

# **VICTORIA COUNTY**

## **PERSONNEL POLICIES**



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## PERSONNEL POLICIES ACKNOWLEDGEMENT

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

I further understand that the Victoria County Personnel Policies is not a contract of employment. I understand that I am an at-will employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice. I acknowledge that I have no property interest in my employment and no guarantee of any duration of employment.

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

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

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

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

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

---

Printed Name of Employee

---

Signature of Employee

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Date Signed

# COUNTY OF VICTORIA COMMISSIONERS COURT ORDER

WHEREAS, the Victoria County Commissioners Court desires to provide the employees of Victoria County with a uniform format for dealing with various employment related issues; and

WHEREAS, the Victoria County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County.

NOW, THEREFORE, BE IT RESOLVED that the Victoria County Commissioners Court does hereby approve, and adopt, the Victoria County personnel policies.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
Commissioner Pct. 1

\_\_\_\_\_  
Commissioner Pct. 2

\_\_\_\_\_  
Commissioner Pct. 3

\_\_\_\_\_  
Commissioner Pct. 4

Witnessed and Attested By:

\_\_\_\_\_  
County Clerk

## ELECTED OFFICIAL RESOLUTION FOR VICTORIA COUNTY

I, \_\_\_\_\_, the undersigned have read the Victoria County PERSONNEL POLICIES that the Victoria County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Victoria County, I endorse and approve the Personnel Policies. I approve the document as it reflects my commitment to Victoria County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Victoria County Personnel Policies, as witnessed by my signatures below.

**EACH ELECTED OFFICIAL WILL NEED TO HAVE THEIR OWN RESOLUTION PAGE SIGNED.**

\_\_\_\_\_  
Printed Name of Elected Official

\_\_\_\_\_  
Office of Elected Official

\_\_\_\_\_  
Signature of Elected Official

\_\_\_\_\_  
Date Signed

# WELCOME TO VICTORIA COUNTY!

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

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

This personnel policy contains some key policies, benefits, and expectations of Victoria County, and other information you will need. Each elected or appointed official may have additional detailed policy and procedures for their office.

Your job is essential to fulfilling our mission of serving our constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Victoria County employee. You should use this handbook as a ready reference as you pursue your career with Victoria County.

Please consult with your elected official, appointed official or department head regarding questions you may have concerning these personnel policies.

Welcome aboard!

## SECTION 1: GENERAL POLICIES

**Authority:** These policies are established by the Commissioners' Court, the governing body of the County of Victoria (County), and any deletions, amendments, revisions, or additions to the policies must be approved by that body. Oral or written interpretations or clarifications of the policies will only be issued by the Commissioners' Court.

**Applicability:** These personnel policies apply equally to all employees of the County unless a class of employees is specifically exempt by these policies or by written agreement with the County. In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

**Dissemination:** The Department of Human Resources (HR) maintains the official set of personnel policies with all revisions for reference by employees as adopted by Commissioners Court. Each employee will have access to a complete set on the first day of employment. A copy of amendments, revisions or new policies will be provided to employees through communication from their Department Head. In addition, HR will make available to each Elected Official and Department Head a complete set and copies of subsequent revisions. Notwithstanding anything to the contrary, if a question arises about a particular policy, the official set of policies maintained by HR will control.

**Acknowledgement:** Every employee is required to sign an acknowledgment of receipt of these policies. Employees are required to read, or have read to them, this manual carefully and to adhere to the rules and regulations stated.

**Implementation:** The Commissioners' Court of the County, in coordination with Victoria County officials, is responsible for the formulation and administration of personnel policies and procedures.

**Severability:** The provisions of these policies are severable, and if any provision or part of the provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provisions, which will remain in force and effect.

### A. COUNTY EMPLOYMENT

#### 1A-1 EMPLOYMENT AT-WILL

All employment with Victoria County shall be considered "at will" employment. No contract of employment shall exist between any individual and Victoria County for any duration, either specified or unspecified. No provisions of these personnel policies shall be construed as modifying your employment at will status.

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

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



## **1A-2 EMPLOYMENT PRACTICES**

**Authority:** Each official or department head is responsible for the selection and length of tenure of their employees within their department's comprehensive budget. Department heads also determine the method used to fill each vacancy, which may include: (1) promotion from within; (2) lateral transfer from within; or (3) public announcement or competitive consideration of external and internal applicants. In addition, it is the responsibility of each department head to establish the minimum required knowledge, skills, and abilities for each staff position, along with acceptable levels of experience and training necessary to perform the job effectively.

**Requirements:** Each person desiring employment or a transfer within the County must complete and submit an official application prior to any appointment or hire. This is required for all positions, regardless of the method of recruitment. Additional requirements may be determined by the department head and may include, but are not limited to, submission of a resume or other supporting documentation.

Verification of qualifications necessary for the position, including education, licenses, or certifications, must be completed upon hire. Failure to provide documentation verifying required credentials may result in disqualification or termination of employment.

To comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete an I-9 Employment Eligibility Verification on or before their first day of employment to provide proof of identity and authorization to work in the United States. Victoria County is an E-Verify employer and uses the system to confirm the employment eligibility of all newly hired employees.

**Employment Screenings:** All offers of employment with Victoria County are contingent upon successful completion of pre-employment screening requirements. These include, but are not limited to, drug and alcohol testing and a criminal history background check. These screenings must be completed and cleared prior to the employee's first day of work. Failure to successfully complete any component of the pre-employment screening process may result in withdrawal of the offer of employment.

Additionally, any County employee whose position requires the operation of a County vehicle must maintain a safe driving record. The County will check the driving record of prospective employees applying for such positions and may conduct periodic rechecks as needed throughout the course of employment.

**Disqualification:** Victoria County reserves the right to disqualify any applicant from employment consideration for reasons including, but not limited to:

- Failure to meet the minimum qualifications, education, or experience required for the position.
- Providing false or misleading information during any phase of the application or hiring process.

- Failure to successfully complete required pre-employment screenings, including drug and alcohol testing or criminal background checks.
- Criminal convictions that are job-related or may pose a risk to the safety or integrity of County operations, as determined by the department head and/or Human Resources.
- Unsatisfactory driving record for positions that require operating a County vehicle.
- Failure to provide proof of identity and employment eligibility as required by federal law.
- Previous termination from employment with the County for cause, or a record of misconduct, poor performance, or disciplinary issues in prior County employment.
- Each disqualification will be considered on a case-by-case basis, taking into account the nature of the position, the circumstances of the disqualifying factor, and applicable laws or regulations.

### **1A-3 EMPLOYMENT STATUS POLICY**

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

**Regular Full Time:** A full time employee shall be any employee in a position who has a normal work schedule of 40 hours per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Victoria County makes exempt status determination based on the Fair Labor Standards Act.

**Modified Full Time:** A modified full time employee shall be any employee in a position with a normal work schedule of thirty (30) or more hours per week but less than forty (40) hours per week. Modified full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits.

**Regular Part Time:** A part time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. Regular Part-Time employees are NOT eligible for county health insurance benefits. However, all regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

**Temporary:** A temporary employee is an employee hired to work in a position that is not expected to last for an extended period of time. For the purposes of this policy, an extended period of time is defined as employment exceeding six (6) months from the date of hire in a

temporary capacity. Any continuation beyond six (6) months may require review and reclassification by Human Resources.

Temporary employees may be either hourly or salaried and may be required to work full-time or part-time. Temporary employees are NOT eligible for ANY County benefits, unless otherwise required by law.

*Note: Temporary employees may be coded to Extra Help line items in departmental budgets.*

#### **1A-4 ESSENTIAL AND NON-ESSENTIAL POSITION STATUS**

As part of Victoria County's emergency preparedness and operational continuity efforts, each department must classify employee roles based on their necessity during emergency events or County closures.

**Essential employees** are those whose job duties are vital to public safety, emergency response, or maintaining core County operations. These are further designated as:

- **Essential – Direct Response:** Employees who are required to respond immediately to the emergency and must report in person to carry out operational or public safety functions (e.g., law enforcement, emergency medical personnel, road and bridge crews).
- **Essential – Indirect/Support:** Employees who do not directly respond to the emergency itself but whose support functions are critical to sustaining emergency or core County operations (e.g., HR, payroll, IT, communications, or logistics support).

**Non-essential employees** are those whose job functions can be temporarily suspended during emergencies without compromising critical County services. These employees may be released from duty during a closure, as determined by their elected official or department head.

Each department is responsible for assigning and communicating the essential or non-essential status of each employee in their Department Emergency Action Plan. Status designations must be reviewed annually and updated as necessary.

