possess a firearm or other weapon, while in County offices, buildings, or on County premises or property, unless specific permission has been granted by the Commissioners Court or authorized by appropriate authority.

Each Department Head shall adopt a policy and procedure to address situations that could result in injury or death to employees in their department, including procedures for locking down departmental offices, providing alternative escape routes for employees and members of the public that may be on the premises, and for notifying law enforcement and other appropriate personnel. Department Heads shall fully inform all departmental personnel of such policy and procedure and, if appropriate, conduct drills to ensure that all employees are familiar with such policy and procedure.

5.00 PERSONNEL FILES

5.01 GENERAL PERSONNEL FILES

The Human Resources Department maintains personnel records on all county officials and employees.

Some information in a personnel file is confidential and protected from public release. Other information is public and must be disclosed upon request. No information from any record placed in a personnel file will be communicated to any person or organization except by the Human Resources Director or by an employee authorized to do so by the Human Resources Director and then only in compliance with applicable law.

The home address, home telephone number, emergency contact information of some officials and employees is automatically protected by applicable law. Information concerning whether such persons have family members is also protected

Other officials and employees must choose whether the county discloses their home address and telephone number to the public on request. If a new official or employee does not request confidentiality within the first 14 days of their time in office or employment, the home address and telephone number on file are considered public information. However, officials and employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available at the Human Resources Department.

An official or employee or his or her representative designated in writing may examine the official's or employee's personnel file upon request during normal business hours. An official or employee or his or her agent may not remove anything from his or her personnel file.

When a supervisor requires access to the personnel file of an employee under his or her supervision for the handling of personnel matters, the supervisor must obtain authorization from the supervising elected official or department head.

Officials and employees must inform the Human Resources Department of any changes in or corrections to information recorded in their personnel files; such as home address, home telephone number, change of name, person to be notified in case of emergency, or other pertinent information within 10 business days of such change.

5.02 CONTENTS OF PERSONNEL FILES

A personnel file should contain at least the following information:

- A record indicating the person's position or job title and initial date of taking office or employment;
- W-4 form;
- If applicable, a copy of the application for employment and/or resume;
- For appointees, a copy of the document evidencing their appointment;

- Documents signed by the official or employee acknowledging receipt of a copy of the County Policy Manual and any other policy-related materials;
- For employees, a copy of their job description and their signed acknowledgment of having received a copy of the job description;
- For those officials and employees affected, their election to disclose or keep confidential home address and home telephone number information;
- Retirement system forms;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of any disciplinary action(s);
- Copies of any grievances and related materials;
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file. and
- Any other pertinent information having a bearing on the official's or employee's status.

An official's or employee's personnel file does not contain information regarding medical records, information relating to drug or alcohol testing, or the I-9 form. These files are confidential and are not released to anyone unless a "need to know" has been clearly established as required by applicable law. Only the Human Resources Department has routine access to such records.

6.00 PAYROLL

6.01 FAIR LABOR STANDARDS ACT SAFE HARBOR

Kendall County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the attention of the Human Resources Department, Kendall County will promptly make any corrections necessary. Employees should review their pay stub to make sure it is correct. If an employee believes a mistake has occurred or has any questions concerning their pay or deductions from their pay, they should follow the procedure set out below. If an employee has been overpaid, the county will make the necessary corrections in the next pay check.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours worked each day. It is the responsibility of each employee to verify that their electronic timecards are correct. Employee electronic timecards must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Employees are required to electronically approve their timecards. When an employee receives their pay check, they should immediately verify that the pay is correct for all regular and overtime hours worked.

Non-exempt employees, unless authorized by their supervisor, should not work any hours that are not authorized. Employees should not start work early, work late, work during a meal break, or perform any other extra or overtime work unless authorized to do so. All time worked shall be recorded. Employees are prohibited from performing any “off-the-clock” work meaning work an employee performs but fails to report. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination of employment.

It is a violation of Kendall County policy for any employee to falsify their timecard or to alter another employee’s timecard. It is also a violation of county policy for any employee, supervisor or official to instruct an employee to incorrectly or falsely report hours worked or to alter another employee’s timecard to under-report or over-report hours worked. If anyone instructs an employee to (1) incorrectly or falsely under-report or over-report hours worked, or (2) alter another employee’s timecard to inaccurately or falsely report hours worked, that employee should report it immediately to:

Human Resources Department
201 E San Antonio Ave, Suite 112
Boerne, TX 78006
(830) 249-9343

Employees who are classified as exempt employees will receive a salary, which is compensation for all hours worked for the county. This salary will be established at the time of employment or when the employee is classified as an exempt employee. While the salary may be subject to review and modification from time to time, the amount paid will not be subject to being increased or reduced because of variations in quantity or quality of the work performed.

For exempt employees, deductions from salaries may be made for allowable amounts such as a portion of health, dental or life premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In addition, during a workweek in

which an employee performs work, the amount paid to an exempt employee may be reduced for any of the following reasons:

1. An unexcused absence from work; or
2. Disciplinary suspension; or
3. Authorized but unpaid leave, including Family and Medical Leave or Military Leave; or
4. To offset amounts received as payment for jury and witness fees or military pay if allowed by law; or
5. The first or last week of employment in the event the exempt employee begins or ceases employment in the middle of a county pay period.

For an exempt employee, during any workweek in which the employee performs any work, his or her salary will not be reduced for any of the following reasons:

1. Partial day absences for personal reasons, sickness or disability; or
2. Absence because the facility is closed on a scheduled work day; or
3. An absence because of the county's operating requirements; or
4. Absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work; or
5. Any other deductions prohibited by state or federal law.

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

Employees with questions about deductions from their pay should contact their supervisor immediately. If the employee believes they have been subject to any improper deductions or their pay does not accurately reflect hours worked, they should immediately report the matter to:

Human Resources Department
201 E. San Antonio Ave, Suite 112
Boerne, Texas 78006
(830) 249-9343

If an employee does not receive a satisfactory response within five business days after reporting the incident to the Human Resources Department, the employee should contact the attorney representing the Commissioners Court.

It is the policy of the county that every report will be fully investigated and corrective action will be taken where appropriate. In addition, the county will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the county's investigation of such reports. Retaliation is unacceptable. Any employee who engages in any form of retaliation in violation of this policy or who otherwise violates this policy will be subject to disciplinary action, up to and including termination of employment.

6.02 PAY PERIODS AND TIMECARDS

PAY PERIOD

The pay period for Kendall County shall be biweekly, with checks being issued every other Friday. If a payday falls on a holiday, paychecks shall be issued on the last workday immediately preceding the holiday.

