



# **CALDWELL COUNTY**

# **EMPLOYEE HANDBOOK**

**Effective October 1, 2018**



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**IMPORTANT TELEPHONE NUMBERS FOR  
CALDWELL COUNTY EMPLOYEES**

Adult Probation	512.398.4431
Auditor's Office	512.398.1801
Building Maintenance	512.738.1508
Code Investigator	512.398.1836
Constables	
Pct. 1	512.376.8369
Pct. 2	512.995.0272
Pct. 3	512.743.5828
Pct. 4	512.227.5900
County Clerk	512.398.1804
County Commissioners	
Pct. 1	512.376.1507
Pct. 2	512.738.2812
Pct. 3	512.618.2865
Pct. 4	512.227-2567
County Court Judge	512.398.6527
County Extension Agent	512.398.3122
County Judge	512.213.8983
Judge's Office	512.398.1808
District Attorney	512.398.1811
District Clerk	512.398.1806
District Court	512.398.1839
DPS	512.398.4333
DPS Driver License	512.398.1952
Emergency Management	512.398.1822
Human Resources	512.398.4108
Alliance Work Partners, Employee Assistance Program	800.343.3822
TCDRS	800.823.7782
Blue Cross / Blue Shield	800.521.2227
Dental Select	800.999.9789

National Family Care	800.527.0996
Nationwide	877.677.3678
Dearborn	800.348.4512
Information Technology	
Justice of the Peace	
Pct. 1	512.398.1810
Pct. 2	830.875.5260
Pct. 3	512.357.6729
Pct. 4	512.398.1841
Juvenile Probation	512.398.5400
Sanitation	512.398.1803
Sheriff	512.398.6777
Tax Office	512.398.1830
Treasurer	512.398.1800
Unit Road	512.398.7269
Veteran Services	512.398.6492

## **1.02 WELCOME**

Welcome to Caldwell County. We hope that you will find public service a very rewarding career.

Since we are also taxpayers, we expect the highest quality of service from our government. As public servants, our objective is to provide the best possible service to the citizens of the County in a fair, efficient, and courteous manner. Your job is important to that overall success.

As a County employee, your ultimate responsibility is the citizens of Caldwell County. A County Government's successful service to its citizens can only be judged by the service rendered by its employees; do the best job that you can. Caldwell County can be a great place to work, if each of us maintains the proper attitude, concentrates on our performance, and remembers our responsibilities toward our County residents.

## **1.03 INTRODUCTION**

We have written this Handbook to answer questions that employees of Caldwell County ("the County") may have concerning the county and its policies. Please read it thoroughly and retain it for future reference. This handbook supersedes all prior policies or procedures as to the subjects addressed in this handbook.

The rights, privileges, duties, responsibilities, and benefits of Caldwell County employees are determined and set forth in various provisions of the Texas Local Government Code and official policies adopted by the Commissioners Court. In the event that an employee is provided information concerning any matters addressed herein, which is in conflict with the provisions of this handbook, the provisions of the handbook and/or appropriate regulation or procedure will govern.

While every effort has been made to ensure that the information in the handbook accurately reflects the pertinent laws, ordinances, regulations, and policies as of the time of publication, provisions may be changed or canceled at any time. Your department may have additional specific workplace policies and procedures that govern your employment. Should you have any questions regarding any policies, please ask your supervisor or the Human Resources Department.

Texas is an "Employment At-Will" state and as an employee of Caldwell County, you have the right to terminate your employment at any time. Caldwell County retains the right to terminate your employment at any time, with or without notice, for any legal reason or no reason. The County also returns the right to change any terms, conditions, benefits, or privileges of employment at any time without notice.

This Handbook is not a contract guaranteeing employment for any specific duration. Please understand that no elected official or department head of the County other than the Commissioners Court has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the foregoing. Further, any employment agreement entered into by you and the Commissioners Court shall not be enforceable unless it is in writing. We wish you the best of luck and success in your position and hope that your employment relationship with the County will be a rewarding experience.

(Note that in drafting this Employee Handbook, we have avoided the use of specific gender pronouns wherever possible; however, where such avoidance would have led to very awkward sentences, we have used the masculine pronoun, and this use should be considered to refer to both genders.)

#### **1.04 Equal Employment Opportunity**

The County provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ethnicity, religion, sex, national origin, age, or disability, sexual orientation, genetics, pregnancy, veteran status, family or military leave status and in accordance with applicable federal, state, and local laws. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, demotions, discipline, termination, layoff, recall, transfers, leave of absence, compensation, and training opportunities.

#### **1.05 County Government Structure**

Caldwell County's government organization is established by the Constitution of the State of Texas and by state statutes.

##### **1.05.1 Commissioners Court**

The Commissioners Court consists of four County Commissioners; each elected by the voters of a Commissioners' precinct, and County Judge, elected by all of the voters of the County. Officials are elected for a four-year term of public service.

Among its many functions, the Court:

- Sets the tax rate
- Adopts the annual budget
- Approves new programs or changes existing ones under its authority
- Adopts regulations and policies
- Approves budget for all County facilities

The Court carries out these and other specific duties by meeting in regular sessions. Decisions of the Court require a majority vote.

### **1.05.2 County Operations**

County operations are conducted through departments; each administered by an elected public official or an appointed department head.

### **1.05.3 Independent Elected Officials**

While the Commissioners Court have the wider range of authority, in some areas, state law gives greater authority to other elected officials. These elected officials – whether they are judges, the Tax Assessor-Collector, County Clerk, Constables, or the County Sheriff, etc., - are directly responsible to the voters for performing the duties assigned to their offices.

## **1.06 Requests for Information**

Public Information Act/Open Records Act Requests: Public Information Act requests or Open Records Requests must be in writing and shall be immediately forwarded either to the elected official or Department Head who is the official record keeper for the office. The information must be collected by the office or department that is the official record holder of the information. Any requests where an exception to disclosure will be sought should be promptly forwarded to the District Attorney's Office to prepare the brief for the Attorney General's Office.

Any information that is not confidential by law or where an exception to disclosure has not been sought will be released in accordance with the Public Information Act.

## **EMPLOYMENT RIGHTS AND POLICIES**

### **2.01 Orientation Program**

During your first few days of employment, you will participate in an orientation program conducted by the Human Resources Department and various members of your department, including your supervisor.