This classification guides responsibilities during County-declared emergencies, including weather-related closures and other incidents. See also **1B-13 Weather Closings and Emergencies** and the Disaster Pay Policy.

#### **1A-5 EQUAL EMPLOYMENT OPPORTUNITY**

Victoria County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide

occupational qualification 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 human resources office.*

The County prohibits retaliation or discrimination against any employee for reporting an unlawful or discriminatory employment practice, or for participating in an investigation of an allegation of discrimination. Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor or HR. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment.

## **1A-6 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of Victoria County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

It is Victoria 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 human resources office. Reasonable accommodation shall be determined through an interactive process of consultation.

## **1A-7 PERSONNEL FILES**

The Victoria County Human Resources department will retain basic employee information in an individual personnel file, and when applicable, a separate medical, benefits, and disciplinary file for each employee. All files are the property of Victoria County and information contained within those files shall be maintained consistent with Federal, State and local government regulations. Payroll files are kept and maintained by the office or department handling payroll.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether the employee has family members confidential. If employees wish for this information to be closed to public access, a "Public Access Option Form" must be filled out and signed. This form will be placed with the employee's permanent personnel file.

Employees may review their personnel file, by making a written request to the Human Resources Department. Employees may inspect their own personnel records under the direct supervision of Human Resources, but may not remove documents in the file.

It is important that the personnel records of Victoria County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Victoria County requires employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information. It is the responsibility of the employee to notify human resources of any changes as soon as possible.

### **1A-8 NEPOTISM**

Texas Government Code Chapter 573, a Public Official of Victoria County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over. A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

<b>CONSANGUINITY KINSHIP CHART</b> <i>(Relationship by Blood)</i>		
<b><i>First Degree</i></b>	<b><i>Second Degree</i></b>	<b><i>Third Degree</i></b>
Parent	Grandparent	Great Grandparent
Child	Grandchild	Great Grandchild
	Sibling	Uncle or Aunt
		Nephew or Niece

<b>AFFINITY KINSHIP CHART</b> <i>(Relationship by Marriage)</i>	
<b><i>First Degree</i></b>	<b><i>Second Degree</i></b>
Spouse	Grandparent
Parent	Grandchild
Child	Sibling

## **B. WORK RULES AND EMPLOYEE RESPONSIBILITIES**

### **1B-1 ATTENDANCE**

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

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee. If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness. Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

Failure to report within the required period set by the department head may be considered justification for disallowing paid leave and the employee may be considered to have resigned their position by abandonment at the sole discretion of the department head.

Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the department head.

### **1B-2 PROFESSIONAL APPEARANCE**

Employees of Victoria County are representatives of the County and are expected to uphold high standards of public service that emphasize professionalism, courtesy, and the avoidance of even the appearance of illegal or unethical conduct at all times. Employees must act in a professional manner, extend the highest courtesy to co-workers and the public, and perform their duties with competence and integrity. Victoria County expects all employees to be well groomed, clean, and neat at all times, presenting a professional personal image in both conduct and appearance. Each official or department head is responsible for determining the type of attire and grooming standards appropriate to their department, based on the nature of the work being performed. Employees must maintain these standards as a condition of employment and to ensure consistent, quality service to the public.

### **1B-3 TOBACCO/SMOKE FREE WORKPLACE**

Victoria County endeavors to provide a healthy environment. Therefore, any form of tobacco or vaping consumed in county buildings and county vehicles is strictly prohibited. Additionally, no smoking or vaping is allowed within twelve (12) feet of the exterior entrance ways.

### **1B-4 CONFLICT OF INTEREST**

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

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees.

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

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

### **1B-5 HARASSMENT**

Victoria County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, including lesbian, gay, bi-sexual or transgender status, sexual orientation or gender identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance such that a reasonable person would find it intolerable.

Harassment is strictly prohibited by Victoria County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business.

### **Reporting Harassment**

All reports of harassment must be submitted in writing and directed to the employee's supervisor, Department Head, Elected Official, or Human Resources. The written report should include as much detail as possible, including the names of the individuals involved, the nature of the conduct, dates, locations, and any witnesses.

If the employee feels uncomfortable reporting to a supervisor, they may submit the written complaint directly to Human Resources or the County Judge's office. A harassment complaint form is available from Human Resources and may be used to assist in submitting a written report.

Every reported complaint will be investigated promptly and thoroughly. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the County Judge or Human Resources.

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

### **1B-6 SEXUAL HARASSMENT**

Sexual harassment is strictly prohibited by Victoria County, whether committed by an elected official, an appointed official, a department head, a co-worker or a non-employee the county does business with. It is the policy of Victoria 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.

### **Reporting Sexual Harassment**

Victoria County is committed to maintaining a work environment free from harassment of any kind. Employees who believe they have experienced or witnessed harassment are strongly encouraged to report the behavior as soon as possible.

All reports of harassment must be submitted in writing and directed to the employee's supervisor, Department Head, Elected Official, or Human Resources. The written report should include as much detail as possible, including the names of the individuals involved, the nature of the conduct, dates, locations, and any witnesses.

If the employee feels uncomfortable reporting to a supervisor, they may submit the written complaint directly to Human Resources or the County Judge's office. A harassment complaint form is available from Human Resources and may be used to assist in submitting a written report.

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

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

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

- a) When practical, confront the harasser and ask them to stop the unwanted behavior.
- b) Record the time, place and specifics of each incident, including any witnesses.
- c) Report continuing sexual harassment to the Elected Official, Appointed Official, or Department Head who is responsible for your department or to the County Judge or the Human Resources.
- d) If a thorough investigation reveals that unlawful sexual harassment has occurred, Victoria 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 official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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

### **1B-7 POLITICAL ACTIVITY**

Employees of Victoria 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: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) 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 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

For the purposes of this policy, it shall be noted that advocacy may be applicable under certain grants or positions. Advocacy is the act of supporting or promoting a cause, idea, policy, or viewpoint through public education, raising awareness, or encouraging civic engagement, and **shall not** necessarily involve direct communication with government officials or attempts to influence specific legislation.

### **1B-8 OUTSIDE EMPLOYMENT AND ACTIVITIES**

Victoria County employees are expected to give their full and undivided attention to their job duties. They should not use Victoria County facilities or equipment or their association with Victoria County to carry on a private business or profession. County employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Victoria County that interferes with the employee's assigned duties with Victoria County.

Employees will not engage in any outside employment, business activity, or enterprise determined by the department head (1) to be inconsistent or incompatible with employment with the County; or (2) to affect the employee's job performance adversely.

If a County employee is injured on the job while in the course of employment outside their employment with the County, the employee may not file a workers' compensation claim against the County for benefits related to the injury and is excluded from health benefits which arise out of or in the course of employment for wages or profit with any other employer.

### **1B-9 MOTHER FRIENDLY WORKPLACE**

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. The Texas Right to Express Breast Milk in the Workplace Act also imposes duties on public employers and, under other state law, is applicable for the duration of a nursing mother's need to express breast milk. Victoria County supports the practice of expressing breast milk.

Work schedule flexibility will be provided to accommodate reasonable break time for an employee to express breast milk for the nursing child, each time such employee has a need to express the milk. Employees who wish to express milk during the workday must coordinate break times with their supervisor.

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

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

All other employee breaks are determined by each official or department head and are not required to be given. If your department provides you with a break, it may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for a nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break time.

### **1B-10 GRIEVANCES**

Employees are encouraged to resolve concerns or complaints through informal discussion with their immediate supervisor. If the issue remains unresolved, a formal grievance may be submitted in writing to the Department Head, Elected or Appointed Official and will be addressed within the department.

All employee grievances must be submitted in writing. Written grievances should clearly describe the issue, include any relevant dates or documentation, and be submitted to the

employee's immediate supervisor or the Human Resources Department. Verbal complaints alone will not be considered formal grievances under this policy.

The Department Head, Elected or Appointed official with final responsibility for the department will review the grievance and issue a final decision. All grievance decisions at the department level are final and not subject to further appeal.

In cases involving federally protected matters—such as discrimination, harassment, or sexual harassment—or when a formal investigation is warranted, the matter should be referred to Human Resources for guidance and compliance support.

### **1B-11 DISCIPLINE**

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

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

When appropriate in the interest of the County and its employees, and to support or promote effective county operations, progressive discipline may be used at the discretion of the Department Head or Official.

**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 their job.**

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

### **1B-12 LICENSE AND CERTIFICATIONS**

Victoria County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

## **1B-13 WEATHER CLOSINGS AND EMERGENCIES**

As a general practice, Victoria County does not close its operations unless the health, safety, and security of county employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing of non-emergency county operations.

Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. Departments reporting to the Commissioners Court must follow the directives related to closing non-emergency county operations. However, each elected official controls the working hours of their employees, even in an emergency situation.

Many county departments are continuously operating public safety and service departments and county personnel will be required to work during emergency closings. Each official or department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. See definitions in 1B-5 Essential and Non-Essential Position Status. Public safety will be foremost in the development of departmental emergency action plans.

See stand alone **Disaster Pay Policy** for further policy and procedures during these situations.

## **1B-14 CONFIDENTIALITY**

Victoria County is a public entity, however, some county employees acquire confidential (confidential, non-public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personnel information on employees of Victoria County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The county will adhere to the Public Information Act requirements.

## **1B-15 WHISTLEBLOWER**

Employees are encouraged to report suspected violations of law, regulation, or policy without fear of retaliation. All reports must be submitted in writing and should include a clear description of the concern, relevant dates, and any supporting documentation. Verbal complaints will not be accepted as formal reports.

Reports must be made through the federally recognized channels appropriate to the alleged violation to ensure compliance with applicable federal whistleblower laws. Reports will be treated as confidential to the extent permitted by law, and access will be limited to those with a legitimate need to investigate or address the concern.

Retaliation against any employee who makes a good faith report is strictly prohibited. All written reports will be promptly reviewed and investigated, and appropriate corrective action will be taken if a violation is substantiated. Employees who believe they have experienced retaliation should report it immediately following the same written procedures.

An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.

An employee with a question regarding this policy should contact Human Resources.

## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C-1 COUNTY PROPERTY USAGE**

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

Employees are expected to observe safe work practices and safe and courteous operation of county property in compliance with all applicable regulations.

### **1C-2 COUNTY TELEPHONE USAGE**

County employees may not place personal-long-distance telephone calls on county telephone equipment. If long distance charges are billed by the telephone company the Department Head will be asked to confirm legitimate business use or reimburse unsubstantiated charges.

### **1C-3 COUNTY VEHICLE USAGE**

Some employees may be required to use county vehicles as a part of their job. Department Heads will be required to notify HR upon job offer or at the position level if an employee will be required or expected to operate a County vehicle.

Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

Employees who operate vehicles must maintain a current active Texas Driver's License for the operation of that vehicle. If they have any change in status of their license they must immediately notify their supervisor. An employee whose job involves operation of a vehicle

requiring a license for its legal operation shall be subject to possible job change, demotion or dismissal if that license is suspended or revoked.

Victoria County reserves the right to conduct motor vehicle record checks at hire and periodically thereafter to ensure compliance with this policy. Failure to maintain a valid driver's license or to report changes in driving status may result in disciplinary action, up to and including dismissal.

The County maintains insurance coverage on all vehicles owned or leased by the County. Employees who drive a personal vehicle on County business are required to have automobile liability insurance as required by the State of Texas and to maintain individual insurance coverage. Each employee to whom this provision applies may be requested to furnish the County proof of appropriate insurance coverage. Failure to meet any of these requirements may result in disciplinary action up to and including dismissal.

**Accident Reporting:** Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to their supervisor and to the proper law enforcement or other authority, regardless of severity. All accident and incident reports shall be submitted to the Human Resources Department as soon as possible, but no later than 24 hours following the accident. A copy of any accident report involving County equipment or vehicles must be forwarded to the department head as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed with Human Resources to be placed in the personnel file of the employee involved in the accident.

#### **1C-4 CELL PHONE USAGE**

Victoria County determines on a case by case basis the need for county provided cell phones or cell phone allowance. See section on Compensation for further information regarding cell phone allowances.

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

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

Employees in possession of a Victoria County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism. County cell phones are to be used for business purposes only.

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

Violations of this policy, including excessive personal use or use in restricted areas, may result in disciplinary action, up to and including termination of employment.

## **1C-5 COMPUTER AND INTERNET USAGE**

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

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

Use of Victoria County computers, networks, and Internet access is a privilege granted by officials or department heads and may be revoked at any time for inappropriate conduct carried out on such systems. County employees shall have no expectation of privacy when using county computers, networks, or other county owned equipment. Improper use may result in discipline up to and including termination.

Victoria County owns the rights to all data and files in any computer, network, or other information system used in the county. Victoria County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Victoria County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copyright laws, download any illegal or unauthorized downloads. Victoria County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

Employees should not bring personal computers to the workplace or connect them to Victoria County electronic systems, unless expressly permitted to do so by their supervisor and or IT department.



Other considerations and policies apply in accordance with the Cybersecurity and Technology policy.

Violation of this policy, may result in disciplinary action, up to and including termination of employment.

## **D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY**

### **1D-1 WORKERS COMPENSATION**

All Victoria County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job.

Workers' compensation also pays Temporary Income Benefits (TIBS) directly to the employee for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses, with the exception of Law Enforcement employees who receive salary continuation. Employees may use any of their available paid leave for all workers' compensation time off less than 8 days.

**Law Enforcement Employees** - Victoria County will pay 100% of salaries to ensure salary continuation for law enforcement employees for time lost from work as the result of eligible work related injuries and illnesses. Victoria County will work with its Worker's Compensation administrator or insurance provider to ensure any eligible loss wage reimbursements are paid back to Victoria County and not the employee.

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

Any employee who suffers a job related illness or injury is required to notify their supervisor as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

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

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

Any benefit premiums the employee is responsible for paying will be deducted, when possible, from their paycheck. If any unpaid benefits occur, the employee must submit payment to Human Resources on the first of each month.

Victoria County will make every effort to bring the injured employee back to work as soon as reasonably possible. Victoria County has a return-to-work policy in place and if a position is found that will meet all the restrictions, the employee will be given a bona fide offer of employment. If the employee refuses to return to work, and family medical leave has been exhausted, workers' compensation benefits may be affected, and the employee may be terminated.

## **1D-2 RETURN TO WORK**

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

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

It is a violation of County policy for any employee receiving worker's compensation benefits of any kind to be employed and working for a third party on a full-time or part-time basis. Violation of this policy may result in termination.

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

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

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

Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be offered for a period up to ninety (90) days, based, in part, on the recommendation of the physician (unless FMLA time is still available) and work available as evaluated by their supervisor. A light duty assignment cannot exceed 90 days.

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

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

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

### **Medical Information**

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

### **Coordination with FMLA**

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law. It is Victoria County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Victoria County counts the period of any employee's light duty assignment toward the employee's FMLA entitlement.

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

## **1D-3 EMPLOYEE SAFETY**

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

Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.

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

## **1D-4 DRUG AND ALCOHOL- ALL EMPLOYEES**

Victoria County is committed to providing a safe, healthy, and secure work environment. Drug and alcohol use can impair job performance and compromise safety. To ensure a productive and safe workplace, Victoria County maintains a zero-tolerance policy regarding the misuse of drugs and alcohol.

This policy applies to all employees—full-time, part-time, temporary, and CDL holders—regardless of rank or position.

*Note: Law enforcement officers lawfully possessing controlled substances in the course of their official duties are exempt from certain provisions of this policy.*

### **Prohibit Conduct:**

All employees, including CDL holders, are prohibited from:

- Using, possessing, selling, distributing, or manufacturing illegal drugs, drug paraphernalia, or unauthorized prescription/over-the-counter medications while on duty or on County property.
- Reporting to work under the influence of alcohol, illegal drugs, or misused prescription/over-the-counter medications.
- Using prescribed or over-the-counter medication in a manner inconsistent with medical directions or that impairs safe and effective job performance.

Additionally, CDL holders are also prohibited from:

- Operating a commercial vehicle with any measurable amount of alcohol or controlled substances in their system
- Using alcohol within four (4) hours of performing safety-sensitive duties
- Consuming drugs or alcohol following an accident, unless tested or released by a supervisor

### **Use of Medication:**

Employees are responsible for consulting with their physician or pharmacist regarding potential side effects of prescribed or over-the-counter medications. If use of a medication could affect performance or safety, the employee must notify their supervisor and take appropriate personnel action (such as using leave, requesting a reassignment, or adjusting duties). All medical information provided will be handled confidentially.

### **Drug and Alcohol Testing:**

Drug and alcohol testing may be conducted under the following circumstances:

All Employees:

- Pre-employment
- Reasonable suspicion
- Post-accident
- Return-to-duty and follow-up (after rehabilitation)

CDL Holders (in compliance with federal regulations):

- Pre-employment
- Random testing
- Reasonable suspicion
- Post-accident

- Return-to-duty and follow-up testing

Victoria County complies with the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) regulations. CDL holders must remain drug-free and medically qualified to drive as a condition of continued employment.

