

INTRODUCTION AND DISCLAIMER

THE POLICIES STATED IN THIS HANDBOOK ARE INTENDED AS GUIDELINES ONLY AND ARE SUBJECT TO CHANGE AT THE SOLE DISCRETION OF THE COUNTY. THE COUNTY EXPRESSLY RETAINS THE RIGHT TO UNILATERALLY MODIFY OR AMEND THIS HANDBOOK, AT ITS SOLE DISCRETION, WITH OR WITHOUT NOTICE TO THE EMPLOYEES OF THE COUNTY. THIS HANDBOOK SHOULD NOT BE CONSTRUED AS, AND DOES NOT CONSTITUTE, A CONTRACT, EXPRESS OR IMPLIED, OR A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION. EITHER YOU OR THE COUNTY MAY TERMINATE YOUR EMPLOYMENT AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE. NO SUPERVISOR, MANAGER, OR REPRESENTATIVE OF THE COUNTY HAS THE AUTHORITY TO ENTER INTO ANY AGREEMENT WITH YOU FOR EMPLOYMENT FOR ANY SPECIFIED PERIOD OF TIME OR TO MAKE ANY PROMISES OR COMMITMENTS CONTRARY TO THE FOREGOING.

ACKNOWLEDGMENT OF EMPLOYEE

I UNDERSTAND THAT THE INFORMATION IN THE COUNTY'S HANDBOOK REPRESENTS GUIDELINES ONLY AND THAT THE COUNTY RESERVES THE RIGHT TO MODIFY THIS HANDBOOK OR AMEND OR TERMINATE ANY POLICIES, PROCEDURES, OR EMPLOYEE BENEFIT PROGRAMS AT ANY TIME, OR TO REQUIRE AND/OR INCREASE CONTRIBUTIONS TOWARD THESE BENEFIT PROGRAMS.

I UNDERSTAND THAT THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED, BETWEEN ME AND THE COUNTY AND THAT I SHOULD NOT VIEW IT AS SUCH.

I FURTHER UNDERSTAND THAT NO SUPERVISOR, OR MANAGER OR REPRESENTATIVE OF THE COUNTY HAS ANY AUTHORITY TO ENTER INTO ANY AGREEMENT GUARANTEEING EMPLOYMENT FOR ANY SPECIFIED PERIOD OF TIME.

DATE: _____

(SIGNATURE OF EMPLOYEE)

(PRINT NAME OF EMPLOYEE)

DATE: _____

(SIGNATURE OF MANAGEMENT WITNESS)

(PRINT NAME OF MANAGEMENT WITNESS)

CLASSIFICATION OF EMPLOYMENT

FOR PURPOSES OF SALARY ADMINISTRATION AND ELIGIBILITY FOR OVERTIME PAYMENTS AND EMPLOYEE BENEFITS, THE COUNTY CLASSIFIES ITS EMPLOYEES AS FOLLOWS:

1. FULL-TIME REGULAR EMPLOYEES. EMPLOYEES HIRED TO WORK THE COUNTY'S NORMAL, FULL-TIME, THIRTY (30) OR MORE HOUR WORK WEEK ON A REGULAR BASIS.

SUCH EMPLOYEES MAY BE "EXEMPT" OR "NON-EXEMPT" AS DEFINED BELOW.

2. PART-TIME REGULAR EMPLOYEES. EMPLOYEES HIRED TO WORK FEWER THAN THIRTY HOURS PER WEEK ON A REGULAR BASIS.

SUCH EMPLOYEES MAY BE "EXEMPT" OR "NON-EXEMPT" AS DEFINED BELOW.

3. TEMPORARY EMPLOYEES. EMPLOYEES ENGAGED TO WORK FULL-TIME OR PART-TIME ON THE COUNTY'S PAYROLL WITH THE UNDERSTANDING THAT THEIR EMPLOYMENT WILL BE TERMINATED NO LATER THAN ON COMPLETION OF A SPECIFIC ASSIGNMENT (NOTE THAT A TEMPORARY EMPLOYEE MAY BE OFFERED AND MAY ACCEPT A NEW TEMPORARY ASSIGNMENT WITH THE COUNTY AND THUS STILL RETAIN TEMPORARY STATUS).

SUCH EMPLOYEES MAY BE "EXEMPT" OR NON-EXEMPT" AS DEFINED BELOW. (NOTE THAT EMPLOYEES HIRED FROM TEMPORARY EMPLOYMENT AGENCIES FOR SPECIAL ASSIGNMENTS ARE EMPLOYEES OF THE RESPECTIVE AGENCY AND NOT OF THE COUNTY).

4. NON-EXEMPT EMPLOYEES. EMPLOYEES WHO ARE REQUIRED TO BE PAID OVERTIME AT THE RATE OF TIME AND ONE HALF (I.E., ONE AND ONE HALF TIMES) THEIR REGULAR RATE OF PAY FOR ALL HOURS, WORKED BEYOND FORTY HOURS IN A WORKWEEK, IN ACCORDANCE WITH APPLICABLE FEDERAL WAGE AND HOUR LAWS.

5. EXEMPT EMPLOYEES. EMPLOYEES WHO ARE NOT REQUIRED TO BE PAID OVERTIME, IN ACCORDANCE WITH APPLICABLE FEDERAL WAGE AND HOUR LAWS, FOR WORK PERFORMED BEYOND FORTY HOURS IN A WORKWEEK. EXECUTIVES, PROFESSIONAL EMPLOYEES, OUTSIDE SALES REPRESENTATIVES, AND CERTAIN EMPLOYEES IN ADMINISTRATIVE POSITIONS ARE TYPICALLY EXEMPT.