During this program, you will receive important information regarding the performance requirements of your position, basic County policies, your compensation, and benefit programs, plus other information necessary to acquaint you with your job and the County. You will also be

asked to complete all necessary paperwork at this time, such as medical benefit plan enrollment forms, beneficiary designation forms, and appropriate federal, state, and local tax forms. You will be required to present the County with information establishing your identity and your eligibility to work in the United States in accordance with applicable federal law on the first day of work or before.

Please use this orientation program to familiarize yourself with the County and our policies and benefits. We encourage you to ask any questions you may have during this program so that you will understand all the guidelines that affect and govern your employment relationship with us.

## **2.02 Your Supervisor**

Each employee will have one or more supervisors. You should consult with each supervisor and keep each supervisor informed under the requirements of this Handbook. (Note that the singular form of the word “supervisor” in this Handbook includes circumstances where an employee has multiple supervisors.) Although you will often work with or for your immediate supervisor, you will also work with or for others in the County, on a regular basis, or from time to time.

## **2.03 Personnel Files**

Personnel records containing information on each County employee will be maintained to document employment-related decisions, comply with state and federal government recordkeeping and reporting requirements, and to assure efficient personnel administration. Following is a list of personnel materials that should be kept in personnel files:

- Original application for employment/resume;
- Letters of commendation;
- Disciplinary letters, forms, notes, etc...;
- Appraisal/evaluation forms
- Employee history (cost of living increases, promotions, transfers);
- Orientation checklist/new hire paperwork
- Public Access Authorization Form
- Note: I-9s and medical documentation should be kept in separate and confidential files.

Changes of name, address, telephone number and family status (births, marriage, death, divorce, legal separation, etc.), beneficiary designations must be reported immediately to the Human Resources Department, as an employee’s income tax status and group insurance may be affected by these changes. All such changes must be made within thirty (30) days of the event. This responsibility includes employees on leave of absence.

In addition, employees who have a change in dependents or marital status should consider completing a new W-4 Form for income tax withholding purposes, if it results in a change in the number of dependents.

Access to personnel files is restricted to authorized employees of the Human Resources Department and supervisors on a “need to know” basis. Personnel files are the property of the County and may not be removed from County premises.

\*Sheriff’s Office personnel and training files are kept at the Sheriff’s Office.

## **2.04 Reference Inquiries**

From time to time, the County may receive inquiries from third parties regarding employees, such as a bank verifying employment for an employee applying for a mortgage or personal loan. All requests for reference information must be directed to the Human Resources Department. Only the Human Resources Department is authorized to respond to these inquiries. Normally, the County will respond only to written inquiries, and generally, information will be released only after a written release or consent has been received from the employee or former employee, whichever the case may be. If a telephone reference inquiry is received, the Human Resources Department will typically only verify whether an individual is employed or no longer employed, along with dates of employment and confirmation of salary.

## **2.05 Americans with Disabilities Act Amendment Act**

The County complies with the Americans with Disabilities Act Amendment Act (“ADAAA”) and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. A qualified individual with a disability means an individual with a disability who, with or without a reasonable accommodation can perform the essential functions of the job. A disability is a physical or mental impairment that substantially limits one or more of an individual’s major life activities.

The County also provides reasonable accommodation for such individuals in accordance with these laws. It is the County’s policy to, without limitation:

1. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
2. Request medical exams to determine fitness for duty when someone poses a direct threat to themselves or others.

3. Keep all medical-related information confidential in accordance with the requirements of the ADA.
4. Notify individuals with disabilities that the County provides reasonable accommodation to qualified individuals with disabilities, by including this policy in the County's employee handbook and by posting the Equal Employment Opportunity Commission's poster on nondiscrimination against individuals with disabilities and other protected groups conspicuously throughout the County's facilities.
5. Notify individuals with disabilities that the County provides reasonable accommodations to qualified individuals with disabilities, by including this policy in the County's employee handbook and by posting the Equal Employment Opportunity Commission's poster on nondiscrimination against individuals with disabilities and other protected groups conspicuously throughout the County's facilities.

#### **2.05.1 Reasonable Accommodation**

Caldwell County shall make reasonable accommodation for otherwise qualified applicants and employees with a disability to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to nondisabled individuals.

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

Qualified individuals with disabilities may make written requests for reasonable accommodation to the County's Human Resources Department. Human Resources will meet with the requesting individual to discuss and identify the precise limitations resulting from the employee's impairment, the employee's preferred accommodation and other potential accommodations that the County might make to help overcome those limitations.

Human Resources in conjunction with appropriate management representatives identified as having a need to know (e.g., the Commissioner's Court, County Auditor, Elected Official or Department Head), will determine the feasibility of the preferred accommodation and other potential accommodations, considering various factors, including, but not limited to, the nature and cost of the accommodation, the facility's overall financial resources and organization, and the accommodation's impact on the operation of the facility, including its impact on the ability of other employees to perform their duties and on the facility's ability to conduct business.

Human Resources will inform the applicant or employee of the County's decision on the accommodation request or on how to make the accommodation.



## **2.06 Harassment**

The County has a policy of “zero-tolerance” with respect to unlawful employee harassment. In this connection, the County expressly prohibits any form of unlawful employee harassment based on race, color, ethnicity, religion, sex, national origin, age, disability, sexual orientation, veteran status, family/military leave status, or any other status protected by state or local law (“Protected Categories”). Improper interference with the ability of the County’s employees to perform their expected job duties is not tolerated.

Prohibited harassment includes, but is not limited to, the following types of conduct and activities relating to Protected Categories:

- Offensive comments, jokes, innuendoes, and other statements.
- Foul or obscene language.
- Staring or stalking.
- Displaying posters, calendars, photographs, graffiti, cartoons that could incite prejudice or bias against Protected Categories.
- Unwanted or offensive letters or poems.
- Offensive e-mail, texts, or voice mail messages.
- Remarks, including written or oral references to Protected Categories and gossip relating to Protected Categories.

With respect to sexual harassment, the County prohibits the following conduct:

1. Unwelcome sexual advances, requests for sexual favors, and all other verbal, visual or physical conduct of a sexual or otherwise offensive nature, especially where:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual’s employment; or
  - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Offensive comments, jokes, innuendoes, and other sexually oriented statements.