The County participates in the FMCSA Clearinghouse, which provides real-time information on CDL driver drug and alcohol violations. CDL drivers must provide written consent for:

- Limited queries (annual review)
- Full queries (when a violation is suspected or found)

The County may also conduct manual employment history checks for violations, as required by law.

**Employee Support:**

Employees struggling with substance use are encouraged to seek professional assistance. Information about available benefits can be obtained through the Human Resources Office.

**Disciplinary Action:**

Violations of this policy may result in disciplinary action up to and including termination. For CDL holders, violations may also lead to federal disqualification and removal from safety-sensitive functions.

This summary outlines the County's commitment to a drug- and alcohol-free workplace. For detailed definitions, prohibited activities, testing requirements (including pre-employment, suspicion-based, post-accident, and rehabilitative), and the full description of consequences for violations, please refer to the Drug-Free Workplace Policy available through the Human Resources Office.

## **1D-5 WORKPLACE VIOLENCE**

Victoria County is committed to providing a workplace free of violence. Victoria County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments, in the workplace or out of the workplace, that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor, Human Resources, or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

## **1D-6 SOCIAL MEDIA**

For purposes of this policy, “social media” includes, but is not limited to, online forums, blogs, and networking sites such as X (formerly Twitter), Facebook, LinkedIn, YouTube, and Instagram.

Victoria County recognizes that social media is an important tool for communication and connection, both personally and professionally. Employees are welcome to use social media responsibly. However, problems can arise if use: interferes with an employee’s work; is used to harass or disparage supervisors, co-workers, customers, or vendors; creates a hostile work environment; or harms the goodwill and reputation of Victoria County.

Victoria County encourages employees to use good judgment online and offers the following guidelines:

- When posting about matters related to Victoria County, please clarify that the views expressed are your own and not official County positions.
- Be respectful in tone. If you see inaccurate information about the County, respond with facts rather than arguments.
- Do not post confidential or proprietary information obtained through your employment.
- Avoid using another employee’s or supervisor’s name or likeness without their consent.
- Ensure personal social media use does not interfere with your job duties during work hours. Limited personal use is acceptable if it does not disrupt productivity or network security.
- County computers and networks are primarily for work purposes. Excessive personal use may be monitored.
- Comply with copyright and intellectual property laws, and give credit where it is due.
- Coordinate with your supervisor before linking to the County’s official website or reposting official County material.
- All County policies regarding professionalism, workplace conduct, and confidentiality extend to online activity. Employees are accountable for what they share publicly and should conduct themselves in a manner consistent with the values of Victoria County.
- Violations of this policy may result in corrective action, up to and including termination.

## SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

### A. EMPLOYEE PAYROLL

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

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

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you **work** each day. It is the responsibility of each employee to verify that their timesheets are correct. Your time card must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

#### **NON-EXEMPT (HOURLY) EMPLOYEES**

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell **Human Resources, 115 N Bridge RM 127, Victoria, Texas 77901, 361-578-0752.**

It is a violation of Victoria County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to **Human Resources, 115 N Bridge RM 127, Victoria, Texas 77901, 361-578-0752.**

#### **EXEMPT (SALARIED) EMPLOYEES**

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

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons: 1) partial day absences for personal reasons, sickness or disability; or 2) your absence because the facility is closed on a scheduled work day; or 3) your 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 you have performed any work; or 5) any other deductions prohibited by state or federal law.

If you have questions about deductions from your pay or believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, please immediately contact your supervisor. If you are unable to resolve the issue together, you should immediately report the matter to the **County Treasurer's Office, 205 N. Bridge, Suite 110, Victoria, Texas 77901, 361-575-8588.**

If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact **Human Resources, 115 N Bridge RM 127, Victoria, Texas 77901, 361-578-0752.** Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy.

In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.



## **2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS**

Victoria County will comply with the IRS with regard to fringe benefits such as county uniforms, county vehicle usage and day-trip meals. Employees may be responsible for paying payroll taxes on such fringe benefits.

## **2A-3 COMPENSATION**

Victoria County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law, including any supplemental pay such as certification pay, cell phone allowances, car allowances, etc.

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

Law Enforcement and Fire personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption. (*See Policy Below*)

All non-exempt County employees shall be paid an hourly wage.

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

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

**CERTIFICATION PAY:** Certification pay types and amounts will be determined by the Commissioners Court during the adoption of the annual budget. Eligible personnel who obtain and maintain certifications allowed will receive additional compensation in recognition of their professional achievement and are contingent upon verification of current certification status. Department Heads and Elected Officials must provide documentation of certification to Human Resources and promptly notify HR of any changes in status. Certification pay will not be retroactive and will only apply while the employee remains in a qualifying position and while certification remains valid.

**CELLPHONE ALLOWANCE:** The County provides a monthly cell phone allowance to eligible employees whose job duties require accessibility beyond normal office landline availability. Allowance amounts are set annually by the Commissioners Court during the budget process and depend on the level of mobile accessibility required.

- A **basic allowance** may be provided to employees whose positions require work-related mobility or who do not regularly work in a fixed office location, necessitating reliable cell phone access during working hours.
- An **expanded allowance** may be provided to employees who must be reachable 24/7 for County emergencies, as determined by the Commissioners Court.

The allowance is intended to offset the cost of a personally owned cell phone plan used for County business and will not be provided in addition to a County-issued phone.

The provision of a cell phone allowance is intended to support work-related communication but does not replace established departmental procedures for managing requests or work assignments. Employees and supervisors must continue to follow the department's protocols for handling communications and service requests, regardless of cell phone accessibility.

**SAFETY SHOE REIMBURSEMENT:** The safety shoe reimbursement program is optional and subject to annual budget approval. The County provides safety shoes for certain eligible positions through its existing safety equipment program under Workers' Compensation coverage; however, some employees prefer to purchase their own footwear. Each year, departments may request funding, and the Commissioners Court may approve all, part, or none of the allocation. If funded, eligible employees whose duties require protective footwear may receive reimbursement up to the amount established for that fiscal year, upon submitting proper documentation. Approval in any year does not guarantee future funding. The reimbursement is treated as a taxable benefit and is subject to federal withholding as wages. Human Resources will manage and administer the Safety Equipment Program.

**CAR ALLOWANCE:** The County may provide a monthly car allowance to employees whose job duties require regular use of a personal vehicle for official County business. The amount of the allowance and eligibility criteria are determined annually by the Commissioners Court during the annual budget process. Employees receiving a car allowance are responsible for maintaining valid driver's licenses, insurance, and complying with all applicable laws and County policies while operating their vehicles. The car allowance is intended to offset vehicle-related expenses and does not replace mileage reimbursement for specific business trips.

## **2A-4 PAYROLL DEDUCTIONS**

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deductions authorized by the 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 Human Resources Office and it is documented and maintained within the employee personnel file.

## **2A-5 WORK WEEKS AND WORK PERIODS**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Victoria County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive days later (168 hours).

Victoria County Commissioners Court through this policy has adopted the 207(k) overtime exemption for law enforcement and fire employees. Those positions falling on the Law Enforcement and Fire Plan fall into this category. Law Enforcement and Fire employees who fall under the FLSA 207(k) exemption shall have a work period of 28 days as established by the Victoria County Commissioners Court, beginning at 12:01 a.m. on Saturday and ending twenty-eight (28) consecutive days later.

For questions or more information on the 207(k) overtime exemption, please visit Human Resources.

## **2A-6 TIMESHEETS AND TIMEKEEPING**

To ensure appropriate and timely pay, Victoria County has implemented a timekeeping system. Time records are completed by the employee and authorized by the department head. Time worked should be recorded each day in order to maintain an accurate and comprehensive record of the actual time worked. Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a timesheet, a governmental record is a criminal offense.

The time sheet prepared by the employee shall show an accurate record of all time worked and paid leave taken for the pay period. Employees shall only use appropriate available leave to account for their regular weekly work schedule.

Some departments use traditional handwritten timesheets. However, most departments use an electronic timekeeping system to report employee hours worked and absences.

**ELECTRONIC TIMEKEEPING:** It is the responsibility of the employee to accurately record all hours worked in the timekeeping system. Each employee is provided a coded ID card and a four digit pin for recording purposes. Hours worked are entered by swiping the ID card or keying into terminals located in each of the County buildings. The preferred method is swiping.

If your badge is lost or nonfunctional, please notify Human Resources for a replacement as soon as possible.