YOU WILL BE INFORMED OF YOUR INITIAL EMPLOYMENT CLASSIFICATION AND OF YOUR STATUS AS AN EXEMPT OR NONEXEMPT EMPLOYEE DURING YOUR ORIENTATION SESSION. IF YOU CHANGE POSITIONS DURING YOUR EMPLOYMENT AS A RESULT OF A PROMOTION, TRANSFER, OR OTHERWISE, YOU WILL BE INFORMED BY THE PERSONNEL MANAGER OF ANY CHANGE IN YOUR EXEMPTION STATUS.

PLEASE DIRECT ANY QUESTIONS REGARDING YOUR EMPLOYMENT CLASSIFICATION OR EXEMPTION STATUS TO THE COUNTY TREASURER.

EQUAL EMPLOYMENT OPPORTUNITY

THE COUNTY PROVIDES EQUAL EMPLOYMENT OPPORTUNITIES TO ALL EMPLOYEES AND APPLICANTS FOR EMPLOYMENT WITHOUT REGARD TO RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, OR DISABILITY IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL LAWS. THIS POLICY APPLIES TO ALL TERMS AND CONDITIONS OF EMPLOYMENT, INCLUDING, BUT NOT LIMITED TO, HIRING, PLACEMENT, PROMOTION, TERMINATION, LAYOFF, RECALL, TRANSFER, LEAVES OF ABSENCE, COMPENSATION AND TRAINING.

THE COUNTY EXPRESSLY PROHIBITS ANY FORM OF UNLAWFUL EMPLOYEE HARASSMENT BASED ON RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, DISABILITY, OR STATUS IN ANY GROUP PROTECTED BY STATE, FEDERAL, AND LOCAL LAW. IMPROPER INTERFERENCE WITH THE ABILITY OF THE COUNTY'S EMPLOYEES TO PERFORM THEIR EXPECTED JOB DUTIES IS NOT TOLERATED.

WITH RESPECT TO SEXUAL HARASSMENT, THE COUNTY PROHIBITS THE FOLLOWING:

1. UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND ALL OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL OR OTHERWISE OFFENSIVE NATURE, INCLUDING BUT NOT LIMITED TO, WHERE:
 - A. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF EMPLOYMENT.
 - B. SUBMISSION TO OR REJECTION OF SUCH CONDUCT IS USED AS BASIS FOR DECISIONS AFFECTING AN INDIVIDUAL'S EMPLOYMENT;
 - C. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.
2. OFFENSIVE COMMENTS, JOKES, INNUENDOES AND OTHER SEXUALLY ORIENTED STATEMENTS.

COMPLAINT PROCEDURE

EACH MEMBER OF MANAGEMENT OF THIS COUNTY IS RESPONSIBLE FOR CREATING AN ATMOSPHERE FREE OF DISCRIMINATION AND HARASSMENT, SEXUAL OR OTHERWISE. FURTHER, EMPLOYEES ARE RESPONSIBLE FOR RESPECTING THE RIGHTS OF THEIR COWORKERS.

IF YOU EXPERIENCE ANY JOB-RELATED HARASSMENT BASED ON YOUR SEX, RACE, NATIONAL ORIGIN, DISABILITY, OR ANOTHER FACTOR, OR BELIEVE THAT YOU HAVE BEEN TREATED IN AN UNLAWFUL, DISCRIMINATORY MANNER, PROMPTLY REPORT THE INCIDENT TO YOUR SUPERVISOR, WHO WILL INVESTIGATE THE MATTER AND TAKE APPROPRIATE ACTION, INCLUDING REPORTING IT TO THE PERSONNEL MANAGER. IF YOU BELIEVE IT WOULD BE INAPPROPRIATE TO DISCUSS THE MATTER WITH YOUR SUPERVISOR, YOU MAY BYPASS YOUR SUPERVISOR AND REPORT IT DIRECTLY TO THE HEAD OF YOUR DEPARTMENT OR TO THE PERSONNEL MANAGER, WHO WILL UNDERTAKE AN INVESTIGATION. YOUR COMPLAINT WILL BE KEPT CONFIDENTIAL TO THE MAXIMUM EXTENT POSSIBLE

IF THE COUNTY, AFTER AN INVESTIGATION, DETERMINES AN EMPLOYEE HAS HARASSED ANOTHER EMPLOYEE, APPROPRIATE DISCIPLINARY ACTION WILL BE TAKEN AGAINST THE OFFENDING EMPLOYEE, UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

THE COUNTY PROHIBITS ANY FORM OF RETALIATION AGAINST ANY EMPLOYEE FOR FILING A BONA FIDE COMPLAINT UNDER THIS POLICY OR FOR ASSISTING IN A COMPLAINT INVESTIGATION. HOWEVER, IF, AFTER INVESTIGATING ANY COMPLAINT OF HARASSMENT OR UNLAWFUL DISCRIMINATION, THE COUNTY DETERMINES THAT THE COMPLAINT IS NOT BONA FIDE OR THAT AN EMPLOYEE HAS PROVIDED FALSE INFORMATION REGARDING THE COMPLAINT, DISCIPLINARY ACTION MAY BE TAKEN AGAINST THE INDIVIDUAL WHO FILED THE COMPLAINT OR WHO GAVE FALSE INFORMATION.