TIME REPORTING/ELECTRONIC TIMEKEEPING

Kendall County maintains an accurate recording of and proper payment for all time worked by County employees, in compliance with the Fair Labor Standards Act as outlined in **Section 6.01 Fair Labor Standards Act Safe Harbor**.

Kendall County has implemented an electronic timekeeping system to ensure accurate tracking of employees' hours worked. All County employees shall use the electronic timekeeping system. All County employees shall accurately record their hours worked in Kendall County's electronic timekeeping system at least bi-weekly. Leave such as vacation, sick and other approved leave shall also be recorded in the electronic timekeeping system. The data recorded in the system shall be considered as the "official" record of time worked and leave taken. The official record will be used to resolve any disputes.

Non-exempt employees shall use either a biometric time clock device or a web-access link via computer or mobile app (for ONLY those employees approved and specifically designated to use them by the Human Resources Office and I.T.) to "clock in" at the beginning and end of their workday and as necessary, within the workday, so as to accurately and appropriately record their meal breaks or approved leave time.

Exempt employees will only record leave time taken. If an exempt employee works less than 80 hours in a pay period, the employee will need to record leave time taken in the electronic timekeeping system.

In the case of clock malfunction or other technological problems, it may be necessary to correct or enter missing data. These changes shall be documented and manually added to the employee's electronic timecard as necessary by a manager/supervisor to accurately report the employee's hours. Any clock or web access malfunctions should be promptly reported to the Human Resources Office and/or the IT Department.

Employees should not clock earlier than 7 minutes before their scheduled start time, unless the employee has supervisor approval for early arrival. An employee should not clock out any later than 7 minutes after their scheduled end time, unless the employee has supervisor approval for working late. Employees can clock in 7 minutes prior to and up to 7 minutes after their shift is supposed to start without incurring potential overtime.

As directed in **Section 6.01 Fair Labor Standards Act Safe Harbor**, all employees are required to view their timecards to ensure accuracy of their official recorded time. Employees should report discrepancies to their supervisor immediately. All employees are required to approve their electronic timecard at the end of the pay period. Supervisors or department timekeepers are required to approve their employees' electronic timecards at the end of each pay period. The required deadlines will be specified by the Human Resources Office.

Departmental timekeepers shall ensure that employees and supervisors have accurately completed electronic timecards. At the end of each pay period, departmental timekeepers will "sign off"/approve on all employee electronic timecards in the electronic timekeeping system, therefore, releasing the recorded data to Payroll for processing.

Departmental timekeepers must perform “sign off”/approval by 10:00 a.m., on the dates specified by the Human Resources Office. In the case of holidays, the Human Resources Office will send proper notification of the amended due time and date.

As stated in **Section 6.01 Fair Labor Standards Act Safe Harbor**, falsifying timekeeping records is a serious offense subject to disciplinary action up to and including termination. Tampering or interfering with a Kendall County clock and/or Kendall County electronic timekeeping equipment is considered a serious offense, subject to disciplinary action up to and including termination.

Manual edits to hourly employee electronic timecards should be limited. If a manual edit is performed, then a comment must be added on the in/out punch to explain why the edit was performed. Managers should limit editing in/out punches to avoid the accrual of overtime. If an employee is punching too early/late, then the employee should be counseled. If the employee continues inappropriately punching, then disciplinary action should be considered.

Managers should never edit a punch-in to correct a time entry for employees who are tardy. Employees should use just enough accrued leave time in their timecards to make their work week or pay period whole.

PAY ADVANCES

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

6.03 COMPENSATION AND SALARY ADMINISTRATION

SALARY ADMINISTRATION

It is the policy of Kendall County to reward its employees based upon increases to the cost of living and the merits of the employee’s performance. When economic conditions permit, the Commissioners Court will define a percentage of any pay increase to be allotted for a cost of living increase during the budget adoption cycle. Cost of living increases shall be effective at the beginning of the fiscal year.

Based on funds available, the county may also define a merit pool that is a percentage of the total payroll. Individual department heads may use the pool amount allocated to their department to reward employees for exceptional service to the county, upon final approval by the Commissioners Court. Merit increases, once approved by the Commissioners Court, may be granted any time during the fiscal year in which approved.

PAY PERIODS

All county employees shall be paid on a biweekly basis. For full-time regular employees, the biweekly salary will compensate the employee for all time worked up to 40 hours per week during the pay period or for up to 86 hours per 14-day shift for certain law enforcement employees. For part-time regular employees, the biweekly salary will compensate the employee for all time worked in the pay period, up to the number of hours designated by the Commissioners Court for that position.

MINIMUM WAGE

All employees shall be paid not less than the minimum hourly wage rate established by the Fair Labor Standards Act as amended.

6.04 PAYROLL DEDUCTIONS

REQUIRED DEDUCTIONS

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

INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS

Kendall County will comply with the IRS with regard to fringe benefits.

RETIREMENT

Employees eligible for membership in the Texas County and District Retirement System (TCDRS) shall have their contributions to that system deducted from each paycheck. Participation in the retirement system is mandatory for all regular employees. Contributions to the retirement accounts of county employees shall be determined by Commissioners Court, may vary from time to time, and cannot be altered on an individual basis. Additional information on the county's retirement plan is available in the Human Resources Department or on the TCDRS website (www.tcdrs.org).

OPTIONAL DEDUCTIONS

Any deduction for optional benefits authorized by the Commissioners Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee's written authorization for the deduction is on file in the Human Resources Department.

CAFETERIA PLAN

Kendall County offers certain employee benefit options, subject to eligibility, pursuant to a Cafeteria plan in accordance with Section 125 of the Internal Revenue Code. Instead of deductions, the plan finances benefits by means of salary reduction agreements. As a result, most benefits, except life insurance premiums, are tax deferred. Eligible employees are encouraged to participate in the Cafeteria plan. Authorizations for optional payroll deductions under the county's Cafeteria Plan are irrevocable for the remainder of the plan year unless there is a relevant change in the employee's family status, such as marriage, divorce, death of spouse or child, birth or adoption of child, or termination of employment of employee or employee's spouse.

AMOUNTS OWED TO KENDALL COUNTY

A person leaving employment with the county who owes the county funds for cash advances or county owned property not returned to the county will have funds for such amounts withheld from his or her final paycheck.

6.05 LONGEVITY PAY

(6.05 is applicable only to employees hired before October 1, 2023 - Employees hired on or after October 1, 2023 do not receive longevity pay. Not applicable to Elected or Appointed Officials)

DEFINITION

Longevity pay is a benefit that provides additional compensation to Kendall County officials and employees based upon the years of service to the county.