Supervisors and department timekeepers confirm hours, make corrections as requested by the employee, and submit the time records to the Treasurer's Office for the processing of payroll.

Regardless of the timekeeping method used, supervisors and employees should be aware of the following when submitting hours worked or absences:

- a. Supervisors must approve time submitted and any changes made after initial completion by initialing completed time cards or by confirming electronic submission of hours.
- b. Employees are responsible for submitting only their own hours. Punching another employee's time card or entering another employee's hours, unless you are a supervisor, is not an acceptable practice and may be grounds for corrective action up to and including termination.
- c. Timesheets must be approved and submitted to payroll by 10:00 a.m. bi-weekly on the Monday, or as otherwise requested by payroll due to holidays, to be prepared for distribution of payroll by the following Friday.

Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll.

### **Timekeeping for Exempt Employees**

Exempt employees are paid on a salary basis and do not receive overtime pay. For payroll purposes, the timekeeping system will automatically record a standard eight-hour workday for exempt employees when the daily punch is entered. This standard entry is for recordkeeping purposes only and does not reflect the exact number of hours worked each day.

While pay is not based on the number of hours or days per week worked, an exempt employee must appropriately document any use of paid time off for full days taken for personal or illness reasons. Our personnel policy allows flexible schedules for all employees, so days missed due to flexible schedules do not require the use of PTO.

Recording time helps maintain accurate attendance records, track leave balances, and comply with organizational recordkeeping requirements. However, time records for exempt employees will not be used to calculate pay, except in the limited situations allowed by the Fair Labor Standards Act (FLSA), such as full-day absences for personal reasons, unpaid disciplinary suspensions, or other deductions permitted by law.

Salary for exempt employees will not be reduced for partial-day variations in schedule, and leave will only be adjusted in accordance with applicable leave policies and the FLSA. If improper deductions are made (even through the required use of paid time off inappropriately), the employee may lose their exempt status, which can lead to overtime back pay and compliance issues for the County.

For questions or more information regarding timekeeping, please contact Human Resources.

## **2A-7 PAY PERIODS**

The pay period for Victoria County shall be a bi-weekly pay period. If a payday falls on a holiday, paychecks shall be issued on the last workday immediately preceding the holiday.

## **2A-8 WORK SCHEDULES AND OFFICE HOURS**

### **Each official or department head shall determine the exact hours of operation for the public and working schedules for their employees.**

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

## **2A-9 HOURS WORKED**

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

## **2A-10 OVERTIME CALCULATIONS AND RULES**

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement and certain fire positions (See policy on “207(K) Work Period and Overtime”).

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 overtime.

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 compensatory hours for employees scheduled on a 40 hour work week, with the exception of law enforcement and certain fire positions (See policy on “207(K) Work Period and Overtime”). When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee’s regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee’s absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor approval. Victoria County shall have the right to require employees to use earned compensatory time at the convenience of the county.

If an employee status changes from non-exempt to exempt, is promoted, or transitions to another division or department, they shall be paid for all unused compensatory time in the last pay period prior to their transition effective date.

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

Victoria 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.

Victoria County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee’s regular rate of pay.

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

## **2A-11 207(K) WORK PERIOD AND OVERTIME**

The County adopts a work period for employees engaged in law enforcement and fire protection activities under Section 7(k) of the Fair Labor Standards Act (FLSA). For law enforcement personnel, overtime applies to hours worked over 171 in a 28-day work period (or 86 in a 14-day period). For fire protection personnel, overtime applies to hours worked over 212 in a 28-day work period (or 106 in a 14-day period). Hours worked include all time an employee is required or permitted to perform job duties, including certain pre- and post-shift activities.

For both categories, only hours actually worked count toward the overtime threshold. Paid leave (such as paid time off, compensatory time, medical leave, or holidays) is not included in the calculation of hours worked for overtime purposes, unless otherwise authorized separately within policies related to grant-funded operations or emergency incident response.

If an employee, covered under the Fair Labor Standards Act (FLSA) 207(k) exemption, is eligible for overtime funded externally (e.g. through a grant) and the employee has taken days off using approved leave during the work period, approved leave will be included in overtime calculations for the excess hours exceeding the applicable threshold in a 28-day period and be compensated at one and a half (1.5) times the employees regular pay rate using externally funded overtime pay.

The County’s preferred method of overtime compensation is compensatory time (comp time). Eligible employees will receive comp time at the rate of one and one-half hours for each overtime hour worked. Law enforcement and fire personnel may accrue up to 480 hours of comp time. Once this limit is reached, employees will receive cash overtime pay for additional

overtime hours worked. Comp time may be used with supervisory approval, provided its use does not unduly disrupt operations.

Accurate records of hours worked and comp time balances will be maintained in compliance with FLSA requirements. Supervisors must ensure employee time records are complete and correct. Upon separation from employment, any unused comp time will be paid at the higher of the employee's final regular rate or the average rate over the last three years.

This policy will be administered in accordance with the FLSA and Department of Labor regulations and may be revised as needed to ensure compliance and meet operational needs.

## **2A-12 CHANGE IN STATUS**

A change in status is any personnel action that alters an employee's position, responsibilities, or employment record. Changes in status must be managed by Elected Officials, Appointed Officials, or Department Heads in accordance with the budget adopted by Commissioners Court. Types of changes in status include:

- **Demotions** – The movement of an employee from one position to another with decreased responsibility or complexity of job duties, or to a lower salary. Demotions may occur due to performance issues, disciplinary reasons, or other circumstances deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.
- **Transfers** – The lateral movement of an employee from one position to another with similar responsibility and complexity of job duties, and with no change in salary.
- **Promotions** – The movement of an employee from one position to another with increased responsibility or complexity of job duties, and to a higher salary.
- **Salary or GL Code Changes** – Adjustments to an employee's rate of pay or accounting (General Ledger) code assignment to ensure proper payroll and budget reporting.
- **Separations** – Any situation in which the employer-employee relationship ends. Separations include:
  - ***Resignation*** – Voluntary departure from employment that does not fall into another separation category. Employees should submit written notice to their supervisor.
  - ***Retirement*** – Voluntary departure meeting the County's retirement program requirements. Employees should notify their supervisor at least 30 days prior to the retirement date.
  - ***Dismissal*** – Involuntary termination not categorized elsewhere. Victoria 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.
  - ***Reduction in Force*** – Separation due to position abolition, lack of funds, or insufficient work to justify the position.

- **Death** – Separation occurring when an employee dies while employed. The employee's legally designated beneficiary or estate shall receive all earned pay and payable benefits.

Employees will be notified of any change in status that affects their job duties, responsibilities, or compensation.

### **Implementation and Authority**

All changes must be submitted to Human Resources, which has final review responsibility to ensure compliance with adopted policies and budgets. Any change outside of adopted policies or budgets will be referred to the County Judge's Office for review and will require Commissioners Court approval prior to implementation.

Elected Officials, Appointed Officials, and Department Heads have full authority to implement changes when it is in the best interest of their operations. However, it is the preference of payroll that changes in status align with established work periods for easier processing as often as reasonably possible.

### **2A-13 RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Victoria County as long as the following provisions are met: 1) The retiree has been retired for at least one full calendar month or in accordance with TCDRS, if different, 2) No prior arrangement or agreement was made between Victoria County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a **bona fide separation of employment** and **have been retired for a minimum of one full calendar month**. A bona fide separation means there is no prior agreement or understanding between Victoria County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement



plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

## **2A-14 TRAVEL AND SUBSISTENCE**

**General Policy:** The County will reimburse employees for necessary and reasonable expenses incurred during authorized County business, including travel. Key points:

- Cash advances may be approved by the County Auditor for specific trips, not exceeding estimated expenses.
- All travel expenses must be properly documented, reasonable, and authorized.
- Expenses prepaid directly by the County (e.g., registration, lodging, transportation) do not require reimbursement.
- Employees receiving a cash advance must file an expense report immediately upon return:
  - If actual expenses exceed the advance, the employee is reimbursed for the difference.
  - If the advance exceeds expenses, the employee must return the excess.
- Expenses prohibited by grants, contracts, or agreements cannot be charged to those funding sources.

### **Transportation and Lodging:**

- Employees are entitled to transportation, lodging, and other necessary services that are safe, reasonable, and adequate in quality.
- Travelers should use the most economical options that meet these standards.
- Airline travel should generally be booked in coach class unless unavailable.
- Personal vehicle use:
  - Reimbursement is at the current rate approved by Commissioners' Court.
  - Employees must report the shortest reasonable distance.
  - Mileage reimbursement requires a travel report approved by the department head and County Auditor.
- County-owned vehicles:
  - Reimbursement covers documented fuel, oil, or other operating expenses.
  - If multiple employees share a vehicle, only one may claim mileage or reimbursements.