NONDISCRIMINATION AGAINST AND ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

THE COUNTY COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT AND APPLICABLE STATE AND LOCAL LAWS PROVIDING FOR NONDISCRIMINATION IN EMPLOYMENT AGAINST QUALIFIED INDIVIDUALS WITH DISABILITIES. THE COUNTY ALSO PROVIDES REASONABLE ACCOMMODATION FOR SUCH INDIVIDUALS IN ACCORDANCE WITH THESE LAWS. IN THIS CONNECTION, THE COUNTY HAS ESTABLISHED AN ACCOMMODATION ASSESSMENT COMMITTEE (AAC) THAT EVALUATES THE FEASIBILITY OF REQUESTED ACCOMMODATIONS IN LIGHT OF AMERICANS WITH DISABILITIES ACT GUIDELINES. DETERMINES WHETHER SUCH ACCOMMODATION WILL CREATE AN UNDUE HARDSHIP ON THE COUNTY, AND ESTABLISHES A BUDGET FOR ACCOMMODATION. IT IS THE COUNTY'S POLICY TO, WITHOUT LIMITATION:

1. ENSURE THAT QUALIFIED INDIVIDUALS WITH DISABILITIES ARE TREATED IN A NONDISCRIMINATORY MANNER IN THE PRE-EMPLOYMENT PROCESS AND THAT EMPLOYEES WITH DISABILITIES ARE TREATED IN A NONDISCRIMINATORY MANNER IN ALL TERMS, CONDITIONS, AND PRIVILEGES OF EMPLOYMENT.

2. KEEP ALL MEDICAL-RELATED INFORMATION CONFIDENTIAL IN ACCORDANCE WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT AND RETAIN SUCH INFORMATION IN SEPARATE, CONFIDENTIAL FILES.

3. PROVIDE APPLICANTS AND EMPLOYEES WITH DISABILITIES WITH REASONABLE ACCOMMODATION, EXCEPT WHERE SUCH AN ACCOMMODATION WOULD CREATE AN UNDUE HARDSHIP ON THE E COUNTY.

4. NOTIFY INDIVIDUALS WITH DISABILITIES THAT THE COUNTY PROVIDES REASONABLE ACCOMMODATION TO QUALIFIED INDIVIDUALS WITH DISABILITIES, BY INCLUDING THIS POLICY IN THE COUNTY'S EMPLOYEE HANDBOOK AND BY POSTING THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S POSTER ON NOT DISCRIMINATING AGAINST INDIVIDUALS WITH DISABILITIES AND OTHER PROTECTED GROUPS CONSPICUOUSLY THROUGHOUT THE COUNTY'S FACILITIES.

PROCEDURE FOR REQUESTING AN ACCOMMODATION

QUALIFIED INDIVIDUALS WITH DISABILITIES MAY MAKE REQUESTS FOR REASONABLE ACCOMMODATION TO THE COUNTY'S PERSONNEL MANAGER. ON RECEIPT OF AN ACCOMMODATION REQUEST, THE PERSONNEL MANAGER WILL MEET WITH THE REQUESTING INDIVIDUAL TO DISCUSS AND IDENTIFY THE PRECISE LIMITATIONS RESULTING FROM THE DISABILITY AND THE POTENTIAL ACCOMMODATION THAT THE COUNTY MIGHT MAKE TO OVERCOME THOSE LIMITATIONS.

THE PERSONNEL MANAGER AND, IF NECESSARY, APPROPRIATE MANAGEMENT REPRESENTATIVES IDENTIFIED AS HAVING A NEED TO KNOW, WILL DETERMINE THE FEASIBILITY OF THE REQUESTED ACCOMMODATION, CONSIDERING VARIOUS FACTORS, INCLUDING, BUT NOT LIMITED TO, THE NATURE AND COSTS OF THE ACCOMMODATION, THE AVAILABILITY OF TAX CREDITS AND DEDUCTIONS, OUTSIDE FUNDING, THE FACILITY'S OVERALL FINANCIAL RESOURCES AND ORGANIZATION, AND THE ACCOMMODATION'S IMPACT ON THE OPERATION OF THE FACILITY, INCLUDING ITS IMPACT ON THE ABILITY OF OTHER EMPLOYEES TO PERFORM THEIR DUTIES AND ON THE FACILITY'S ABILITY TO CONDUCT BUSINESS.

THE PERSONNEL MANAGER WILL INFORM THE EMPLOYEE OF THE COUNTY'S DECISION ON THE ACCOMMODATION REQUEST OR ON HOW TO MAKE THE ACCOMMODATION. IF THE ACCOMMODATION REQUEST IS DENIED, EMPLOYEES WILL BE ADVISED OF THEIR RIGHT TO APPEAL THE COUNTY'S DECISION TO THE AAC BY SUBMITTING A WRITTEN STATEMENT TO THE PERSONNEL MANAGER ALONG WITH REASONS FOR THE REQUEST.

THE AAC WILL REVIEW ALL EMPLOYEE APPEALS. AFTER REVIEWING AN EMPLOYEE'S APPEAL, THE AAC WILL NOTIFY THE PERSONNEL MANAGER OF ITS DECISION. THE PERSONNEL MANAGER WILL, IN TURN, NOTIFY THE INDIVIDUAL MAKING THE APPEAL OF THE AAC'S DECISION, WHICH WILL BE FINAL.

EMPLOYEE BENEFITS PROGRAM

SET FORTH ON THE FOLLOWING PAGES IS A BRIEF DESCRIPTION OF THE COUNTY'S EMPLOYEE BENEFITS PROGRAMS. IN EVENT OF ANY CONFLICT BETWEEN THE INFORMATION CONTAINED IN THIS HANDBOOK AND INFORMATION THAT APPEARS IN THE MASTER CONTRACTS OF INSURANCE BETWEEN THE COUNTY AND OUR INSURANCE CARRIERS OR OUR MASTER PLAN DOCUMENTS, THE MASTER CONTRACTS/DOCUMENTS SHALL GOVERN IN ALL CASES. THE COUNTY RESERVES THE RIGHT TO AMEND OR TERMINATE ANY OF THESE PROGRAMS OR TO REQUIRE OR INCREASE EMPLOYEE PREMIUM CONTRIBUTIONS TOWARD ANY BENEFITS AT ITS DISCRETION. THIS RESERVED RIGHT MAY BE EXERCISED IN THE ABSENCE OF FINANCIAL NECESSITY. WHENEVER AN AMENDMENT IS MADE TO ANY OF COUNTY'S BENEFITS PROGRAMS, THE RESPECTIVE PLAN ADMINISTRATOR WILL DRAFT AND SUBMIT THE AMENDMENT TO THE COUNTY'S POLICY FOR REVIEW AND APPROVAL. THE RESPECTIVE PLAN ADMINISTRATOR WILL NOTIFY PLAN PARTICIPANTS, OF ALL APPROVED AMENDMENTS OR PLAN TERMINATIONS. THE EMPLOYEE BENEFITS PROGRAM SHOULD NOT BE CONSTRUED AS CREATING A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED, FOR ANY SPECIFIC DURATION. THE COUNTY RESERVES THE RIGHT TO TERMINATE ITS EMPLOYEES AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE. THE COUNTY ALSO RESERVES THE RIGHT TO MODIFY OR TERMINATE THESE PROGRAMS AT ANY TIME.