ELIGIBILITY

Elected and appointed officials and regular employees who have worked for the county one year or more in positions requiring 40 or more hours of work per workweek shall be eligible for full longevity pay benefits. Employees working less than 40 hours per week shall receive a prorated longevity pay. Temporary employees and contract labor are not eligible for longevity benefits.

AMOUNT

In any budget year in which the Commissioners Court approves the payment of benefits, longevity pay shall be paid at the rate of \$100.00 per year for each consecutive year of service to all eligible full-time employees, and at a reduced amount for employees working less than 40 hours per week. Longevity pay shall not be considered a cost of living increase; nor shall it be used to determine a cost of living or promotion increase in the employee's regular rate of compensation.

PAYMENT

When approved, longevity pay will be payable on the second payday during the month of the official's or employee's anniversary date of his or her employment with Kendall County. An elected or appointed official who is leaving office at the end of an elected or appointed term shall be paid any longevity pay due with his or her final paycheck from the county. Except when required by law, the anniversary date of an official with broken employment shall be the latest date of employment with the county. An elected or appointed official's break in service is defined as a period greater than 30 calendar days.

BREAK IN EMPLOYMENT

Employees who were previously employed by the county and received longevity pay and who were rehired on or after October 1, 2023 will not resume longevity benefits.

6.06 HOURS WORKED AND OVERTIME COMPENSATION

POLICY APPLICATION

This policy shall apply to all county employees covered by the FLSA and not exempt from the wage and hour provisions thereof, except for law enforcement and EMS employees.

HOURS WORKED

Hours worked shall include all the time actually spent in the service of the county as defined in the FLSA and its regulations,

OVERTIME DEFINITION

Authorized overtime shall include all approved time actually worked for the county in excess of 40 hours in any workweek. Paid or unpaid leave shall not be counted in determining overtime. greater than 30 calendar days.

LAW ENFORCEMENT AND OVERTIME

On August 8, 2022 (effective August 14, 2022) the Kendall County Commissioners Court adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. The work period is based on 14 consecutive calendar days beginning on Sunday, at 12:00 a.m. Law enforcement employees will be paid a salary based on a minimum of 80 hours worked and will be paid overtime for any authorized hours worked over 80 during a work period. An employee will be paid full salary if the employee reports at least 80 hours during a work period. However, overtime will not be paid in any work period during which the employee does not physically work over 80 hours. An employee may report sick, vacation, holiday leave or compensatory time to establish the requisite 80-hour base work period but will not be eligible for overtime hours. Except in an emergency situation, as determined by the Commissioners' Court or the sheriff, an employee must obtain advanced authorization from their supervisor before working more than the scheduled hours in any work period to receive overtime pay.

EMS TECHNICIANS AND OVERTIME

On August 8, 2022 (effective August 14, 2022) the Kendall County Commissioners Court adopted the classification of a 40-hour a week employee under the Fair Labor Standards Act for EMS Technicians. The work period is based on 7 consecutive calendar days beginning on Sunday, at 12:00 a.m. EMS Technicians will be paid a salary based on a minimum of 40 hours worked and overtime for any authorized hours worked over 40 during a work period. An employee will be paid full salary if the employee reports at least 40 hours during a work period. However, overtime will not be paid in any work period during which the employee does not physically work over 40 hours. An employee may report sick or vacation leave to establish the requisite 40-hour base work period but will not be eligible for overtime hours.

Except in an emergency situation, as determined by the Commissioners' Court or the EMS Administrator, EMS Technicians must obtain advanced authorization from their supervisor before working more than the scheduled hours in any work period to receive overtime pay.

OVERTIME AUTHORIZATION

Except in emergency situations, an employee shall obtain authorization from his or her department head or supervisor before working overtime. It is the responsibility of the department head to insure that amounts paid for overtime work do not exceed approved budget allocations for salaries.

OVERTIME ELIGIBILITY

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for certain emergency and law enforcement employees whose departments have established separate shift schedules and work hours having the approval of Commissioners Court. Elected officials, legal advisors, volunteers, independent contractors, and others not covered by the FLSA will not be eligible for overtime compensation. Executive, administrative and professional employees whose positions are exempt under the regulations of Department of Labor will not be eligible for overtime compensation.

OVERTIME COMPENSATION

Due to budgetary constraints, overtime work must be limited and overtime hours worked by an employee without prior authorization or subsequent approval of his or her supervisor or department head could result in disciplinary action, up to and including termination of employment. Kendall County will compensate eligible employees for time worked in excess of 40 hours during any workweek, one and one-half (1 ½) times the employees current effective rate of pay; except that, overtime compensation will be in the form of compensatory time off to the extent permissible under the provisions and subject to the limitations contained in the FLSA. Employees receiving compensatory time shall be entitled to time off, with pay, equal to one and one-half (1 ½) time the number of overtime hours worked.

ACCUMULATION LIMIT

The accumulated unused balance of compensatory hours for the account of any employee may not exceed 80 compensatory hours at any time. After an employee has accumulated 80 compensatory hours, any additional authorized overtime will be compensated through normal payroll.

USE OF COMPENSATORY TIME

Employees desiring to take earned compensatory time off shall obtain authorization for leave from their supervisor or department head in advance. County officials and other department heads may establish reasonable conditions for authorization and reasonable limitations on scheduling of time off, such that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Department heads or supervisors have the authority to schedule compensation time off for an employee to prevent excessive accumulation of compensation time.

PAYMENT UPON CESSATION OF EMPLOYMENT

If an employee is separated from employment with the county for any reason prior to using all earned compensatory time, they shall be paid for all accumulated unused compensatory time at the employee's last effective rate of pay.

BUY BACK OF COMPENSATORY TIME

The county retains the right to buy back all or part of an employee's accumulated unused compensatory time by paying the employee for that time at the employee's current effective rate of pay.

RECORDKEEPING

Each employee shall be responsible for recording all overtime worked and all compensatory time used within a pay period on their timecards for that pay period. The Human Resources Department shall be responsible for keeping records of all compensatory time earned and used by each eligible county employee. Employees shall verify that their paycheck stub correctly reflects their compensatory time balance.

Each department head shall be responsible for reviewing/approving the timecards of employees in his or her department to verify that hours worked, overtime and compensatory time are correctly recorded.

6.07 TRANSFER

Transfers are the lateral movement of an employee from one position to another. Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

An employee transferred from one department of the county to another department of the county will be paid for all accumulated compensatory time from the funds of the department from which they are transferred so that the employee has no accumulated compensatory time chargeable to the new department.