### **Reimbursable Expenses:**

- Meals, lodging, registration, business telephone calls, parking, tolls, taxis, and reasonable gratuities.
- Receipts must accompany all reimbursement requests; if unavailable, a written explanation is required.
- Conference registration fees are typically paid directly to the sponsoring organization.
- Travel expenses for applicants require prior approval from the Commissioners' Court.

#### **Expense Reporting:**

- Submit a completed expense report within five working days of returning from a trip.
- Reports must indicate any cash advance received; excess must be returned.
- All reimbursements require signatures from the employee and department head.

#### **Restrictions and Exceptions:**

- Non-reimbursable expenses include: personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, traffic citations, or illegal activities.
- Overnight lodging within the County is not authorized.
- Vehicle rentals require prior approval by the department head.
- Out-of-County meal reimbursement is limited to overnight travel.
  - Meals for County business meetings require County Judge approval and must include receipts, time, place, date, subject, and attendees.
  - County-provided meals are authorized for employees supervising inmates.
- Out-of-state travel must be authorized by the County Judge or designee, except for extradition activities deemed necessary by the Sheriff or Criminal District Attorney.

#### **Allowances:**

- Mileage for personal vehicles is reimbursed at the current rate approved by Commissioners' Court.
- Lodging expenses are reimbursed based on actual costs, with receipts attached.

## **B. EMPLOYEE & RETIREE BENEFITS**

**Section 125/Cafeteria Plan:** The County provides employees a "cafeteria plan" at the employee's option. The employee can choose to direct a portion of their salary to purchase one or more of qualified benefits. Qualified benefits for the County include: unreimbursed medical, dependent care, medical/dental premiums, and orthodontics. Additional information is provided at initial employment and annually thereafter.

## **2B-1 HEALTH, DENTAL, AND/OR VISION PLANS**

All regular full-time and modified full-time employees of Victoria County who work an average of thirty (30) or more hours a week shall be eligible for the group medical plan benefits, and provided dental plan and vision plan options.

Regular part-time working less than 30 hours and temporary employees will not be eligible for health insurance.

Premiums for the coverage for eligible employees are shared between the County up to a maximum, set by the Commissioners Court during budget each year, with the balance being paid by the employee.

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

Deductions for medical, dental, and/or vision premiums shall be made through payroll deduction from the employee's paycheck each pay period.

For rehires, including retirees, continued benefit eligibility will be determined based on the employee's most recent and final separation status. Prior separation status, such as retirement, does not guarantee continued eligibility if the employee's final separation was for a different reason.

**Continuation of Group Insurance (COBRA):** Employees who leave the employment of Victoria County or who lose their coverage eligibility, may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available on our website at [www.vctx.org](http://www.vctx.org) or in Human Resources and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

Details of coverage under the group medical, dental, and/or vision insurance plans are provided during new hire orientation, and available on our website at [www.vctx.org](http://www.vctx.org) or in Human Resources and may be obtained during the normal working hours for that office.

**RETIREE BENEFITS:** Benefits are provided to retirees subject to the policy(ices) and plan(s) in force. Employees who retire in accordance with the provisions of the Texas County and District Retirement System, (including disability retirement) are eligible to retain health and related benefits coverage(s), to include medical, dental, and/or vision, if they **were covered under those group benefits plan(s) at the time of retirement**. For retiree rehires, benefit eligibility will be determined based on the employee's most recent separation status.

Retirees who elect to continue coverage under group health benefit plan(s) are required to pay retiree premiums as set by the Commissioners Court. Premiums are due the first day of each month with a 10-day grace period. If premiums are not paid on the first day of the month or before the 10-day grace period, the coverage will be canceled. The County is not obligated to send monthly premium notices.

Retirees eligible for Medicare will be aged out of the County's health plan and may be offered alternative coverage(s) at the discretion of the Commissioners' Court.

## **2B-2 OTHER INSURANCE PLANS – LIFE, SUPPLEMENTAL**

Victoria County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Victoria County may also provide voluntary supplemental life insurance coverage, long term disability, and critical illness plan options to employees eligible under the health plan. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained on our website at [www.vctx.org](http://www.vctx.org) or in Human Resources during the normal working hours for that office.

## **2B-3 RETIREMENT**

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

## **2B-4 OTHER FRINGE BENEFITS**

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

All employees are also covered under the Texas Unemployment Compensation Insurance program, which is fully funded by the County and provides payments to eligible workers in certain circumstances.

## **2B-5 FITNESS & GYM UTILIZATION BENEFIT**

**PURPOSE:** The purpose of this policy is to encourage employees to maintain a healthy and active lifestyle by providing a gym utilization benefit for waived/reimbursed membership costs. This policy is only applicable to the utilization of Citizens HealthPlex.

**ELIGIBILITY:** All regular full- time, modified full-time, and regular part-time employees are eligible. This policy excludes temporary employees and adult probation.

**GYM MEMBERSHIP:** Employees must sign up and maintain an active gym membership through the designated process outlined by the Victoria County Human Resources department.

**GYM UTILIZATION:** This benefit is to be utilized in conjunction with the existing half-off gym membership benefit. To qualify for waived/reimbursed fees in the upcoming month, employees are required to use the gym a minimum of eight(8) times during the current month. Multiple scans per day are not allowed and will only be calculated as one(1) visit. It is the responsibility of the employees to ensure their attendance is accurately recorded at Citizens HealthPlex.

**DISQUALIFICATION:** If the employee does not reach the minimum required visits, fees will not be waived/reimbursed.

**MODIFICATIONS TO POLICY:** Victoria County Commissioners Court reserves the right to modify or terminate this benefit at its discretion.

## **2B-6 TUITION REIMBURSEMENT BENEFIT**

This policy is written in accordance with Internal Revenue Code (127) and other Internal Revenue Service Regulations.

Victoria County Tuition Reimbursement does not discriminate based on race, color, religion, national origin, sex, sexual orientation, age, genetic information, pregnancy, veteran status, disability, or any other condition between employee classifications, favor higher compensated employees over other employees, or favor one type of qualified educational pursuit over another.

**PURPOSE:** To encourage and support employees' professional growth and development, provide for optimal potential for advancement within the County, and to attract and retain top talent.

**ELIGIBILITY:** The Victoria County Tuition Reimbursement benefit will be available to all Regular, Full-Time County employees in good standing, who have been employed for at least one year at the time of reimbursement.

**REQUIREMENTS:** Employees who utilize this program must meet the following requirements

- a. Enroll in a nationally accredited college, university, business institute, vocational school, or trade school for degrees or certifications applicable to county services. Victoria County will only reimburse costs for education plans leading to a degree or license/certification.

- b. Submit a Reimbursement Request Form signed by the employee and their department head (elected or appointed official) before the application is accepted.
- c. All employees requesting tuition reimbursement should request reimbursement as far in advance as possible. For each semester, the employee must submit a new reimbursement request form.
- d. All reimbursements are contingent on the student/employee's completion, good standing in the classes taken, and good standing within their department. Each student must have a passing grade according to the degree program and institution's grading rubric. The County will not provide reimbursement for courses dropped, failed, or incomplete. If a course is graded on a "Pass/Fail" basis, a "Pass" is required for reimbursement.
- e. The student/employee must submit their official transcript and itemized receipt after the end of the semester to Human Resources, in accordance with procedures.
  - i. Failure to submit official information within timely following the end of the semester could result in a loss of reimbursement.
  - ii. Employees who are on a leave of absence due to military leave, worker's compensation, FMLA, or any other protected leave may submit for reimbursement upon return from such leave within 45 days of the employee returning to work from authorized protected leave.
- f. Legal names listed on the employee's enrollment proof must match the employee's legal name as listed on the reimbursement form.

**EXCLUSIONS:** The following exclusions apply:

- a. Education involving sports, games, and hobbies are excluded from the tuition reimbursement program per IRC Section 127(c)(1).
- b. Employees who have a separation of employment (dismissal, resignation, or retirement) at any time during the semester, or any time before the reimbursement is issued, will forfeit all rights to tuition reimbursement.
- c. The reimbursement excludes all other costs, including but not limited to; Fees, Books, E-Books, Educational Materials, Meals, Lodging, Transportation, Seminars, Conferences, Uniforms, etc.
- d. Similarly, seminars, conferences, and workshops normally funded by departments for employee training purposes will not be reimbursed under this policy.
- e. A withdrawal/drop from any course prior to completion will result in the denial of reimbursement.
- f. Employee tuition reimbursement does not apply as a benefit for family members or non-county employees.