INJURY ON THE JOB

FOR ANY INJURY SUSTAINED ON THE JOB, THE EMPLOYEE MUST FILL OUT AND COMPLETE AN INCIDENT REPORT BY THE NEXT WORKING DAY. THE EMPLOYEE MUST IMMEDIATELY REPORT TO HIS/HER SUPERVISOR ANY INCIDENT, WHICH MIGHT HAVE AN EFFECT ON HIS/HER PERFORMANCE FOR THE COUNTY.

IN CASES INVOLVING ACCIDENT, THE FIRST PRIORITY IS TREATMENT OF THE INJURED EMPLOYEE. THE COUNTY MUST BE NOTIFIED IMMEDIATELY WITH A WRITTEN REPORT. SUPERVISORS ARE RESPONSIBLE FOR FULL KNOWLEDGE OF ANY INCIDENTS AND MUST BE PREPARED TO DOCUMENT.

BECAUSE THE COUNTY MAINTAINS WORKER'S COMPENSATION INSURANCE, ALL INSURED EMPLOYEES UNDER SUCH WORKER'S COMPENSATION INSURANCE POLICY BECOME SUBJECT TO THE POLICIES AND PROCEDURES SET AND FOLLOWED BY THE TEXAS WORKER'S COMPENSATION COMMISSION.

**CULBERSON COUNTY'S PERSONNEL
POLICY MANUAL**

CULBERSON COUNTY PERSONNEL POLICY MANUAL

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CULBERSON COUNTY PERSONNEL POLICY MANUAL

All references throughout this manual to “the County” or “County” shall mean Culberson County.

SECTION I **COUNTY EMPLOYMENT POLICY**

1.01 – Employment at Will: All employment with the County shall be considered “at will” employment. No contract or employment shall exist between any individual and the County for any duration, either specified or unspecified. The County shall have the right to terminate with or without notice. The County shall also have the right to change any condition, benefit, policy, or privilege or employment at any time, with or without notice. Employees of the County shall have the right to leave their employment with the County at any time, with or without notice.

1.02 – Employee Status: All employees are considered to be “at will” employees, as defined in Section 1.01, and employee status shall not be considered a contract of employment

- (a) **Full-Time:** A full-time employee shall be any employee in a position which has a normal work schedule of at least 30 hours per week and more than 899 hours per year.
- (b) **Part-Time:** A part-time employee shall be any employee in a position which has a normal work schedule of less than 30 hours per week and less than 899 hours per year.
- (c) **Temporary:** A temporary employee shall be any employee who is hired into a position, which is expected to last for some specific duration, or until a specific project is completed. A temporary employee may be either full-time or part-time.
- (d) **Regular:** A regular employee shall be any employee hired into a position, which is not considered to be temporary. Regular employees may be either full-time or part-time.

1.03 - Equal Employment Opportunity: It shall be the policy of the County to be an equal opportunity employer. Race, color, religion, national origin, sex, age, and disability shall not be factors in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by law or where a bona fide occupational qualification exists.

1.04 – Reasonable Accommodation: The County shall make reasonable accommodation for otherwise qualified disabled individuals to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals. Reasonable accommodation shall be determined through consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

1.05 – Application of Employment: Before an individual can be considered to be an applicant for employment with the County, he/she shall be required to complete the steps outlined in the “Culberson County Application Procedure.” Copies of the application procedure are available from the County Clerk’s Office and may be picked up from the office during their normal working hours.

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

1.07 – Disqualification: An applicant shall be disqualified from consideration for employment if he/she:

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

1.08 – Nepotism: In accordance with the Texas Nepotism Statutes, an elected or appointed official of the County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he/she supervises. The civil law method, as approved by the Texas Legislature in 1991 to be effective in August of 1991, shall be used for determining degree of relationship. (See charts that follow.)

SECTION II **EMPLOYEE BENEFITS POLICY**

2.01 Vacation Benefits:

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. All full-time CULBERON COUNTY employees, who are not elected or appointed by various judges in accordance with the law, will be eligible to earn and use vacation time as described in this policy. All vacation time will be computed from date of full-time employment with CULBERSON COUNTY.

Employees will accrue 80 hours vacation leave after successful completion of one (1) year of continuous full-time employment. An employee may not take any vacation time until after the employee has reached one (1) year of full-time service with CULBERSON COUNTY. Vacation shall not be accrued while an employee is on leave without pay.

No employee will be entitled to take unearned vacation time nor will any employee take vacation time in advance of earning said vacation credit. The amount of paid vacation time employees receive each year increases with the length of employment as shown in the following schedule:

- Employees who have 0 to 4 years of continuous service with CULBERSON COUNTY: 6.66 hours per month, which is equivalent to 80 working hours per year.
- Employees who have 5 to 9 years of continuous service with CULBERSON COUNTY: 10.00 hours per month, which is equivalent to 120 working hours per year.
- Employees who have 10+ years of continuous service with CULBERSON COUNTY: 13.33 hours per month, which is equivalent to 160 working hours per year.