6.08 DEMOTIONS

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

6.09 PROMOTIONS

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

Commissioners' Court Approved: 09/24/2018

Effective Date: 10/01/2018

7.00 GRIEVANCES

7.01 GRIEVANCES

A grievance is a claim by an employee that the employee is being, or has been, adversely affected by a violation, misinterpretation, misapplication, or disparity in the application of a law, regulation, order, policy, or departmental rule regarding wages, hours of work, or conditions of work.

APPLICABILITY

The grievance policy is applicable to employees in those departments that are under the supervision of the Commissioners Court and those departments under the supervision of a person appointed by the Commissioners Court. The policy is not applicable to employees in departments under an elected official unless the elected official adopts the policy for his or her department. The policy is not applicable to employees in those departments under the supervision of an individual appointed to their position by some entity other than the Commissioners Court unless the person or entity responsible for the appointment adopts the policy for the department. The policy is not applicable to former employees of the county unless the grievance is based on allegations that, if true, amount to a violation of state or federal law or regulation. (Note: Grievances based on allegations of sexual harassment shall be conducted in accordance with the procedures set out in 4.13 Sexual Harassment).

PROCEDURE

Any employee having a grievance related to his or her job shall discuss the grievance with his or her immediate supervisor. If the discussion with the immediate supervisor does not resolve the grievance, and if the immediate supervisor is not the department head, then the employee shall discuss the grievance with the department head.

If the grievance is not resolved to the employee's satisfaction as a result of such discussion, the employee shall have the right to file a written grievance with the Commissioners Court (filed with the County Judge during normal county business hours) with a copy to the department head affected thereby. The written grievance shall set out the facts upon which the grievance is based and the law, regulation, order, policy or departmental rule alleged to be violated, misinterpreted, misapplied, or applied in a disparate manner; and the way that the employee's wages, hours of work, or conditions of work have been adversely affected. Failure to timely file the written grievance within 10 working days of the incident being complained about shall result in dismissal of the grievance. The department head shall have 10 working days after receipt of a grievance to file a written response to the grievance with the Commissioners Court (filed with the County Judge during normal county business hours).

The County Judge shall provide copies of the grievance and the department head's response to the other members of the Commissioners Court and to any person designated by the Court to review the grievance. The Commissioners Court or person designated by the Court shall review the grievance and the written response submitted by the department head. If the Court or person designated by the Court determines that, based on the written submissions, there has been no violation, misinterpretation, misapplication, or disparity in the application of a law, regulation, order, policy or departmental rule regarding wages, hours of work or conditions of work, the grievance shall be dismissed.

In the event the Commissioners Court or person designated by the Court determines that, if the allegations made by the employee are true and correct, there has been a violation, misinterpretation, misapplication, or disparity in the application of a law, regulation, order, policy or departmental rule, then the Commissioners Court or person or persons designated by the Court shall conduct a hearing concerning the grievance and make appropriate orders with regard thereto.

CONDUCT OF GRIEVANCE HEARING

1. NOTICE

The Commissioners Court or person(s) designated by the Court to conduct the hearing shall designate a time and location for the hearing. The hearing shall be scheduled within 30 days of the filing of the grievance. The County Judge shall notify the employee and the employee's department head in writing at least 10 days prior to the hearing of the following:

- a. The grievance has been scheduled for a hearing;
- b. The time and location that the hearing will be conducted;
- c. No one except the employee, the affected department head and witnesses with knowledge of relevant facts will be allowed to participate in the hearing;
- d. The employee is permitted to call witnesses in their behalf;
- e. The department head is permitted to call witnesses in their behalf.

2. PROCEDURE

The following procedure will be followed for the conduct of grievance hearings:

If the hearing is conducted by the Commissioners Court, at least three members of the Court must be present to constitute a quorum. If no quorum is present, the hearing shall be rescheduled within 10 calendar days following the originally scheduled hearing date.

If the hearing is conducted by person(s) designated by the Court, all such persons shall be present to constitute a quorum. If no quorum is present, the hearing shall be rescheduled within 10 calendar days following the originally scheduled hearing date.

When a quorum is present, the County Judge (or Presiding Official designated by the Court) shall conduct the hearing in accordance with the following procedure: [In this procedure, for purposes of brevity, the County Judge or Presiding Official will be referred to as the "Presiding Official", the person(s) conducting the hearing will be referred to as the "Court", and the person filing the grievance will be referred to as the "employee".]

- a. The Presiding Official will convene the Court in open session. The Court will then go into executive session in accordance with the requirements of the Open Meetings Act. (Note: If the employee requests that the hearing be conducted in open session, it will be conducted in open session; otherwise, it will be conducted in executive session.)
- b. Unless conducted in open session, the only persons present at the beginning of the hearing shall be the members of the Court, the employee, the

- department head of the employee and the attorney or attorneys representing the Commissioners Court, who shall be present to advise the Court on legal issues.
- c. The employee will be allowed up to five minutes to make an opening statement setting out the allegations that the grievance is based upon.
 - d. Following the opening statement, the employee will be placed under oath by the Presiding Official and will be questioned by members of the Court concerning the allegations. (Note: Oath to be administered by the Presiding Official: "Do you swear (or affirm) that the testimony you shall give in the matter before the Court is the truth, the whole truth, and nothing but the truth?") Only questions relevant to the issue before the Court will be allowed. The Presiding Official shall determine whether a question is proper. The employee may also submit documentary evidence relevant to the grievance.
 - e. The employee will then be permitted to call other witnesses to testify. All witnesses shall testify under oath. A witness may only testify as to those matters about which they have personal knowledge. The employee may ask questions of witnesses called by the employee.
 - f. Immediately following testimony by each employee's witness, members of the Court may ask questions of the witness. The department head will not be permitted to ask questions of the employee or witnesses called by the employee, but may submit questions in writing to the Presiding Official who will decide whether such questions will be asked of the employee or witness.
 - g. Following the presentation of the employee's position, the department head will be permitted to make an opening statement, also limited to five minutes.
 - h. The department head will then be placed under oath by the Presiding Official and questioned by the members of the Court under the same rules as applicable to the employee.
 - i. The department head will also be allowed to call witnesses, and present documentary evidence, all under the same rules as applicable to the employee and witnesses called by the employee.
 - j. Immediately following testimony by each witness called by the department head, members of the Court may ask questions of the witness under the same rules applicable to witnesses called by the employee. The employee will not be permitted to ask questions of the department head or witnesses called by the department head, but may submit questions in writing to the Presiding Official who will decide whether such questions will be asked of the department head or witness.
 - k. Following the presentation of the department head's position, members of the Court may recall the employee, the department head, or any other witness, including witnesses not called by the employee or department head, and ask those questions under oath relevant to the grievance.
 - l. Closing statements of up to five minutes will be permitted with the employee speaking first and the department head speaking last.
 - m. All proceedings during this evidentiary period shall be recorded by audio recorder.
 - n. Upon completion of the evidentiary period, all persons except the members of the Court shall leave the hearing room. (If the evidentiary hearing has been conducted in open session at the request of the employee, the Court shall proceed to executive session in accordance with the requirements of the Open Meetings Act.) The Court will then deliberate the matter in executive session. During the deliberation period, the proceedings shall not be

recorded, but the Presiding Official shall keep a certified agenda as required by the Open Meetings Act. No participants shall be present during deliberations. The Court may consult with the attorney or attorneys representing the Commissioners Court during this time concerning legal issues.