Examples of the types of unwelcome conduct expressly prohibited by this policy include, but are not limited to, the following:

- Unwanted touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
- Sexually suggestive touching.
- Grabbing, groping, kissing, fondling.
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- Whistling and catcalls.
- Lewd, off-color, sexually-oriented comments or jokes.
- Foul or obscene language.
- Leering, staring, stalking.
- Suggestive or sexually-explicit posters, calendars, photographs, graffiti, cartoons.
- Unwanted or offensive letters, texts, or poems.
- Sitting or gesturing sexually.
- Offensive telephone calls, e-mail or voice-mail messages.
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies or prowess.
- Questions about one's sex life or experiences.
- Repeated requests for dates.
- Social media behavior such as sexually oriented jokes, innuendos, or statements made through social media venues, including but not limited to, Facebook, Twitter and Instagram.
- Violating someone's personal space.

## **2.07 Retaliation Strictly Prohibited**

Caldwell County is committed to doing the right thing by taking all necessary steps to prevent and protect our employees from retaliation for good faith actions in reporting suspected wrongdoing, participating in an investigation pertaining to alleged violations of laws, rules, policies, or procedures applicable to Caldwell County, or assisting appropriate authorities in investigating possible wrong doing.

It is the policy of Caldwell County to foster an environment of open communication so that employees understand their obligations to report compliance concerns and understand that they are protected when they do so.

An adverse action is an action taken against an employee who makes a good faith report or who participates in an investigation. Examples of adverse actions include, but are not limited to:

- Employment actions such as termination, demotion, suspension, refusal to hire, and denial of training and/or promotion;
- Actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance;
- Discrimination and/or harassment;
- Bullying by intimidation, humiliation, or social isolation, which can occur directly or indirectly (*e.g.*, via e-mail);
- Creating a hostile and/or intimidating or offensive working environment; and
- Any other actions likely to deter reasonable employees from reporting illegal conditions, violations of law, rules, policies, or procedures, and/or cooperating in/with an investigation.

*Adverse action(s) do not include disciplinary action(s) taken against an employee as a result of the employee's own violation(s) of laws, rules, policies, or procedures, or negative comments in an otherwise positive or neutral evaluation, or negative comments that are justified by an employee's poor work performance or history.*

## **2.08 Reporting and Investigating Allegations of Wrongdoing**

All elected officials and employees have an obligation to properly report, or cause to be properly reported, wrongdoing and to assist in any investigation. Elected officials and employees are expected to be truthful and cooperative in investigations of allegations of wrongdoing.

An employee who is determined to have knowingly made false accusations or given false information during an investigation may be subject to disciplinary action, up to and including termination.

## **2.09 Non-Retaliation**

Caldwell County will not retaliate in any way against an employee who in good faith reports suspected wrongdoing, participates in/with an investigation pertaining to alleged wrongdoing, or assists appropriate authorities in investigating possible wrongdoing.

## **2.10 Investigation of Retaliation Claims**

If an employee believes that he/she has been subjected to any action that violates the non-retaliation provisions of this policy, he/she may file a complaint with the Human Resources Department, for investigation. Delays in reporting claims of retaliation may impact the county's ability to investigate such claims.

If after the investigation of a retaliation claim a determination is made that the employee has experienced retaliation, Caldwell County will take appropriate corrective action at the direction of Human Resources, Legal Counsel and/or Commissioners Court.

Allegations will be investigated in as prompt a manner as possible. Your complaint will be kept confidential to the extent possible.

At the conclusion of the investigation, the County will take appropriate corrective action. If the County determines that an employee is guilty of violating the policy, the employee will be subject to disciplinary action up to and including termination.

## **2.11 Whistleblower**

Section 554.002 of the Texas Government Code, prohibits a state or local government entity from suspending or terminating the employment of, or taking other adverse personnel action against a public employee, who in good faith, reports a violation of the law by employing governmental entity or another public employee to an appropriate law enforcement authority.

In this section, a report is made to an appropriate law enforcement authority if the authority is part of a state or local governmental entity or of the federal government that, the employee in good faith believes, is authorized to:

- regulate under or enforce the law alleged to be violated in the report; or
- Investigate or prosecute a violation of criminal law.

Caldwell County employees are urged to report any violation of the law to the appropriate law enforcement agency.

Caldwell County will not tolerate retaliation of any kind and in any manner. This protection extends not only to individuals who complain about unlawful activities. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only to those who need information to conduct an investigation and/or take corrective action.

## **DRUG AND ALCOHOL FREE WORKSPACE**

### **3.01 Drug and Alcohol Free Workplace – All Employees**

Caldwell County is a drug and alcohol free workplace. A County employee may not be present at work during a period the employee's ability to perform his or her duties are impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

This policy applies to all employees of Caldwell County regardless of rank or position and shall include full time, part time, and temporary employees.

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

An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property.

An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

An employee may not possess or use unauthorized prescription drugs while on County property or while on duty for the County. An employee may use prescription or over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his or her job duties.

If the use of a medication could compromise an employee's ability to do his or her job or the safety of the employee, fellow employees, or the public, the employee must report the condition to his or her supervisor at the start of the workday or used appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, notify company doctor).

A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.

An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet or from Human Resources.

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

### **3.02 Drug and Alcohol – CDL Employees**

CDL drivers are an extremely valuable resource for Caldwell County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Highway Administration (FHWA) has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Caldwell County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Caldwell County will conduct pre-employment, random, reasonable suspicion, and post-accident drug testing in accordance with federal law.

A detailed policy and procedure is available at the Unit Road office.

## **EMPLOYMENT POLICIES**

### **4.01 Employment Policies**

Caldwell County Employee Handbook is provided to all elected officials, department heads and employees to affirm the County has guidelines for ensuring fair and equitable employment practices.

It is the policy of Caldwell County to administer these policies fairly and to provide equal treatment to employees regardless of race, color, ethnicity, religion, sex, national origin, age, disability, sexual orientation, veteran status, family/military leave status, or any other status protected by state or local law.

### **4.02 Categories of Employment**

For purposes of salary administration, employment, and other personnel matters, it is necessary to classify employees into certain categories. Elected Officials and Department Heads, with guidance from Human Resources, are responsible to ensure that employees in their office or department meet the criteria of the category of employment to which the employees are assigned.

The definition of the categories of employment are as follows:

*Exempt:* Exempt is a legal term that applies to certain jobs and the employees assigned to them, meaning they are “exempt” from the overtime provisions of the Fair Labor Standards Act (FLSA).

The most common categories of exemption are executive, administrative, and professional. Human Resources shall review and determine the appropriate category and status for each job using current job description information and regulatory guidelines issued by the U.S. Department of Labor.

Elected officials are, by law, excluded from coverage under the FLSA.