Employees may take their accrued vacation at any time after one (1) year of full-time service with CULBERSON COUNTY. Paid vacation time can be used in minimum increments of one-quarter hour. Employees may take vacation time earned, up to the total number of days accrued, provided each employee requests advance approval from his/her Elected Official or Department Head at least one week (this may vary in different departments) prior to the time vacation time is to commence. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. The final decision for vacation schedules will rest with each Elected Official or Department Head.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

In the event that available vacation is not used by the end of the benefit year, employees may carry a maximum of 40 unused vacation hours forward to the next benefit year. If the total amount of unused vacation time reaches a "cap" equal to the maximum accrual amounts shown below, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Employment 0 to 4 years - 120 hours maximum accrual

Employment 5 to 9 years - 160 hours maximum accrual

Employment 10 years and beyond - 200 hours maximum accrual

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off. Employees shall be responsible for accurately recording all vacation time used on their time sheet.

Should any employee terminate employment with CULBERSON COUNTY and should the employee have accrued vacation time, the employee shall be paid upon termination for vacation time accrued after the employee has reached one (1) year of full-time service.

2.02 - SICK LEAVE POLICY

The following employee classifications shall be eligible for the sick leave benefit: Full Time Employees. These employee classifications shall not be eligible for the sick leave benefit: Part Time or Temporary Employees.

Eligible employees shall accrue sick leave at a rate of 4 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.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 320 hours.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, foster child or other relative living in the employee's home who is dependent on the employee for care.

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employees own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

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

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

2.03 – Holidays:

- (a) Eligibility: All full-time regular employees shall be eligible for the paid holiday benefit.

- (b) Holidays: The County holidays for the following calendar year shall be determined by Commissioners court at its first meeting each January.
- (c) Holiday During Vacation: If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.
- (d) Holiday on Day Off: If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.
- (e) Emergencies: An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 days equivalent to the amount of time worked on the holiday.
- (f) Special Observances: Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for the County. Determination of granted leave for special observances shall be made by the supervisor of the department in which the employee works, based on the needs of the department. Vacation, compensatory time, or leave without pay may be used for leave for special observances.

2.04 – Jury Duty and Other Court-Related Matters:

- (a) Jury Duty: Employees of the County who are called for jury duty shall receive their regular pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time they actually serve on the jury. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.
- (b) Official Court: Employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require.
- (c) Private Litigation: If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, other eligible paid leave or leave without pay.

2.05 – Military Leave:

- (a) National Guard and United States Armed Forces Reserve. 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 year with pay to attend authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the calendar year and any unused balance at the end of the year shall not be carried forward into the next calendar year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods, which fall within the employee's normal work schedule. An employee may use annual leave, earned compensatory time or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.
- (b) Orders: An employee going on military leave shall provide his/her supervisor with a set of orders within two (2) days after receiving them.
- (c) Active Military: County employees who leave their position as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with the state and federal regulations in effect at the time of their release from duty.

2.06 – Funeral Leave:

- (a) Family Funeral Leave: Employees shall be allowed up to three (3) days off with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse, child, parent, brother, or sister.
- (b) Other Funeral Leave: Employees shall be allowed time off with pay, up to a maximum of one (1) day to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend.
- (c) Additional Funeral Leave: If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay.

2.07 – Medical and Life Insurance:

- (a) Medical Coverage: All full-time regular employees of the County shall be eligible for the group medical insurance benefit. Premium for the coverage for eligible employees shall be paid by the County up to a maximum of \$275 per month with the balance being paid by the employee. Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

- (b) Life Coverage: Employees shall have a limited amount of life insurance on themselves as part of their group medical insurance coverage.
- (c) Information: Details of coverage under the group medical insurance plan are available in the County Treasurer's Office and may be obtained during the normal working hours of that office.

2.08 – Worker's Compensation:

- (a) Eligibility: All County employees are covered by worker's compensation insurance while on duty for the County.
- (b) Benefits: Worker's Compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of his/her job. Worker's Compensation also pays a partial salary continuation benefit for time lost from work in excess of seven (7) calendar days as the result of an eligible work-related injury or illness. The County pays the injured employee's full salary and the Worker's Compensation check must be paid back to the County to offset the wages paid by the County.
- (c) Accident Reporting: Any employee who suffers a job-related illness or injury shall be required to notify his/her supervisor as soon as possible. Failure to promptly report a job-related injury or illness may affect an employee's eligibility benefits or delay benefit payments, which are due.
- (d) Physician's Release: An employee who has lost time because of a work-related accident or illness shall be required to provide a release from the attending physician before being allowed to return to work.
- (e) Contributory Factors: An employee's Worker's Compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

2.09 – Retirement:

Regular employees who work a normal schedule of 900 or more hours per year shall be eligible for the retirement benefit through the Texas County and District Retirement System. The County shall make contributions to the retirement program for the employee. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

2.10 – Social Security:

All County employees shall participate in the Federal Social Security program, which provides certain retirement, disability, and other benefits. Contributions to this program shall be made by the County for the employee.