BASIS OF DECISION

1. Only testimony and evidence presented at the hearing shall be considered.
2. In order to find in favor of the employee, the Court must find that the credible evidence supports the employee's contentions by a preponderance of the evidence.
3. The Court can recess from time to time and from day to day until a decision is reached.
4. The Court will not vote on the issue while in executive session. After deliberations are complete, the Presiding Official will return the Court to open session in accordance with the requirements of the Open Meetings Act.

PROCEDURE TO REACH AND PUBLISH DECISION

If only one person is conducting the hearing, he/she shall notify the parties present at the hearing in open session orally of the decision. In addition, he or she shall notify the employee filing the grievance and the affected department head of the decision in writing, within 10 working days after the decision is reached.

If more than one person is conducting the hearing, the decision will be made in the same manner as decisions are made by the Court: A member may make a motion, another member may second the motion, and if the motion is seconded, the Court will vote on the motion. No further deliberation will occur before or after the vote. The members will continue this process until a majority of the members of the Court vote in favor of a motion which will be the decision of the Court. The Presiding Official shall notify the employee filing the grievance and the affected department head of the decision in writing, within 10 working days after the decision is reached.

The written notice shall state the following:

1. The decision to either find for the employee filing the grievance or the department head.
2. Action, if any, to be taken by the employee, department head or other county official or employee.
3. Failure of the employee, department head or other county official or employee to comply with the ruling of the Court shall be grounds for sanctions or disciplinary action.

The decision of the Court shall be the final action of the county concerning the employee's grievance.

RETALIATION PROHIBITED

An employee shall not be subject to retaliation, reprisal, or discrimination of any kind on account of having exercised any right or participated in any procedure pursuant to this policy.

8.00 DISCIPLINE

8.01 DISCIPLINARY PROCEDURES

PURPOSE:

Employees are expected to perform their job duties at an acceptable level and abide by all county and departmental orders, policies and procedures. The purpose of disciplinary measures is to foster change in employee behavior or performance when behavior or performance is not meeting expectations of the county. Discipline may be a progressive educational or developmental process when circumstances warrant. However, depending on the nature of the behavior or performance deficiencies, a progressive corrective approach may not be appropriate.

EMPLOYEE PERFORMANCE:

1. Each employee will be provided with a job description and informed of the standards of work performance expected of them. Employees will also be provided with a copy of the County's Policies and Procedures Manual and all written departmental policies and procedures. Employees are expected to perform assigned work in a competent, satisfactory manner.
2. In addition, employees are expected to exercise common sense and good judgment in the conduct of all county activities so as to avoid endangering the health or safety of themselves, fellow employees, and others.
3. Employees are expected to comply with all applicable policies and procedures, whether included in written manuals, issued through written memorandum or given orally by competent authority.
4. Employees are expected at all times to favorably represent the county in their performance, appearance and contact with others, both on and off the job.

DISCIPLINARY ACTIONS:

If an employee fails to meet the county's performance standards or comply with applicable policies and procedures, the employee will be subject to disciplinary action including any of the following:

1. Verbal Reprimand;
2. Written Reprimand;
3. Disciplinary Probation;
4. Suspension (with or without pay); and
5. Termination of Employment

PROCEDURE:

Section A. DISCIPLINARY VIOLATIONS:

An employee determined by the employee's immediate supervisor or department head to be guilty of any of the following conduct will be subject to disciplinary action:

1. Excessive tardiness;
2. Excessive absenteeism without approved reason;
3. Unauthorized absence;

4. Failure to adequately perform job assignment;
5. Failure to comply with applicable policies and procedures;
6. Disobedience of lawful orders;
7. Neglect of duties;
8. Insubordination or disrespectful conduct to a supervisor or another employee;
9. Inability to perform assigned duties due to incompetence;
10. Inability to perform assigned duties due to use of drugs, alcoholic beverages or other self-inflicted conditions;
11. Falsification or modification of county records or records used for obtaining employment or promotion, including falsification of time sheets;
12. Filling out time sheets for another county employee without proper authorization;
13. Habitual drunkenness or drug addiction;
14. Unstable and potentially dangerous mental condition;
15. Accepting bribes, favors or gifts in exchange for services as a county employee;
16. Conviction of a felony or any class "A" or class "B" misdemeanor. (Pleading guilty or nolo contendere, being placed on probation or deferred adjudication shall be considered the same as conviction for the purposes of this provision);
17. Violation of the county policy concerning nepotism;
18. Violation of the county policy concerning conflict of interest;
19. Abusive and/or rude behavior to other county employees, elected or appointed officials of the county, the public generally or others in connection with County business;
20. Threats, or physical assaults on other County employee, elected or appointed officials of the county, the public generally or others in connection with county business;
21. Sexual harassment of another county employee, or any other person in connection with county business;
22. Sexual contact or inappropriate relationship with another person in connection with county business;
23. Any other conduct, either in connection with county business or of such a public nature that it adversely reflects on the county or the employee's ability to function satisfactorily as a county employee; and
24. Involvement with another county employee or other employees in such a manner that such activities have an adverse effect on work performance or results in matters which reflect adversely on the county.

Section B. DISCIPLINARY ACTIONS

A supervisor having knowledge of an employee under their supervision violating any of the items listed in Section A of this Chapter, may discipline the employee by imposing any of the following sanctions:

1. **VERBAL REPRIMAND** - Orally informing the employee of the specific infraction and instructing the employee to take appropriate corrective action (should be documented by an entry in the employee's personnel file).
2. **WRITTEN REPRIMAND** - A written statement, signed by the supervisor, addressed to the employee, specifying the conduct for which the employee is being disciplined and corrected. The statement should also inform the employee of corrective action to be taken by the employee. The employee must sign the written reprimand to acknowledge being informed of its contents whether in agreement with the reprimand

or not. An employee who fails to sign a written reprimand gives up any right to appeal imposition of the written reprimand. Written reprimands shall be placed in the employee's personnel file. An employee receiving a written reprimand may either place a written response in their personnel file or appeal in accordance with the grievance procedure if circumstances warrant.