**FUNDING:** If funds are available, under this policy an employee can apply for tuition reimbursement for up to a maximum of \$5,250 per calendar year and a lifetime maximum of \$12,500. The tuition reimbursement will be used for tuition only and no other educational expenses.

***Victoria County reserves the right to increase or decrease the maximum allotted funding at any time. Funding is allocated for the tuition reimbursement on a first come/first serve basis.***

**PROCEDURE:** Victoria County Human Resources will make forms and procedures available to eligible employees. Information is available on our website at [www.vctx.org](http://www.vctx.org) or in Human Resources and may be obtained during the normal working hours for that office.

## **2B-7 HOLIDAYS**

Each year, the Commissioners' Court designates the observed holidays for County employees. A memo will be distributed each year to let employees know which holidays have been designated as non-emergency operations closures in observance of a holiday. Due to operational requirements, certain positions (e.g., detention and law enforcement) may not be able to “observe” holidays.

### **Eligibility:**

The following employee classifications shall be eligible for the holiday benefit: **regular full-time, modified full-time, and regular part-time**. These employee classifications shall not be eligible for the holiday benefit: **temporary**.

### **Holiday Leave Accrual:**

- **Regular full-time** employees will receive holiday leave per observed holiday equivalent to their regular scheduled shifts.
- **Modified full-time and regular part-time** employees will receive holiday at **one-half (½)** the amount of regular full-time employees.

Holiday leave will be **deposited into the employee's leave account on the last day of the calendar year** for use in the following year. ***Holiday leave will not be paid in a lump sum, does not rollover, and is not payable upon separation. It is a use-it-or-lose-it benefit.***

An employee must work the day before and the first scheduled day after the holiday to be eligible for holiday pay, unless the absence is approved by the Department Head/Elected Official.

**HOLIDAY DURING APPROVED LEAVE:** If a paid holiday occurs during the paid time off of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's leave balance.

If a designated holiday falls on an eligible employee's regularly scheduled day off, the employee will receive straight time pay for the observed holiday, if department budgets allow or be allowed to use holiday leave on a future date. **However, an employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.**

**WORK DURING OBSERVED HOLIDAYS:** An eligible employee scheduled to work or called in to work on an observed holiday, except during an emergency, may:

- be allowed to use their holiday hours on a different day as approved by their supervisor; or
- may receive straight time pay for the observed holiday, in addition to their hours worked, if approved by the supervisor and department budgets allow.

Holiday hours will not count for the purpose of overtime calculations under FLSA. ***Work on an observed holiday related to a disaster or emergency will follow relevant policies related to incident response.***

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

## **2B-8 PAID TIME OFF (PTO)**

**ELIGIBILITY:** Regular full-time, modified full-time, and regular part-time employee classifications shall be eligible for the paid time off benefit. **Temporary** employee classifications shall not be eligible for the paid time off benefit.

**ACCRUAL:** Paid time off begins to accrue on the first day of employment, is accrued on a bi-weekly basis, and is credited to an employee's account after each 14 day period. Employees who work any part of a pay period will receive the full bi-weekly accrual.

Employees will accrue paid time off based upon years of continuous service as designated below:

1-4 years	120 Hours	4.62
5-9 years	160 Hours	6.15
10-14 years	200 Hours	7.69
15-19 years	240 Hours	9.23
20 + years	280 Hours	10.77

**MODIFIED ACCRUALS:** Modified full-time and regular part-time employees who are regularly scheduled to work a minimum of 20 hours but fewer than 40 hours per week earn **one-half (½)** of the accrued leave rate.



**USE OF PTO:** PTO may not be used until the employee has completed 60 days of employment. During this 60-day waiting period, employees continue to accrue PTO in accordance with the accrual schedule outlined in this policy.

**An employee shall use any available compensatory time prior to the use of paid time off.**

All leave taken by County employees must be approved by the employee's department head. The department head is responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, the department head is responsible for ensuring that all paid time off, compensatory, and sick leave usage is recorded on the time record sent for payroll purposes.

Employees shall only be able to use paid time off which has already been accrued and shall not be allowed to borrow against possible future accruals. Nor shall employees be allowed to receive pay for available paid time off hours in lieu of taking time off.

If a holiday falls during an employee's previously scheduled paid time off, then the employee will not be charged paid time off hours.

**ROLLOVER:** Unused paid time off can be carried over into the next calendar year up to one year's accrual. At the end of each calendar year December 31, any paid time off balance in excess of this maximum is reduced to the maximum without compensation.

**SEPARATION:** When an employee leaves the service of the County, if the employee has completed one year of continued service, he or she will be paid for accrued but unused paid time off up to and not exceeding 80 hours. The rate of pay will be determined by the salary rate in effect at the time of separation.

**PAY IN LIEU OF PAID TIME OFF:** Pay in lieu of paid time off is not permitted other than upon separation if budgetary limits allow or if authorized by the Commissioners' Court. An employee dismissed for cause is not eligible for payment of unused paid time off in excess of the 80 hours.

## **2B-9 MEDICAL LEAVE**

### **A. SICK LEAVE RESERVE**

An employee with a sick leave reserve balance may use it if the employee is absent from work due to a medical situation or illness for at least 3 business days.

1. Sick Leave Reserve may be used for the employee's medical situation or illness, or the medical situation or illness of a spouse, child, or parent.
2. The department head may request an employee to supply written verification by a physician of the illness supporting the request for sick leave reserve benefits.
3. Unused sick leave reserve is canceled upon termination of employment, without compensation to the employee.

## **B. EXTENDED MEDICAL LEAVE BENEFIT (EMLB)**

The Commissioners Court has implemented a benefit that enables eligible employees to access additional leave in the event of a serious medical injury or illness and is facilitated under the direction of the Director of Human Resources as the administrator of this benefit.

*The benefit is designed to offer additional support to employees on extended leaves of absences when combined with their existing available resources, such as PTO or sick leave reserves. There is no guarantee or intention to fully compensate any eligible employee for the entire duration of their necessary leave of absence.*

The following guidelines apply:

- i. Request for medical leave hours:
  1. Regular full-time, modified full-time, and regular part-time employees that have completed one year of continuous service may submit a request for medical leave hours to the Human Resources Department.
    - a. A medical certification from the medical provider verifying serious injury or illness may be requested by the County for absences exceeding 30 consecutive days.
  2. Medical leave requests may be made under the following circumstances:
    - a. For the employee's own medical situation or illness or the medical situation of a dependent family member. For purposes of this policy, "family" includes spouse, child, employee's parents, or spouse's parents only.
    - b. A serious medical situation or illness for the purpose of medical leave, is defined as:
      - i. A health condition lasting more than 30 consecutive days and requiring leave of absence and continuing treatment by a physician.
      - ii. Any period of incapacity due to pregnancy or prenatal care lasting more than 30 consecutive days.
      - iii. To care for the birth, adoption, or foster placement of a child.
      - iv. Any period of incapacity due to a chronic, serious health condition that continues over an extended period of time and requires regular follow-ups with a health care provider (examples: surgery, heart attack, cancer, other injury/illness requiring hospitalization)
      - v. A permanent or long-term condition for which treatment may not be effective, requiring supervision by a health care professional (examples: terminal cancer, Alzheimer's disease, stroke).
    - c. An eligible employee may only request use of extended medical leave once in any 12-month period.
    - d. An eligible employee must exhaust available paid leave up to 80 hours, as of the date of the determination.

- i. For the purposes of this policy paid leave includes paid time off, comp time, sick leave reserve, and/or holiday bank. **Comp time must be utilized before paid time off or sick leave reserve.**
- e. Employees must be in good standing with the County, which includes:
  - i. Not being on a performance improvement plan.
  - ii. Having no active disciplinary actions.
  - iii. Meeting attendance and conduct standards as outlined in the PERSONNEL POLICIES.

iii. Determination of Medical Leave Eligibility:

- a. If the administrator, or designee, determines that the employee is eligible and that the request meets all other eligibility requirements, Human Resources will approve the transfer of time as a lump-sum from the pool to the employee's sick leave bank, in the amount up to 480 hours.
- b. The time will be credited to the employee and used in the manner as any other approved leave during the course of the extended leave of absence for the specified medical situation on the request.
- c. The employee must coordinate with the Department Head/Elected Official, if the leave of absence extends beyond the approved medical leave hours in accordance with policies 2B-14 regarding Family Medical Leave Act and 2B-15 regarding other leave of absences, if applicable.
- d. Unused medical leave shall be returned to the pool upon the conclusion of the indicated medical situation and cannot be used intermittently.

iv. Exclusions:

- a. The employee is not entitled to any payment for unused medical leave contributed to or acquired from the County medical leave pool.
- b. The estate of a deceased employee (or family member) is not entitled to any payment for unused medical leave contributed to or acquired by that employee from the County medical leave pool.
- c. Injuries sustained while on the job during the course of employment are not eligible for benefits from the medical leave pool.

v. General Rules:

- a. All requests and medical information submitted will be treated with the utmost confidentiality and in compliance with applicable laws.
- b. Exceptions to any section of the policy may be considered on a case by case basis, subject to Commissioners Court review and approval.