*Non-Exempt:* A legal term that applies to those jobs and the employees assigned to them who are not exempt from the overtime provisions of the FLSA. That is, they are eligible for time and one-half their regular hourly rate for those hours worked in excess of 40 hours during a workweek. However, because of their status their pay is subject to docking for absences from work unless they are entitled to receive vacation, sick, or other paid leave.

Non-exempt employees can also be referred to as salaried non-exempt, meaning that a monthly salary that is based on a regular 40 hour workweek is used for descriptive and budgetary purposes. However, this regular monthly salary amount is not set, but rather, it will vary according to the number of actual hours worked each workweek.

Full Time: All exempt employees are full time because they do not work by the hour. However, because non-exempt employees are paid by the hour they can be either full time or part time depending on the number of hours they are normally scheduled to work.

Part Time: A part time employee is a non-exempt employee in a position which has a normal work schedule of less than 30 hours per week.

Temporary: A temporary employee is an employee who is employed in a position that has been created for a predefined limited period with the understanding that their employment will end upon completion of a particular task or project, or upon the exhaustion of “grant” money or fees that have funded their position. Temporary employees can be either exempt or non-exempt and are still considered to be at-will employees as defined in this employee handbook.

### **4.03 Employee Selection**

Caldwell County is an equal opportunity employer, committed to non-discrimination in employment on any basis race, color, ethnicity, religion, sex, national origin, age, disability, sexual orientation, veteran status, family/military leave status, or any other status protected by state or local law.

For the purposes of this policy, “posting” is defined as an announcement of an open position. Postings are available to all County employees and the general public.

In order to provide an equal employment opportunity to all interested individuals and to generate a broad base of applicants to choose from, Human Resources in conjunction with elected officials may post an open position for a minimum of 5 business days.

The elected official or department will determine whether to open a position to current employees and/or external applicants. If a posting is open only to current employees, the posting will so indicate.

Human Resources will post the position by summarizing the job description and making the posting available on the County website; advertise on the HR Bulletin Board and other similar recruiting methods. If the department wishes to recruit through targeted recruitment methods, the HR Department will facilitate the creation and placement of the advertisement. Advertisement includes, but is not limited to, newspapers, professional journals and selected networks.

Applicants seeking employment with the County must submit an employment application through Human Resources. Human Resources will accept applications for open positions until the specified time on the closing date or until filling the position, whichever is later. Applications will also be available through various departments throughout the County;



however, all original applications, except for law enforcement or jail employees, must be forwarded to Human Resources.

The employee selection process shall be the responsibility of the department head or elected official. Department head selections under the Commissioners Court authority shall be the responsibility of the Commissioners Court. Applicants selected for employment with Caldwell County shall be based on job related qualifications as outlined in the job description.

Qualifications may include, but are not limited to, necessary knowledge, skills, abilities, training, education, licensing, certification and experience required for the position. Satisfactory results on pre-employment alcohol and drug testing, pre-employment physical, criminal history, driving record and employment reference checks may be included as requirements.

The hiring department will notify Human Resources when a candidate has been selected for a position. The official job offer may be made by Human Resources, the department head or elected official. Human Resources will confirm the employee's start date with the department and initiate the orientation process in conjunction with the department head.

As soon as possible after the closing date, Human Resources will forward all timely and complete applications to the appropriate office or department. Human Resources will be available to provide advice and assistance with screening, interviewing, and hiring. HR will work with officials and department heads to develop written interview questionnaires and other materials relevant to the selection process if requested.

The final decision to hire remains with the elected official or department head of the department in which the opening has occurred. For department head positions reporting to the Commissioners Court, the final decision to appoint a department head is determined by a majority vote of the members of the Court. Current department head positions include, but are not limited to:

- Human Resource Coordinator
- County Engineer
- Unit Road Administrator
- Elections Administrator (from nomination of the Elections Committee)
- Emergency Management Coordinator
- Information Technology Manager
- Building Maintenance Manager
- Veteran's Officer
- Code Enforcement Officer
- Sanitation Supervisor

#### **4.04 Job Descriptions**

Job descriptions provide a summary of the purpose, essential functions, responsibilities and requirements of a job. It establishes a clear definition of the function and role of a job within the County. All budgeted positions may have a current job description on file.

#### **4.05 Transfers, Separations, and Subsequent Rehires**

Caldwell County employees are eligible to apply for open positions within the County, and may be permitted to transfer from one County department to another. Information on how to apply for open County positions is provided by HR.

If a County department chooses to hire an employee who currently works for another County department, the two offices should work together for a smooth transition between positions.

Employees who choose to resign from County employment should submit a resignation letter to their supervisor. Employees who terminate for any reason are encouraged to complete an Exit Interview with Human Resources.

Pay out of any accrued vacation will be made no later than one full pay period after the employee's final pay check, provided the employee has returned all County issued equipment, keys and uniforms.

In certain circumstances, an employee whose employment ends with Caldwell County may be rehired. Vacation is paid out at termination and therefore, are not eligible to be restored upon rehired. Rehires may be eligible for medical, dental and other insurance benefits, but will be subject to a waiting period in the event of a break in coverage.

An employee who retires, or an employee who ends employment for any reason and withdraws the funds from their retirement account and is rehired after any length of time, is considered a new employee with no restoration of previous benefits. IRS regulations prohibit "in-service distributions" from qualified retirement plans. This means that an employee may not for any reason withdraw the funds from the Texas County and District Retirement System (TCDRS) account while employed with Caldwell County. Any attempt to circumvent this provision by terminating employment for the purposes of receiving monthly annuity payments or withdrawing funds from the TCERS account, and then returning to employment, is strictly prohibited.

Violations of the IRS in-service distribution provision could result in serious tax consequences for the individual, the County and all County retirees and employees. Therefore, TCERS prohibits the rehire of a former employee for at least one full calendar month from the original separation date if they have retired or otherwise withdrawn funds from their TCERS account. In addition, the retirement or termination must have been a "bona-fide" separation, meaning that

the employee retired or ended employment with no agreement or any expectations of future employment with Caldwell County.

Elected officials and department heads, who choose to rehire a retiree or former employee after any length of time should consult with Human Resources, and verify that the initial separation or retirement meets the criteria of a bona-fide separation or retirement as explained above.

#### **4.06 Work Week**

Your working hours depend on the type of job you are doing. Most full-time employees are scheduled to work 40 hours per week. The work week is defined as Sunday through Saturday (12:01 a.m. Sunday to 12:00 p.m. Saturday). Because of the nature of various department activities, schedules for workdays and lunch periods vary. Your supervisor will explain the schedule for your job. If you are unable to report to work, notify your supervisor as soon as possible, in accordance with the policies of your department.