3. **DISCIPLINARY PROBATION** - An employee may be placed on disciplinary probation upon the recommendation of the supervisor and approval by the department head. The employee shall be notified in the form of a written statement, signed by the department head which statement shall contain: 1) a specific description of the reason the employee is being placed on probation; (2) the specific criteria which must be met for the employee to be released from probation; and, (3) the terms and conditions of probation. Disciplinary probation may be imposed for periods of up to six months. Upon completion of the probationary period, the department head will notify the employee in writing as to whether the employee has satisfactorily completed probation, whether the probationary period is being extended or whether the employee is being discharged from employment. An employee being placed on disciplinary probation may appeal in accordance with the grievance procedure if circumstance warrant.
4. **SUSPENSION WITH PAY** - An employee may be suspended with pay upon approval of the department head. Such suspension will usually be appropriate while allegations against an employee are being investigated.
5. **SUSPENSION WITHOUT PAY** - An employee may be suspended without pay upon approval of the department head. Such suspension will usually be appropriate when an employee who has been discharged is appealing the discharge pursuant to the grievance procedure or is absent without authorization or lawfully incarcerated or detained by civil authorities. An employee who is suspended without pay may appeal in accordance with the grievance procedure if circumstances warrant.
6. **DISCHARGE** - An employee may be discharged upon approval of the department head. An employee should be notified orally by the department head of his/her discharge and be advised of the following:
 - a. The reason(s) for discharge;
 - b. The effective date of discharge;
 - c. The right to appeal the discharge in accordance with the grievance procedure (if applicable). Within five working days of being orally advised of his/her discharge, a discharged employee shall be notified in writing by the department head stating the reason(s) for discharge, the effective date of discharge and whether or not he or she has the right to appeal the discharge.

Section C. DISCIPLINARY PROBATION:

POLICY:

It is the policy of the county to place an employee on disciplinary probation when employee performance is unsatisfactory and there is reason to believe the employee's performance can be corrected. Disciplinary probation is not a right. An employee may be discharged from employment without being placed in a disciplinary probationary status.

PROCEDURE:

1. Notice of disciplinary probation shall be in writing, signed by the department head

addressed to the employee concerned and contain the following:

- a. A specific description of the unsatisfactory performance by the employee which is the basis for being placed on probation;
 - b. The specific criteria which must be met by the employee in order to be released from probation; and
 - c. The length and terms of probation.
2. An employee placed on disciplinary probation has the right to appeal such status in accordance with the grievance procedure if circumstances warrant.
3. Employees who perform satisfactorily during the probationary period shall be restored to regular status. Failure to perform satisfactorily during the probationary period may result in transfer to another job better suited to the employee's capabilities if such an opening exists or in termination of employment.
4. Employees placed on disciplinary probation may be discharged at any time during the period of probation upon the recommendation of their immediate supervisor and approval by the department head based solely on employee's failure to satisfactorily perform pursuant to the terms of probation. An employee on probationary status who is discharged may appeal in accordance with the grievance procedure if circumstances warrant.
5. Disciplinary probation shall be for a period of not more than six months. At the end of such period, the employee shall be informed in writing by the department head either that the probationary period has been satisfactorily completed or that the employee is being discharged or reassigned.

9.00 DRUG-FREE WORKPLACE

9.01 DRUG AND ALCOHOL – ALL EMPLOYEES

POLICY STATEMENT

Kendall County considers the safety and health of its employees to be of utmost importance. Use of alcoholic beverages and drugs can pose a serious threat to an employee's health and safety. It is the policy of the County to prevent substance use or abuse from having an adverse effect on County employees and others.

APPLICABILITY

This policy applies to all employees of Kendall County regardless of rank or position.

DEFINITIONS

Driver – any person who operates a motor vehicle, and for the purposes of this policy, any employee who is required to acquire, possess, and/or maintain a Texas Driver's License.

Safety-sensitive Function – means the time an employee begins to work or is required to be in readiness for work and continues until the time they are relieved from work and all responsibilities related to their job are completed.

County Premises or County Property – includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, lockers, places, equipment and vehicles owned, leased, or managed by Kendall County, or at any site where Kendall County is conducting business.

Illegal Drug – means any drug in any detectable amount:

- a) which is not legally obtainable, or;
- b) a prescribed drug not being used for the prescribed purpose or not being used in accordance with the prescription, or;
- c) over-the-counter drugs being used at a dosage level different than that recommended by the manufacturer.

Alcohol – means an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Drug Paraphernalia – includes a product or material that is used or intended for use in introducing into the human body an illegal drug, or that is used for concealing illegal drugs.

Under the Influence – means a breath alcohol concentration of .02 or greater, or a confirmed positive drug test result for illegal drugs under this policy. In addition, it includes the misuse of legal drugs where there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment or use of such drugs in violation of prescribed conditions. It also includes actions, appearance, speech, or bodily odors that indicate the employee's lack of normal mental or physical faculties, which would reasonably cause a supervisor to conclude that such employee is impaired because of alcohol or drug use.

Medical Review Officer (MRO) – means a licensed M.D. or D.O. or approved testing facility with knowledge of drug abuse disorders that is employed, contracted with, or used by Kendall County to conduct drug and alcohol testing in accordance with this policy.

PROHIBITIONS:

Persons working in their capacity as a Kendall County employee or operating any Kendall County vehicle or equipment, or present on Kendall County property or premises, or conducting Kendall County-related business off-site, are prohibited from:

- The use, possession, manufacture, distribution, dispensing, sale, or purchase of an illegal drug (including possession of drug paraphernalia);
- The possession or consumption of alcohol;
- Being under the influence of alcohol or illegal drugs. Employees should report to work fit for duty and free of any effects of illegal drugs or alcohol;
- The unauthorized use or possession of prescription or over-the-counter drugs.

PRESCRIBED MEDICATIONS

Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity. Any information concerning prescription medication being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information. Prescription medications used at work are to be kept in their original container.

If a covered employee fails a drug or alcohol test, the county may terminate the employee. Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals or contact EAP Services (See 2.02 EAP Services). Information on benefits provided for treatment of alcohol and drug problems is available in the Human Resources Department.