2.11 – Family and Medical Leave:

- (a) Eligibility: To be eligible for benefits under this policy, an employee must have worked for the County (i) for at least 1,250 hours during the previous 12 months.
- (b) Qualifying Events: Family or medical leave under this policy may be, taken for following situations:
 - (i) The birth of a child and in order to care for that child;
 - (ii) The placement of a child in the employee's home for adoption or foster care;
 - (iii) To care for a spouse, child or parent with a serious health condition; or
 - (iv) A serious health condition of the employee
- (c) “Serious Health Condition:” A serious health condition of the employee shall be defined as a health condition that makes the employee unable to perform the essential functions of his/her job. A serious health condition of a spouse, child or parent shall be defined as a condition, which requires inpatient care at a hospital, hospice or residential care medical facility, or a condition which requires continuing care by a licensed health care provider.
- (d) Leave Amount: 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 eligibility and the balance is the leave the employee is entitled to take at that time. If a husband and wife both work for the County, the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child is 12 weeks.
- (e) Paid and Unpaid Leave: If an employee has accrued leave, the employee shall be required to use the appropriate paid leave first with the remainder of the 12 weeks as unpaid leave. An employee who is taking leave because of the employee's own serious health condition or the serious health condition of an eligible family member shall be required to first use all paid vacation, sick leave, earned compensatory time, and any other paid leave with the rest of the 12 week leave period, being without pay. An employee taking leave for the birth of a child shall be required to take paid sick leave and/or other paid leave for the recovery period after the birth of the child prior to going on leave without pay. After the recovery period from giving birth to a child, the employee shall be required to use vacation, earned compensatory time, and other available paid

leave, except for sick leave, prior to going on leave without pay. An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use all paid leave due, except for sick leave, prior to going on leave without pay. The maximum of paid and unpaid leave that may be used under this policy in any 12 month period is 12 weeks.

- (f) Insurance: While on leave under this policy, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage and for any other insurance coverage for which the employee would normally pay or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave with pay. While on leave without pay, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be discontinued.
- (g) Intermittent Leave and Reduced Schedule: Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of a serious health condition of the employee or the employee's eligible family member. A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of a serious health condition of the employee or the employee's eligible family member. All work missed as the result of intermittent leave or reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility.
- (h) Physician's Statement: The County shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy. The employee should respond to the request within 15 days of the request or provide a reasonable explanation for the delay.

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

- (i) The date the condition began;
- (ii) Its expected duration;
- (iii) The diagnosis of the condition;
- (iv) A brief statement of the treatment; and
- (v) A statement that the employee is unable to perform the essential functions of the employee's job.

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

- (i) The date the condition began;
- (ii) Its expected duration;
- (iii) The diagnosis of the condition;

- (iv) A brief statement of the treatment; and
- (v) A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent work leave or work a reduced schedule, the certification shall also include dates and the duration of treatment. The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification. If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a health care practitioner agreed upon by both the employee and the County. The third opinion shall be considered final.

- (i) Requesting Leave: Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his/her immediate supervisor. Where practicable, an employee should give his/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 request may be denied until at least 30 days from the date the County receives notice.
- (j) Reinstatement: Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Where an employee is placed in another position, it will be one, which has equivalent status, pay, benefits, and other employment terms, and one, which entails substantially equivalent skill, effort, responsibility, and authority. The County shall have no obligation to reinstate any employee who takes leave under this policy and who is unable to return to work after using the maximum 12 weeks of leave allowed under this policy or who elects not to return to work after using the maximum leave.
- (k) Repayment of Premiums: Except in situations where the employee is unable to return to work because of a serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the 12 weeks 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.
- (l) Other Benefits: While on leave without pay under this policy, an employee shall not earn vacation or sick leave, be eligible for holidays or earn other benefits afforded to employees actively at work, except for those stated in this policy.

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

SECTION III
WORK RULES & EMPLOYEE RESPONSIBILITIES POLICY

3.01 – Attendance and Timeliness:

- (a) Attendance/Tardiness: Each employee shall report to work on each day he/she is scheduled to work unless prior approval for absence is given by the employee’s supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee. Each employee shall be at his/her place of work at the starting time set by his/her supervisor unless prior approval is given by the supervisor of the employee or the employee is unable to be at work on time for reasons beyond the control of the employee. Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.
- (b) Notification: If an employee is unable to be at work at his/her normal reporting time, the employee shall be responsible for notifying his/her supervisor as soon as is reasonably practicable of the circumstances causing the tardiness or absence.
- (c) Excused/Unexcused: Each supervisor shall be responsible for determining if an unscheduled absence or tardiness is to be classified as excused or UNEXCUSED, based on the circumstances causing the absence or tardiness. Frequent or UNEXCUSED absences or tardiness shall make an employee subject to disciplinary measures, up to and including termination of employment.
- (d) Abandonment of Position: An employee who does not report for work for three consecutive scheduled work days, and who fails to notify his/her supervisor, shall be considered to have resigned his/her position by abandonment.

3.02 – County Property:

- (a) Responsibility: Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool or other County equipment assigned to him/her. County employees shall only use equipment, vehicles, tools, and other County Property that they are authorized to use.
- (b) Personal Use: Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted.

- (c) Licenses: A County employee who operates any County equipment or vehicle which requires a license shall be required to have a current active license for that vehicle or equipment any time he/she operates it. Any employee who operates a vehicle or equipment, which requires a license for legal operation, shall notify his/her supervisor of any change in the status of the license. An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change or termination if that license is suspended or revoked. An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation but who is deemed uninsurable by the County's vehicle insurance carrier, even though the employee's license has not been revoked or suspended, shall be subject to possible job change or termination.
- (d) Accidents: Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his/her supervisor and to the proper law enforcement or other proper authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge.

3.03 – Conflict of Interest:

County employees shall not engage in any employment, relationship or activity which could be viewed as a conflict of interest because of the potential or appearance of affecting the employee's job efficiency or which would reduce his/her work and responsibility as a County employee. Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination. Activities, which constitute a conflict of interest, shall include, but not be limited to:

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

- (e) Soliciting, accepting or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

3.04 – Political Activity:

Employees of the County shall have the right to support candidates of their choice and to engage in political activity during their personal time. County employees shall not:

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

3.05 – Safety:

- (a) Safety Standards: Each County employee shall be required to adhere to the general safety standards established for all employees and to all additional safety standards for their job or the department in which he/she works.
- (b) 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.
- (c) Reporting: Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head immediately.