This policy will be reviewed annually, and any changes will be communicated via county email and published to the Human Resources website page.

## **2B-10 CIVIL LEAVE**

Employees are entitled to civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting in accordance with this section.

**JURY DUTY:** All employees of Victoria 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.

**SUBPOENA:** All 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 their court attendance may require. If an employee is absent from work to appear in private litigation in which they are a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

**VOTING:** All employees who wish to vote must make arrangements with their supervisor or department head and request civil leave.

When an employee has fulfilled the reason for the civil leave, he or she must report to the County for duty for the remainder of the workday.

## **2B-11 BEREAVEMENT LEAVE**

All regular full-time employees shall be allowed up to three (3) days of leave with pay for a death in the immediate family. Modified full-time or regular part-time employees should not total more than the employees regularly scheduled hours for scheduled work days. An official or department head may require verification of the need for leave.

For purposes of this policy, immediate family shall include the spouse, child(ren), foster child(ren), parent, sibling, grandparent, or grandchild(ren) of the employee or the employee's spouse.

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

## **2B-12 MILITARY LEAVE**

All Victoria County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to thirty (30) days off per federal fiscal year (October 1, - September 30) with pay for active duty or to attend active or inactive authorized training sessions and exercises. The thirty (30) 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 paid time off, earned compensatory time, or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of the thirty-day maximum.

Any Victoria 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, paid time off, sick leave, or available compensatory time.

An employee going on military leave shall provide their supervisor with a set of orders within as soon as possible after receiving them.

Upon request of the employee, Victoria 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.

Victoria 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.

## **2B-13 PAID QUARANTINE LEAVE**

Victoria County shall provide paid quarantine leave for firefighters, peace officers, detention officers, and emergency medical technicians employed by Victoria County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This includes fire fighters, peace officers, detention officers and emergency medical technicians, as defined by this policy, who are employed by, appointed to, or elected to their position.

### **Definitions:**

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

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

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

**"Health authority"** has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body's jurisdiction. A health authority must be a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state and a resident of the state. They must take an official oath and file with the department.

For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to public health in the county's jurisdiction.

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

#### **Eligibility:**

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

Off duty exposures will not be covered under this policy.

#### **Procedure:**

1. The employee must notify their supervisor immediately upon learning of exposure or infection.
2. The supervisor or health authority will confirm and order the quarantine leave.
3. The supervisor or health authority will report the need for quarantine leave to Human Resources.
4. Human Resources will document the leave and ensure continued compensation and benefits.

#### **Compliance:**

This policy is adopted in accordance with Local Government Code Chapter 180, Section 180.009, and may be updated as required by law.

## **2B-14 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

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

- 1) the basic 12-week FMLA entitlement; and
- 2) the Military Family Leave (MFL) entitlement described in this policy.

### **ELIGIBILITY:**

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

- 1) have worked for Victoria County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); **and**
- 2) have worked at least 1250 hours during the previous 12 months; **and**
- 3) are employed at a work site that has 50 or more employees within a 75-mile radius.

Any employees with any questions about their eligibility for FMLA leave should contact Human Resources for more information.

### **QUALIFYING EVENTS:**

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

- 1) the birth of a child and 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:**

A serious health condition is 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.

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 within the first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
- 2) Any period of incapacity due to pregnancy or prenatal 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 that is permanent or long term due to a condition for which treatment is not effective.
- 5) Any period of incapacity or absence to receive multiple treatments by a healthcare provider.

#### **QUALIFYING EXIGENCY LEAVE:**

An eligible employee 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, child of any age or parent 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 seven 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 fifteen 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) acting as the covered military member's representative before a governmental agency;
- 11) addressing issues that arise from the death of a covered military member while on active duty status in a foreign country; and
- 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.

#### **LENGTH OF LEAVE:**



An employee may use up to 12 weeks leave per 12-month period under this policy. Victoria County sets the 12-month period used under this policy as ***a “rolling” 12-month period measured backward from the date an employee uses FMLA leave.***

A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

#### **MILITARY CAREGIVER LEAVE:**

An eligible employee 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 or 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 their duties due to a serious injury or illness incurred in the line of duty while on active duty 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 five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The MFL entitlement is applied on a per-injury basis and an eligible employee may be entitled to take more than one period of 26 weeks 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 weeks may be taken within any single 12-month period.

An eligible employee 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 county's operations.

#### **WORK RELATED INJURY:**

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

**SUBSTITUTION OF PAID LEAVE:**

Victoria County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the compensatory, paid time off, and extended medical leave policy guidelines. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

*An employee must use leave, if available, in the order as follows: compensatory time, sick leave reserve, extended medical leave, and paid time off.*

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

**CONTINUED EMPLOYEE BENEFITS:** While an employee is on leave under this policy, the County will continue to pay the employer portion of the employee's medical plan premium at the same rate as if the employee were actively working.

Any benefit premiums the employee is responsible for will be deducted from their paycheck when possible. If these deductions cannot be made due to insufficient or unpaid leave, the employee must submit payment for the unpaid amount directly to Human Resources by the first of each month.

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

**INTERMITTENT LEAVE AND REDUCED SCHEDULE:**

An employee may take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member or the care of a covered military member or veteran.

An employee may work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12-month period.

**CERTIFICATION REQUIREMENTS:**

The county has the right to ask for certification of the serious health condition of the employee or the employee's eligible family member when the employee requests or is using leave under this policy.

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have their physician complete and return the medical certification, or provide appropriate documentation, within 15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

The employee must respond to the county's request for certification within 15 days of receipt of the request or provide a reasonable explanation for the delay in writing before the 15<sup>th</sup> day after receipt of the request. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.

If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request recertification for intermittent or reduced schedule leave every six months in connection with an eligible absence.

The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered service member supported by an invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at their bedside.

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification, at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

**REQUESTING LEAVE:**

Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to their immediate supervisor.

Where reasonably practicable, an employee should give their immediate supervisor a minimum of 30-days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible.

**REINSTATEMENT:**

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

If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

**The county has no obligation to reinstate an employee who takes more than the 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available paid time off or other leave balance.**

#### **REPAYMENT OF BENEFITS:**

Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to their FMLA leave.

#### **OTHER BENEFITS:**

While on approved FMLA leave, employees are expected to use leave in accordance with the reason it was approved. Travel or activities inconsistent with the need for leave may be reviewed and may result in disciplinary action if they suggest misuse of leave.

It is a violation of County policy for any employee while on approved FMLA leave of any kind to be employed and working for a third party on a full-time or part-time basis. Violation of this policy may result in termination.

#### **REGULATION:**

Any area or issue regarding family and medical leave that is not addressed in this policy is subject to the basic requirements of the FMLA and the regulations issued to implement it.

#### **RETURN-TO-WORK:**

An employee is required to provide a fitness-for-duty certification before the employee returns to work, if applicable.

#### **ENFORCEMENT:**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not

affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family of medical leave rights.

## **2B-15 LEAVE OF ABSENCE - OTHER**

### **EXTENDED LEAVE OF ABSENCE:**

Employees may request a personal leave of absence for up to 90 days. Personal leaves may be granted for reasons such as extended vacations, continuing education, extended bereavement, or other personal matters not covered under federal protections or other County policies. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official, or department head.

Employees on personal leaves of absence must be reported to Human Resources and are converted to an inactive status and do not accrue any benefits, related to holidays or paid time off. Employees may continue the county health plan but they are responsible for the entire premium, which includes both their portion and the county portion. Certain benefits falling under IRS regulations will be paused or unavailable in accordance with federal rules.

Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions, and an appropriate job opening. Employees on personal leave are required to check in with their supervisor at least once every 30 days during the leave period. Failure to maintain regular check-ins may result in disciplinary action, up to and including termination.

Premiums must be paid on the first of each month. Failure to make timely payment will result in termination of coverage, and the employee will become eligible for COBRA continuation coverage.