Increments of more or less than seven (7) minutes will be rounded to the nearest quarter hour and employees will be compensated for the quarter hour. For example: An employee who works for eight hours and five minutes will be paid for eight hours of work. An employee who works for eight hours and eight minutes will be paid for eight hours and fifteen minutes.

Unless specifically requested to work through lunch, the County expects you to take a lunch break. Additional or substitute work hours on weekdays, nights, or weekends may be required. You may be required to come into work on days or at times other than your normal working days or times, at the request of your supervisor or others in the County.

#### **4.07 Time Records**

Each non-exempt employee must fill out a time record to be turned in to their supervisor for approval on the last day of each pay period. Failure to complete a time record may result in an employee not receiving an accurate pay until the proper time record has been completed and turned in the payroll department. All corrections will be made on the next regularly scheduled payroll. The time record prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

#### **4.08 Permission by Elected Officials**

In cases when an Elected Official decides to close their office early that is not due to an emergency or inclement weather, employees are required to use this activity code PEO. This code will still afford the employee to be paid their regular wage just like using vacation hours, however, these hours will not be used in the calculation of overtime.

#### **4.09 Rest Periods (Break Time)**

Rest periods of fifteen (15) minutes or less are not required by the Fair Labor Standards Act (FLSA) and should not interfere with proper performance of work responsibilities and schedules. If workflow permits and if authorized by their immediate supervisors, employees may take up to two fifteen (15) minute rest periods each work day. If authorized, rest periods do not accumulate if not taken. To the extent possible, rest periods will be provided in the middle of work periods. Since rest periods are counted and paid as time worked, employees must not be absent from their work stations beyond the allocated time. Additionally, employees may be requested to curtail the rest period, if necessary, to provide adequate customer service in high customer service areas.

The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. Caldwell County supports the practice of expressing breast milk.

Caldwell County will provide reasonable (paid and unpaid) breaks for nursing mothers to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

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

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

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

#### **4.10 Emergency Operations**

This policy applies to all employees and Department Heads who report to the Commissioners Court. In the event of a declared emergency, Department Heads and Elected Officials may be called upon to provide personnel to assist in the Emergency Operations Center (EOC), or otherwise participate in the Emergency Operations Plan (EOP).

The citizens of Caldwell County depend on County employees to work before, during, and in the aftermath of a disaster to assist in the preservation and restoration of essential public services required for the health, safety and quality of life within the County.

This policy will be in effect at such time as the County Judge or designee, in accordance with the Emergency Operations Plan, declares that a “State of Emergency” exists warranting either preparation for, or response to, a potential emergency condition.

Caldwell County Emergency Operations Center (EOC) is located at:

Caldwell County Homeland Security and Emergency Management  
1403 Blackjack, Suite E  
Lockhart, Texas 78644

Phone: 512.398.1822  
Fax: 512.398.2819  
Email: eoc@co.caldwell.tx.us

Listed below is where the County will disseminate information at a time of emergency.

Radio:	KLBJ (590 AM) KASE (100.7 and 98.1 FM)
Television:	KVUE TV (Channel 24) KXAN TV (Channel 36) Local Cable TV New 8 Austin
Social Media:	Facebook page for County Office of Emergency Management Twitter Feed for County Office of Emergency Management

#### **4.11 Emergencies in the Workplace**

##### *Medical:*

If an employee is seriously ill or injured, call 911 and describe the emergency and location; also notify a supervisor.

##### *Fire:*

When a fire or smoke is detected:

Pull emergency alarm.  
Call 911 and give accurate details of the nature of the fire or smoke.  
Exit the building and meet at a preordained meeting place to conduct a roll of employees.  
Account for all employees in each department.  
Provide details to first responders when they arrive on scene.

*Severe Weather:*

In the event the County offices must close due to weather - such notification will be made through the Office of Emergency Management Regional Notification System, their Facebook page, and media outlets.

*Severe Thunderstorms and Tornado Warnings:*

If threatening conditions are present and notices are given by the National Weather Service, be prepared to go into the lower level; an inner room or hallway. Stay away from windows or rooms with large unsupported roofs.

*Bomb Threat:*

In the event that a bomb threat is received via telephone:

Write down the exact message  
Call 911 immediately  
Follow Evacuation Procedures

#### **4.12 Emergency Closings**

The County has established special procedures to be followed in the event of an emergency. In such situations, the County Judge will determine if any or all County Offices and/or Buildings will be closed or will be opening late. The Emergency Management Coordinator will be responsible for activating the Regional Notification System (RNS). The RNS will alert county employees via cell phone with a voice and text message in real-time during an emergency or major incident, such as severe weather or a terrorist attack.

If the phone lines are down, the County will attempt to provide information through the local television or radio stations.

When the County determines that a short-term emergency condition exists, the following policy with respect to the payment of non-exempt employees will normally apply:

- If the office at which you are employed is closed temporarily, you will be paid your normal salary.
- If there is a delayed facility opening and you report for work as required, you will be paid for the entire day. However, if you report for work more than one-half hour later than the scheduled starting time on any such day, you will only be paid for your actual hours worked.
- If the facility at which you are employed is open and you do not report for work, and, in the opinion of the County, it was reasonably safe for you to travel to work; you will not be paid for the day.
- If you work to make up hours for time missed during an emergency closing: All hours must be completed within the same workweek as hours missed. In order to receive overtime hours for any hours within a week of emergency closing, you must have actually worked 40 hours (not including emergency closing hours).
- If the office at which you are employed is open but, in the opinion of the County, it was not reasonably safe for you to travel to work, you may charge the time off to accrued leave time.

All determinations regarding an employee's pay status during a delayed opening or closing will be made by the County solely in its discretion.

Exempt staff members will be paid their normal salaries on such days in accordance with applicable federal and state wage and hour laws.

## **BENEFITS**

### **5.01 Employee Benefit Programs**

Caldwell County offers generous benefits to its full-time or eligible employees.

### **5.02 COBRA**

If you are covered under the County's Group Health Plan and your employment ceases you may be eligible to continue coverage under COBRA. Information can be obtained in Human Resources. (See attached COBRA Fact Sheet)

### **5.03 Health Insurance Portability and Accountability Act (HIPAA) of 1996**

The HIPAA Privacy Rule provides federal protections for individually identifiable health information held by covered entities and their business associates and gives employees/patients an array of rights with respect to that information. At the same time, the Privacy Rule is balanced so that it permits the disclosure of health information needed for patient care and other important purposes.