3.06 – Sexual Harassment:

- (a) It shall be the policy of Culberson 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.
- (b) Definition: “Sexual harassment” shall include, but not be limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- (i) Submission to such conduct is either an expressed or implied condition of employment;
 - (ii) Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
 - (iii) 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.
- (c) Claims: All claims of sexual harassment shall be taken seriously and investigated. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. No retaliation or other adverse action shall be taken against an employee who in good faith, files a claim of sexual harassment.
- (d) Reporting: 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, another member of Commissioners Court or the County Attorney. The official or department head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim. Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.
- (e) Other Rights: Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to sexual harassment charges.

SECTION IV

PAYROLL POLICY

4.01 – Pay Period:

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

4.02 – Time Sheets:

Each employee shall be required to fill out a time sheet to be turned in to his/her supervisor on Wednesday before each pay period. The time sheet prepared by the

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

4.03 – Pay Advances:

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

4.04 – Compensation:

This compensation policy shall apply to all County employees except law enforcement employees. Compensation for law enforcement employees shall be handled in accordance with the policies established in the Sheriff's Office, with approval of Commissioners Court.

- (a) Salaried Employees: All County employees shall be paid semi-monthly at 1/26th of their annual salary basis. For full-time regular employees, the semi-monthly salary compensates the employee for all hours worked up to 40 in any work week. For part-time regular employees, the semi-monthly salary compensates the employee for all hours worked in a workweek up to the amount designated by the County for the position. Salaried employees shall be paid 1/26th of their annual salary on each pay day.
- (b) Temporary: Temporary employees shall be paid hourly at the minimum wage established by the Fair Labor Standards Act (FLSA), as amended.

4.05 – Payroll Deductions:

Deductions shall be made from each employee's paycheck for federal withholdings and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system paid for by the County. Any optional deductions authorized by Commissioners Court and approved by the employee shall also be made from the employee's paycheck. No optional deductions shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

4.06 – Work Schedule:

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 12:00 p.m. – 1:00 p.m. until 5:00 p.m. Monday through Friday. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule or they may be subject to call back in case of emergency or special need. The need for schedules that vary from the normal schedule shall be determined by each department head.

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

- (b) Workweek: For the purposes of record keeping and to determine overtime in compliance with the FLSA, the workweek for the County shall begin at 12:01 a.m. on each Saturday and end 7 consecutive days later (168 hours).

4.07 – Hours Worked & Overtime:

Hours worked shall include all time actually spent in the service of the County, as defined in the FLSA, and its regulations. Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement employees. Overtime for law enforcement employees is defined in the policy addressing law enforcement overtime in the Sheriff's Office in accordance with FLSA regulations.

- (a) Definition: "Overtime" shall include all time actually worked for the County in excess of 40 hours in any workweek. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from his/her supervisor before working overtime.
- (b) Application of Overtime Policy: This policy shall apply to all County employees eligible for overtime compensation under the FLSA except for law enforcement employees. Overtime, for law enforcement employees shall be handled in accordance with the policy for overtime compensation established by the Sheriff's office in accordance with FLSA regulations.
- (c) Overtime Compensation: Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half (1 – ½) times the overtime worked.
- (d) Maximum Compensatory Time: The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.
- (e) Use of Compensatory Time: Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee. The County shall retain the right to control the accumulation of compensatory time by requiring an employee to use earned compensatory time at the discretion of the County.

- (f) Termination: If an employee terminates employment for any reason prior to using all earned FLSA compensatory time, he/she shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.
- (g) Buy Back of Compensatory Time: The County shall retain the right to ‘buy back’ all or part of an employee’s unused compensatory time by paying the employee for that time at the employee’s current regular rate.
- (h) Cash Payment of Overtime: The County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at a rate of one and one-half (1 ½) times the employee’s regular rate of pay.
- (i) Record Keeping: Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period. The department head shall be responsible for keeping records of all compensatory time earned and used by each county employee in his/her department and shall update the balance due to each employee at the end of each pay period.
- (j) Other Issues: Any issues on overtime compensation not addressed in this policy shall at least meet the requirements of the FLSA and the regulations issued by the Department of Labor to administer that Act.

SECTION V **GRIEVANCE POLICY**

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor. If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility of the employee’s department, the employee shall have the right to discuss the grievance with that official. The decision of the elected or appointed official with final responsibility for the employee’s department shall be final in all grievances.

SECTION VI **DISCIPLINE POLICY**

6.01 – Authority to Discipline:

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

6.02 – Types of Discipline:

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

6.03 – At Will Employment:

All County employees are “at will” employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment or any other property interest in his/her job. The County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without notice. The County also retains the right to change any condition, benefit, privilege, or policy or employment at any time, with or without notice.

SECTION VII **DRUG AND ALCOHOL POLICY**

7.01 – Purpose:

The purpose of this policy shall be to establish a drug and alcohol-free workplace to help ensure a safe and productive work setting for all employees.

7.02 – Applicability:

This policy shall apply to all employees of Culberson County, regardless of rank or position, and shall include temporary and part-time employees. The only exception to this policy shall be the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

7.03 – Policy:

The following shall be a violation of this policy:

- (a) The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property.
- (b) Being under the influence of alcohol or illegal drugs while on County property or while on duty for the county.
- (c) The unauthorized possession or use of prescription or over-the-counter drugs while on County property or while on duty for the County.
- (d) The use of prescription or over-the-counter drugs while on County property or while on duty for the County in a manner other than that intended by the manufacturers or prescribed by a physician.