REQUIRED TESTING:

- **Pre-Employment:** This test is required and negative results must be received before a person is employed by the County. Applicants will be required to pass a drug test after receiving a conditional offer of employment. Refusal to submit to pre-employment drug testing, or a positive result from such testing, will disqualify the applicant from employment.
- **Random:** For vehicle operator positions requiring a **commercial driver's license**, the county is required to perform unscheduled, random tests of covered employees at a rate of 50 percent of the total number of covered positions per year for drugs and 10 percent for alcohol.
- **Reasonable Suspicion:** Employees are subject to testing based upon observations by their supervisor(s) which lead them to suspect drug and/or

alcohol use or impairment. Reasonable Suspicion determinants and checklist are found in **Appendix A** of this policy. These determinants and the checklist will be reviewed by the employee's supervisor, and if such observations indicate the need for testing, the supervisor will notify the employee's Department Head. The Department Head shall notify the Human Resources Director who shall make arrangements for the subject employee to be tested for the presence of drugs or alcohol.

- **Post-Accident/Incident:** This test must be administered to all employees who, while operating a motor vehicle in performance of county business:
 1. Are cited for moving violation(s) arising from an accident/incident that requires a vehicle to be towed; or
 2. Are cited for moving violation(s) arising from an accident/incident which results in an injury requiring medical attention away from the scene; or
 3. Are involved in a vehicular accident/incident which results in fatality;
 4. An employee involved in an accident may be subject to alcohol and/or drug testing.

The investigation and testing required in such instances must occur within two (2) hours of the accident or incident requiring the testing. The Human Resources Director is responsible for scheduling testing. A person subject to post-accident/incident testing must remain available for testing. Failure to remain available shall be considered as a refusal to test. The supervisor and/or Department Head of the subject employee is responsible for making sure that the person is timely tested, is taken to the testing location and returned to county premises or their residence after testing is conducted. Under no circumstances will the employee be allowed to drive himself/herself to the testing facility.

- **Return-to-Duty and Follow Up:** Employees who have tested positive for drugs and/or alcohol, or have refused to take a drug or alcohol test, must submit to return-to-duty testing and receive negative test results before the employee may resume regular duties. Referral, evaluation, and treatment requirements must be met. Follow-up testing is required for employees who have tested positive for drugs and/or alcohol. Testing will be unannounced and at least six (6) tests must be conducted in the first year following return to duty. Additional unannounced tests will be required during the second year after returning to work following a positive test result. Follow-up testing may be extended for up to 60 months as recommended by a substance abuse professional. Employees waive any right to contest termination resulting from a subsequent positive test.

TESTING PROCEDURES:

- 1) Tests will be conducted under this Policy in a manner consistent with regulations established and in place by the Federal Motor Carrier Safety Administration.
- 2) Kendall County has contracted with a provider to perform alcohol and drug testing. The provider will provide access to the Medical Review Officer (MRO) for any employee who receives a positive test result and the employee will be given the opportunity to discuss the test with the MRO, to rebut or explain the results.

- 3) Confirmed positive test results and any related information shall be communicated by the MRO to the Human Resources Director. The Human Resources Director will be responsible for contacting the employee's Department Head to review the situation and provide guidance as needed.
- 4) Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law, and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among management and supervisors on a need-to-know basis, and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.
- 5) Kendall County, through the Human Resources office, will advise employees who have received a confirmed positive test of the available resources for evaluation and treatment, including names, addresses, and telephone numbers of substance abuse professionals, counseling centers, and treatment programs. Kendall County is not required to pay for rehabilitation or to hold a job open for an employee who is participating in a rehabilitation program.

ENFORCEMENT:

Employees who violate this policy are subject to disciplinary action up to and including termination of employment.

9.02 DRUG AND ALCOHOL – COMMERCIAL MOTOR VEHICLE DRIVERS

POLICY STATEMENT

Kendall County considers the safety and health of its employees to be of utmost importance. Use of alcoholic beverages and drugs can pose a serious threat to a person's health and safety. It is the policy of the County to prevent substance use or abuse from having an adverse effect on County employees and others.

APPLICABILITY

This policy reflects the County's compliance with the Department of Transportation's (DOT) Employee Alcohol and Controlled Substance Testing Requirements under the rules of the Omnibus Transportation Employee Testing Act of 1991. This policy applies to all employees of Kendall County regardless of rank or position, who are required to acquire, possess, and/or maintain a Commercial Driver's License (CDL) as a condition of employment.

DEFINITIONS

Commercial Motor Vehicle (CMV) – A motor vehicle or combination of motor vehicles used to transport passengers or property if the vehicle:

- has a gross combination weight rating of 26,001 or more pounds (including a towed unit with a gross vehicle weight rating of more than 10,000 pounds); or
- has a gross vehicle weight rating of 26,001 or more pounds; or
- is designed to transport 16 or more passengers, including the driver; or
- is of any size and is used in the transportation of a placard amount of hazardous materials.

Driver – is any person who operates a commercial motor vehicle (CMV), including full-time, regularly employed drivers; casual, intermittent, or occasional drivers; and leased drivers or independent owner-operator contractors; and for the purposes of this policy, any County employee who is required to acquire, possess, and/or maintain a Commercial Driver's License (CDL).

Safety-sensitive Function – means the time from the time a driver begins to work or is required to be in readiness for work, until the time they are relieved from work and all responsibilities for performing work.

County Premises or County Property – includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased, or managed by Kendall County, or at any site on which Kendall County is conducting business.

Illegal Drug – means any drug in any detectable amount:

- d) which is not legally obtainable, or;
- e) a prescribed drug not being used for the prescribed purpose, or;
- f) over-the-counter drugs being used at a dosage level different than recommended by the manufacturer.

Alcohol – means an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Drug Paraphernalia – includes a product or material that is used or intended for use in introducing into the human body an illegal drug, or that is used for concealing illegal drugs.

Under the Influence – means a breath alcohol concentration of .02 or greater, or a confirmed positive drug test result for illegal drugs under this policy. In addition, it includes the misuse of legal drugs where there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment or use of such drugs in violation of prescribed conditions. It also includes actions, appearance, speech, or bodily odors that indicate the employee's lack of normal mental or physical faculties, which would reasonably cause a supervisor to conclude that such employee is impaired because of alcohol or drug use.

Medical Review Officer (MRO) – means a licensed M.D. or D.O. or approved testing facility with knowledge of drug abuse disorders that is employed, contracted with, or used by Kendall County to conduct drug and alcohol testing in accordance with this policy.

PROHIBITIONS:

Persons working in their capacity as a Kendall County employee or operating any Kendall County vehicle or equipment, or present on Kendall County property or premises, or conducting Kendall County-related business off-site, are prohibited from:

- The use, possession, manufacture, distribution, dispensing, sale, or purchase of an illegal drug (including possession of drug paraphernalia);
- The possession or consumption of alcohol;
- Being under the influence of alcohol or illegal drugs. Employees should report to work fit for duty and free of any effects of illegal drugs or alcohol;
- The unauthorized use or possession of prescription or over-the-counter drugs.