The Security Rule specifies a series of administrative, physical, and technical safeguards for covered entities and their business associates to use to assure the confidentiality, integrity, and availability of electronic protected health information.

### **5.04 Family Medical Leave Act**

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact Human Resources in writing.

#### **5.04.1 General Provisions**

Under this policy, Caldwell County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. FMLA runs in conjunction with any paid or unpaid leave.

#### **5.04.2 Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:



- 1) The employee must have worked for the County for 12 months. The 12 months need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years.

For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.

The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

#### **5.04.3 Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. This assessment is a certification from a qualified health professional.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Human Resource Department.

- 5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- short-notice deployment.
- military events and activities,
- child care and school activities,
- financial and legal arrangements,
- counseling,
- rest and recuperation,
- post-deployment activities and
- Additional activities that arise out of active duty provided that the employer and employee agree, including agreement on timing and duration of the leave.

“Covered active duty” means:

- (a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
- (b) “Covered active duty” for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- 6) Military caregiver leave to care for an injured or ill service member or veteran.

#### **5.04.4 Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.

An eligible employee, as a military caregiver, can take up to 26 weeks for the FMLA circumstance during a single 12-month period. For this leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child or adoption or placement of a child in foster care, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

#### **5.04.5 Employee Status and Benefits While on Leave**

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

While on unpaid leave, the employee must continue to make health benefit payments due to dependent coverage, either in person or by mail. The payment must be received in the County Treasurer's Office no later than five (5) days prior to each payroll. If the payment is late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or any other voluntary coverage, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments.

If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **5.04.6 Employee Status after Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) certificate from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions.

#### **5.04.7 Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, longevity, compensatory, float and sick leave prior to being eligible for unpaid leave. Workers compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA, if qualifying.

#### **5.04.8 Intermittent Leave or a Reduced Work Schedule**

If medically necessary, the employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule.

In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

#### **5.04.9 Certification for the Employee's or Family Member's Serious Health Condition**

The County will require certification for the employee's or employee's family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition ([5](#)).

The County may directly contact the employee's or employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee or employee's family member will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's or employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee or employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County may also deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor.

The County and the employee or employee's family member will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **5.04.10 Certification of Qualifying Exigency, Injury, or Illness for Military Family Leave**

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).

#### **5.04.11 Recertification**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days.

#### **5.04.12 Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to Human Resources or to the elected official to whom they report to. Within five business days after the employee has provided this notice, Human Resource will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf> ).

#### **5.04.13 Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH-382.pdf> ).

#### **5.04.14 Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave; the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **5.05 Holidays**

The County usually observes the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Break (generally 2-3 days)
- 1 Float Day per year

The Caldwell County Commissioners Court sets and notifies county employees prior to the beginning of each calendar year of the actual dates on which each of these holidays is observed. Holidays falling on a Saturday are usually observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday.

The float day is not cumulative and is not paid out at the end of the employment.

## **EMPLOYEE BENEFIT PROGRAMS**

### **5.06 Group Benefits**

The County has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness, disability, and death, and to help you plan for retirement, deal with job-related or personal problems, and enhance your job-related skills.

This section of the Handbook is meant to highlight some features of our benefit programs. Our group health, dental and life insurance and retirement-related programs are described more fully in summary plan description booklets with which you are provided when you become an employee. Complete descriptions of our group health insurance programs are also contained in the County's master insurance contracts with insurance carriers, which are maintained by the Human Resources Department; complete descriptions of our retirement-related programs are contained in the appropriate master plan documents, which are maintained by the Human Resources Department.

#### **5.06.1 Health Insurance**

All full-time regular employees hired to work at least thirty (30) hours per week and their eligible dependents may participate in the County's group health insurance program. Coverage for eligible employees currently is effective on the first day of the month following sixty (60) days of employment. The cost to provide this benefit for you is covered by the County. You are responsible for the cost of this benefit for your dependents. The amount for which you are responsible will be deducted from wages over each payroll period.

Major Medical insurance coverage terminates on the last day of the month of which your employment terminates or if you are no longer eligible for coverage. However, you may have the right to elect to continue health coverage under certain circumstances. For further details regarding health care coverage, consult Human Resources.

#### **5.06.2 Dental Insurance**

Currently, all full-time employees working at least 30 hours per week and their eligible dependents are eligible to participate in the County's group dental insurance program. The cost to provide dental benefits for you and your eligible dependents is your responsibility and the amount will be deducted from your wages.

Benefits under this plan terminate when your employment terminates or you are no longer eligible for coverage.

### **5.06.3 Employee Assistance Program**

The County offers every employee access to the Employee Assistance Program (“EAP”), a resource for counseling and therapy for both personal and work-related issues. The program is confidential, free and available to anyone employed by the County and their dependents. Topics include, but are not limited to: parenting and family concerns, marital counseling, managing stress, depression, coping with grief and loss, drug or alcohol dependency, communicating effectively, etc. Please contact the Human Resources Department for additional information.

### **5.06.4 Employee Term Life Insurance**

As more fully described in the policy, the County’s Employee Term Life Insurance Program extends to all full-time employees. The cost to provide this benefit for you is currently paid completely by the County.

For further details regarding this benefit, contact the Human Resources Department.

### **5.06.5 Dependents Term Life Insurance**

All eligible dependents of full-time employees are eligible to be covered by the County’s Dependents Term Life Insurance Program. The cost to obtain this benefit is currently paid completely by the employee.

For further details regarding this benefit, contact the Human Resources Department.

### **5.06.6 Workers’ Compensation Insurance**

All county employees are covered by the provisions of the Texas Workers’ Compensation Act. You are protected from your first day of work for injuries or illnesses that are deemed compensable under the Act.

An employee who sustains an injury in the course and scope of employment must immediately notify their supervisor and the Human Resources Department. The employee must also file a workers compensation claim form. Employees may be required to submit to a timely drug and alcohol test following a work related injury or accident.

Employees on workers compensation leave are required to routinely check in with their supervisor during established business hours.

If an employee reaches maximum medical improvement (meaning the injury related condition cannot be improved any further) but is unable to perform the essential functions of the job with or without reasonable accommodations, their employment may be terminated only after



exhausting all FMLA leave and all reasonable accommodation efforts For more information about your rights and obligations, please contact Human Resources.

#### **5.06.7 Vision Insurance**

Currently, all full-time employees working at least 30 hours per week and their eligible dependents are eligible to participate in the County's group vision insurance program. The cost to provide vision benefits for you and your eligible dependents is your responsibility and the amount will be deducted from your wages.