7.04 – Definitions:

- (a) Controlled Substance: A controlled substance shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), as amended. (A copy of this information is available for review in the Treasurer's Office.)
- (b) County Property: County property shall include all county owned, rented or leased real property, such as building, land, parking lots, etc. and property used by employees such as vehicles, lockers, desks, closets, storage areas, etc.
- (c) Drugs: Drugs shall include any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
- (d) Drug Paraphernalia: Drug paraphernalia shall include equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, inhaling, or otherwise inducing into the human body an illegal drug or controlled substance.
- (e) Illegal Drug: Illegal drug shall include any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including, but not limited to, a prescription drug used for any other than as legitimate medical reason and inhalants used illegally. Included is marijuana or cannabis in all forms.

7.05 – Policy Violations:

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

7.06 – Prescription Drugs:

Employees taking prescription medication 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 medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information. Prescriptions used at work are to be kept in their original container.

7.07 – Treatment:

Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals. Information on benefits provided for treatment of alcohol and drug problems through the County's medical insurance program is available in the employee's insurance coverage booklet or from the Treasurer's Office.

7.08 – Reservation of Rights:

Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee’s status and shall not be deemed a contract or promise of employment.

SECTION VIII
SEPARATION POLICY

8.01 – Definition:

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

8.02 – Types of Separation:

All separations from the County shall be designated as resignation, retirement, dismissal, reduction in force (layoff), death or other.

- (a) Resignation: A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with the County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to his/her supervisor.
- (b) Retirement: Retirement shall be any situation in which an employee meets the requirements to collect benefits under the County’s retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.
- (c) Dismissal: A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Culberson County is an “at will” employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.
- (d) Reduction in Force (Layoff): An employee shall be separated from employment because of a reduction in force when his/her position is abolished or when there is a lack of funds to support the position or there is lack of work to justify the position.
- (e) Death: A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the

County, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

- (f) Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an “other”; the supervisor shall provide details of the nature of the separation for the personnel records.

8.03 – Notification:

As soon as a supervisor becomes aware of separation from employment or the intent to separate employment by an employee, the supervisor shall be responsible for immediately notifying the County Judge and the County Treasurer.

8.04 – E-Mail Policy:

Electronic mail (e-mail) is available to employees through Culberson County server. E-mail is a convenience and should be used for messages and questions pertaining to County Business.

The program and all e-mail are the property of Culberson County. As such, e-mail should be considered non-confidential as all transmissions are saved and are accessible to management. E-mail should be used for County-wide work related information. Personal e-mail messages are strictly forbidden as are notices for sale of personal items, spiritual communications, and other inappropriate transmissions. **SEXUALLY HARASSING OR OFFENSIVE MESSAGES VIA E-MAIL WILL NOT BE TOLERATED, WHETHER INADVERTENT OR INTENTIONAL.**

Disciplinary action may be taken against any employee found in violation of this policy.

SECTION IX **DEPOSITS POLICY**

9.01 – Making Deposits:

A county officer who receives funds SHALL deposit the funds with the county treasurer on or before the next regular business day after the date on which the funds are received. However, the commissioner’s court may extend the period during which funds must be deposited with the county treasurer but the period may not exceed 30 days after the date the funds are received . Failure to comply with this County policy will result in disciplinary action or dismissal.

SECTION X
CREDIT CARD POLICY

10.01 Use of Cards:

Sheriff's Department: To be used for Travel, Fuel and/or Lodging **while out of town** or **transporting prisoners**.

Meals: **Only if** a meal advance is not received prior to departure.

All other County Offices: To be used for lodging, air transportation and/or rental car.

NOTE: **Credit Card should NOT** be used for meals and fuel, as the County Employee should be given a travel advance, for these expenses, prior to departure.

10.02 Other Expenditures:

Credit cards may be used for other expenditures, if and **ONLY IF**, the charge has been approved and the transaction is accompanied by a purchase order with a purchase order number.

10.03 Payment:

All statements, along with documentation supporting charges, must be turned into treasurer for payment within two business days of receipt of Credit Card Statements.

The County will not be responsible for any late charges as a result of untimely submission of statement and/or documentation. If this occurs, late charges will be paid by the Credit Card Holder.

SECTION XI
VEHICLE POLICY

11.01

When acting in the scope of their duties for the County, a Public Official or County Employee should **NEVER** have a civilian and/or family member riding in the vehicle. Due to the exposure, this is especially important for law enforcement personnel. A Public Official or County Employee is not able to assume liability in the event of an accident and/or injury. As long as, they are acting within the scope of their duties, the liability will always rest on the shoulder of the County.

SECTION XII
LAW ENFORCEMENT PAY AND OVERTIME

12.01 LAW ENFORCEMENT PAY AND OVERTIME

Culberson County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Law enforcement employees' budgeted salary covers all hours up to 80 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working over the budgeted 80 hours.

The Culberson County Commissioners Court has adopted the extended work period for law enforcement personnel authorized by the Fair Labor Standards Act §207(k). The work period is based on 14 consecutive calendar days. A law enforcement employee will be paid a budgeted salary based on 80 hours reported and a maximum of 86 actual hours worked, plus overtime for any authorized hours worked over 86 during a work period. Overtime will be paid as compensatory time off as determined in the county's policy manual. An employee will be paid his or her full salary if the employee reports at least 80 hours during a work period. Overtime will not accrue in any work period during which an employee reports sick, vacation, emergency, holiday or compensatory time until the number of actual hours worked reported during the work period exceeds 86.

A law enforcement employee must account for 80 hours during each work period, by reporting actual hours worked or sick, vacation, emergency or compensatory time. If an employee reports more than 80 actual hours worked during a work period he or she will receive no additional salary compensation for the actual hours worked between 80 hours and 86; however, the county will provide an hour-for-hour straight time-off benefit for actual hours worked up to 86 hours during a work period.