PRESCRIBED MEDICATIONS

Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity. Any information concerning prescription medication being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information. Prescription medications used at work are to be kept in their original container.

If a covered employee fails a drug or alcohol test, the county may terminate the employee. Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals or contact EAP Services (See 2.02 EAP Services). Information on benefits provided for treatment of alcohol and drug problems is available in the Human Resources Department.

REQUIRED TESTING:

- **Pre-Employment:** This test is required and negative results must be received before an employee is allowed to perform a safety-sensitive function. Applicants will be required to pass a drug test after receiving a conditional offer of employment. Refusal to submit to pre-employment drug testing, or a positive result from such testing, will disqualify the applicant and another candidate will be selected.
- **Random:** This unannounced testing is based on a random selection of drivers. The selection must be made by a scientifically valid method and all drivers covered by this policy must have an equal chance of being tested. The names of the drivers who are selected for testing must be kept confidential until such time that the County notifies the driver to take the test. Once the driver is notified, he/she must immediately proceed to the testing location and undergo testing. Random alcohol testing is also required; however random alcohol tests must be administered just prior to a driver performing a safety-sensitive function, while performing a safety-sensitive function, or just after performing a safety-sensitive function.
- **Reasonable Suspicion:** Employees are subject to testing based upon observations by their supervisor(s) which lead them to suspect drug and/or alcohol use or impairment. Reasonable Suspicion determinants and checklist are found in **Appendix A** of this policy. These determinants and the checklist will be reviewed by the employee's supervisor, and if such observations indicate the need for testing, the employee's Department Head will be notified, and arrangements will be made by the Safety Committee Chairperson or Human Resources Director for a drug and/or alcohol test for the involved employee. Under no circumstances will the employee be allowed to drive him/herself to the testing facility. The employee will not be allowed to return to work until the results of the test are available for review by the County's designated Medical Review Officer.
- **Post-Accident/Incident:** This test must be administered to all drivers who, while operating a motor vehicle in performance of county business:
 - 5. Are cited for moving violation(s) arising from an accident/incident that requires a vehicle being towed; or
 - 6. Are cited for moving violation(s) arising from an accident/incident which results in an injury requiring medical attention away from the scene; or
 - 7. Are involved in a vehicular accident/incident which results in fatality.

The investigation and testing required in such instances must occur within two (2) hours of the accident or incident requiring the testing. A person subject to post-accident/incident testing must remain available for testing. Failure to remain available shall be considered as a refusal to test. Under no circumstances will the employee be allowed to drive himself/herself to the testing facility. The person's supervisor is responsible for making sure that the person is timely tested, is taken to the testing location and returned to county premises or their residence after testing is conducted.

- **Return-to-Duty and Follow Up:** Drivers who have tested positive for drugs and/or alcohol, or have refused to take a drug or alcohol test, must submit to return-to-duty testing and receive negative test results before the employee may resume regular duties. Referral, evaluation, and treatment requirements must be met. Follow-up testing is required for drivers who have tested positive for drugs and/or alcohol. Testing will be unannounced and at least six (6) tests must be conducted in the first year following return to duty. Additional unannounced tests will be required during the second year after returning to work following a positive test result. Follow-up testing may be extended for up to 60 months as recommended by a substance abuse professional. Employees waive any right to contest termination resulting from a subsequent positive test.

TESTING PROCEDURES:

- 6) Drivers will be tested under this Policy in a manner consistent with regulations established and in place by the Federal Motor Carrier Safety Administration.
- 7) The provider Kendall County has contracted to perform DOT-compliant alcohol and drug testing will provide access to their Medical Review Officer (MRO) for any driver who receives a positive test result. Drivers with confirmed positive test results will have the opportunity to discuss the test with the MRO, to rebut or explain the results.
- 8) Confirmed positive test results and any related information shall be communicated by the MRO to the Human Resources Director. The Human Resources Director will be responsible for contacting the employee's Department Head to review the situation and provide guidance as needed. A positive test result for alcohol or an illegal drug will result in disciplinary action, up to and including termination.
- 9) Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law, and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among management and supervisors on a need-to-know basis, and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.
- 10) Under DOT-compliant policy, Kendall County is required to advise drivers who have received a confirmed positive test of the available resources for evaluation and treatment, including names, addresses, and telephone numbers of substance abuse professionals, counseling centers, and treatment programs. Kendall County is not required to pay for rehabilitation or to hold a job open for an employee, with or without pay.

ENFORCEMENT:

Employees who violate this policy are subject to disciplinary action up to and including termination of employment.

10.00 SEPARATIONS OF EMPLOYMENT

10.01 SEPARATIONS

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

TYPES OF SEPARATION

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

1. Resignation
2. Retirement
3. Dismissal
4. Reduction in force (layoff)
5. Death

RESIGNATION

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

RETIREMENT

Retirement is any situation in which an employee meets all requirements for collection of benefits under the provisions of TCDRS and voluntarily elects to leave employment with the county to do so. An employee who is retiring should notify his or her supervisor of that intent at least 30 days prior to the actual retirement date to prevent delays in starting the payment of retirement benefits.

DISMISSAL

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

REDUCTION IN FORCE

An employee may be separated from employment because of reduction in force when his or her position is abolished for economic or general policy reasons or there is a lack of work to justify the continuation of that position.

DEATH

A separation by death shall occur when an individual dies while currently employed by the county.

10.02 NOTIFICATION

As soon as a supervisor or department head becomes aware of any separation from employment, or receives notice of resignation by an employee, the supervisor or department head shall immediately notify the Human Resources Department. The Human Resources Department will keep the Commissioners Court advised of separations and resignations.

10.03 SURRENDER OF COUNTY PROPERTY

Upon separation from employment, the employee shall deliver to his or her supervisor or department head all county property in his or her possession or control, all computer access codes, all computer media containing information of county business, all keys to building, offices, storage facilities, vehicles and other county property, all county or departmental credit cards, all county or departmental letterhead, all official identification of employment, and all other matters in which the county has a substantial proprietary interest.

10.04 EXIT INTERVIEW

When an individual leaves the employment of Kendall County, it is required that an exit interview be conducted by the Human Resources Department to ensure that all county property is accounted for and to advise the employee of any rights and/or responsibilities under applicable laws. Failure to attend the exit interview may result in certain rights being waived. An individual leaving employment with the county for any reason may request that a portion of his or her exit interview be conducted before the Commissioners Court in executive session.