Benefits under this plan terminate when your employment terminates or you are no longer eligible for coverage.

#### **5.07 Flexible Employee Benefit Plan**

The County's Flexible Employee Benefit Plan is a voluntary plan, which allows employees to pay for certain expenses before taxes. You can reduce your taxable income for expenses associated with medical insurance premiums, dental insurance premiums, medical, dental and vision care costs not covered by insurance and dependent care. The plan begins October 1<sup>st</sup> and ends September 30<sup>th</sup> of each year. For more information, contact Human Resources.

#### **5.08 Retirement Benefit Plan**

Currently all officials and full time and part-time employees are required to participate in the Texas County and District Retirement System as a condition of employment. The department in charge of payroll shall deduct the required amount from the employee's salary and the Treasurer's Office shall make the required County contribution. Temporary workers are exempt from participation as provided by Retirement System regulations.

For further details regarding the County's Retirement Benefit Plans, consult Human Resources.

## **COMPENSATION POLICIES**

## **6.01 Pay Procedures**

Caldwell County operates on a bi-weekly payroll system and pay dates are scheduled for twenty-six (26) times during a calendar year.

The County provides electronic funds transfer (EFT) for direct deposit of your bi-weekly pay into your financial institution account. All new employees are required to participate in direct deposit. Employees can obtain a direct deposit authorization form from the HR Department. Setting employees up for direct deposit requires at least one and sometimes two pay periods. During this time, you will be paid by a physical check.

If a scheduled payday falls on a County-observed holiday, you will usually be paid on the previous day. All required deductions, such as federal, state, and local taxes, retirement, and all authorized voluntary deductions, such as health insurance contributions, will be withheld automatically from your paychecks. Please review your paycheck for errors. If you find a mistake, report it to the Payroll Department immediately. Payroll will assist you in taking the steps necessary to correct the error. In the event that your paycheck is lost or stolen, please notify the Payroll Department. The County will attempt to put a stop-payment notice on your check. The County may ask you to pay for the stop-payment notice. If we are able to do so, you will be issued another check. Unfortunately, the County is unable to take responsibility for lost or stolen paychecks, and if we are unable to stop payment on your check, you alone will be responsible for such loss.

Federal and State regulations require that employers maintain accurate records of all hours worked by non-exempt employees. All employees, including exempt employees, should accurately record the use of any leave taken, such as sick, vacation, or float day taken.

Falsification of time records may result in disciplinary action up to and including termination of employment. This applies to falsifications made by an employee to their own time as well as to supervisors who knowingly approve inaccurate time records or make unauthorized changes to an employee's time record.

Pay advances are not authorized under any circumstances.

### **6.01.1 FLSA 207(k) Exemption**

Caldwell County Commissioners Court has adopted 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 85.5 hours actually worked. Law enforcement employees' salary covers all hours up to 85.5 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

## **6.02 Compensation**

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

For full time non-exempt employees, the monthly salary compensates the employees for all hours worked up to 40 in each workweek of the month.

For part time regular employees, the salary compensates the employees for all hours worked in each workweek up to the amount designated by the county for the position.

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

## **6.03 Garnishments and Tax Levies**

Employee wages are subject to court-ordered garnishments and federal, state or local government tax levies. Caldwell County is legally required to take such payroll deductions from an employee's pay to satisfy the employee's financial obligation as regulated by federal and state statutes. The employee is notified of the financial obligation by the Internal Revenue Service, the court, or a state or local department of taxation, child support enforcement department, or bankruptcy trustee.

As a courtesy, HR will be responsible for advising the employee of the effect the garnishment or tax levy will have on his or her net pay, creditor information and the date deductions will begin and end.

## **6.04 Overtime Pay Procedures**

Pursuant to the provisions of Article 157.021(b), Local Government Code, the following rules are adopted by the Commissioners Court of Caldwell County, concerning overtime:

- Unbudgeted Overtime – A department head or other supervisor shall not authorize an employee to incur overtime above any budgeted amount in the current county budget. Before authorizing any overtime, a department head or other supervisor shall confirm with the County Auditor that budgeted overtime is available.
- Employees should not work any unauthorized overtime
- Emergency Overtime – The Commissioners Court may declare an emergency and approve emergency overtime. An Elected Official may declare an emergency and approve emergency overtime until such emergency overtime can be presented for review at a meeting of Commissioners Court. An emergency is an unforeseeable event that constitutes an immediate threat to life or property. Any authorized emergency overtime

shall be immediately reported to the County Auditor and the Commissioners Court with a statement that describes the emergency.

- Violation of Overtime Rules - Any violation of these overtime rules shall be reported in writing to the Commissioners Court. Violations by a county employee may result in disciplinary action, including a written reprimand, suspension without pay, or termination from employment with the County.

If you are a non-exempt employee, you will receive compensation for overtime work as follows:

1. You will be paid at straight time (regular rate of pay) for all hours worked between the first and fortieth (40) hours in any given workweek.
2. You will be paid one and one-half times your regular rate of pay for all hours worked beyond the fortieth (40) hour in any given workweek. Law enforcement personnel will receive one and one-half times the regular rate for all hours worked beyond the 85.5 hours in any given 14 day work-period.
3. Your supervisor will attempt to provide you with reasonable notice when the need for overtime work arises. Please remember, however, that advance notice may not always be possible.

Departments permitting employees to receive overtime pay must be approved by the Commissioners Court.

## **6.05 Market Salary Adjustments**

Upon direction from the Commissioner's Court, Human Resources will perform a market analysis comparing the current salaries and benefits for Caldwell County positions to surrounding counties, public and private sector entities, when applicable.

Any positions that are not aligned with market salaries will be identified and a salary recommendation will be made to the Commissioner's Court during the annual budget process.

## **6.06 Holiday Leave/Pay Procedure**

In order to be eligible to receive holiday pay, you are required to work your regularly scheduled hours the workday preceding and the workday following the holiday. In accordance with County policy, a prior approved vacation day or any other excused and paid day off is considered a day worked for purposes of holiday pay eligibility. Employees accrue holidays only if receiving a paycheck. Employees who are on an unpaid leave of absence will not earn holiday pay if the holiday occurs during the leave of absence.

In the event that a holiday observed by the County falls within a scheduled vacation period, you will not be charged for a day of vacation.

Non-exempt part-time employees are not eligible for this benefit.

Holiday pay is not calculated as physical hours worked for overtime calculation purposes.

### **6.07 Longevity Pay**

Full-time employees will be rewarded \$50 for each full year of continuous employment with Caldwell County up to a maximum of \$1000. This longevity pay will be an automatic one time payment on the employee's first paycheck of December.

Elected officials including District and County Court-at-Law Judges, Justice of Peace(s) and District Attorney are not eligible for this pay.

## **EMPLOYEE CONDUCT**

### **7.01 Guidelines for Appropriate Conduct**

As an integral member of the County's team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that both in your business and in your personal life you refrain from any behavior that might be harmful to you, your co-workers, the County, or that might be viewed unfavorably by the public at large.

You are expected to devote your work time to the business of the County, faithfully serve the County, in all respects conform to and comply with the lawful and reasonable directions and instructions given to you by your supervisors and use your best efforts to promote and serve the interests of the County. In that regard, employees may be required to learn and perform the functions of one or more jobs and be scheduled to perform those functions regularly to maintain competence.

In addition, employees are expected to keep their work environment clean and orderly. Before departing at the end of the workday, employees should clear all work materials from desk surfaces, especially materials of a confidential nature, and close all files and cabinets. Filing should be done daily to avoid losing or misplacing files and to ensure that those needing the documents or files can access them.

Employees who incur expenses that are reimbursed by the County must complete and submit the appropriate expense report form and supporting documentation, such as receipts and invoices, as soon as reasonably practical after the expense has been incurred.

A County officer or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the County.

Whether you are on duty or off, your conduct reflects on the County. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that the County considers inappropriate and which could lead to disciplinary action up to and including immediate termination of employment include, but are not limited to, the following:

1. Violation of rules contained in the handbook, the rules and regulations of the Commissioners Court, or of the office or department, or of any law;
2. Falsifying employment or other County records, including but not limited to job applications, time records, and expense reports;
3. Violating the County's Equal Employment Opportunity policy, including the anti-harassment provisions;
4. Soliciting or accepting gratuities, that is considered inappropriate and creates an appearance of a conflict of interest/impropriety;
5. Excessive absenteeism or tardiness or leaving work without supervisor approval during working hours;
6. Failure to report to work for two (2) working days without notification to his or supervisor; (this is considered job abandonment and subject to termination)
7. Excessive, unnecessary, or unauthorized use of County supplies, particularly for personal purposes;
8. Being at work intoxicated or under the influence of drugs, and illegal manufacture, possession, use, sale, distribution or transportation of drugs;
9. Fighting or using obscene, abusive, or threatening language or gestures or engaging in other abusive behavior or displaying acts of aggression on County's premises or while on County business;
10. Theft of property from co-workers, the County, or others;

11. Unauthorized possession of firearms on the County premises or while on County business;
12. Disregarding safety or security regulations;
13. Insubordination, including refusal to accept a lawful job assignment and/or failure to follow a management directive;
14. Failing to maintain the confidentiality of the County, employee, or public information;
15. Malicious gossip with the intent to harm, or otherwise instigating the disruption of an orderly work flow;
16. Loitering or wasting time;
17. Negligence of duty, including sleeping on the job;
18. Misuse of sick leave privileges;
19. Falsifying medical releases, doctor's notes;
20. Serious or consistent negligence in the performance of duties;
21. Serious or consistent failure to meet the written standards of job performance;
22. Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor;
23. Any other misconduct.

## **7.02 Employee Duty to Notify Employer of Arrest, Charges or Convictions**

Employees of Caldwell County have a duty to report to their elected official/department head certain actions that occur outside their work hours and while on personal business which may negatively impact their ability to perform their job duties or reflect poorly on the County (i.e. theft, DUI, etc...). Employees may be subject to discipline, up to and including dismissal, for failure to comply with notification requirements. Depending on the circumstances of the event in question, the employee's employment may also be affected.

If an employee is arrested, charged or convicted of any crime – the employee must notify management immediately. If employees should have any questions as to what type of “off the job” behavior for which is included in this section, please contact the Human Resources

Department. Upon notification, the elected official/department head is then responsible for notifying Human Resources.

### **7.03 Dress and Personal Appearance**

Employees are expected to maintain an appropriate appearance that is businesslike, neat and clean as determined by the requirements of the area in which the employee works. Because of the various type positions at the County, Department Heads/Elected Officials will set dress code standards appropriate for their departments.

If uniforms are the dress attire required in a department, then all employees must comply with uniform guidelines.

Appropriate appearance includes:

- Apparel – generally, employees should wear appropriate clean apparel and appropriate shoes
- Hair – should be clean, combed, and neatly trimmed or arranged;
- Personal Hygiene – good personal hygiene habits must be maintained.

If in the opinion of the supervisor, an employee is not dressed appropriately, the following steps should be taken:

1. As deemed appropriate, employees may be sent home to change immediately as well as given a written warning. Pay for the day that the employee is sent home begins when the employee returns to work.
2. Further violations could result in dismissal.

### **7.04 Fraud Policy**

Caldwell County is committed to the deterrence, detection, and correction of misconduct and dishonesty. The discovery, reporting, and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

It is important for all County employees and elected officials to maintain proper use of the County's vehicles, property, and equipment. Any misappropriation of County property, including but not limited to County vehicles, personal property, funds, and equipment is illegal.

Misappropriation includes theft or diverting County property for one's personal use. If an employee has knowledge of the theft of public funds or misuse of County vehicles, property, or



equipment, the employee shall immediately report the same to the supervisor in the employee's department.

The supervisor then will coordinate with Human Resources, and information will be forwarded to the District Attorney's Office to coordinate an appropriate law enforcement investigation if necessary.

If the supervisor is the subject of an allegation of misuse or misappropriation of County property, the employee will report the same directly to Human Resources. Human Resources will then forward this information to the District Attorney's Office to coordinate an appropriate law enforcement investigation if necessary.

No employee may appropriate County property, vehicles, or equipment for their own personal use. This includes using County vehicles on or off County time for a private purpose other than related to County business.

If misuse or misappropriation of County vehicles, equipment or property is noted as it pertains to individuals other than County employees, the employee will report the same as delineated above to a supervisor and use the procedures above.

Each County employee has the duty to provide truthful information on any written documentation provided to the County.

Each employee has a duty to provide truthful and accurate information regarding any claims made for benefits, including but not limited to workers compensation benefits made as a result of work related injury and medical insurance benefits through the County's provider. The employee acknowledges that untruthful information in an application for workers compensation benefits is a crime.

The employee will immediately report to Human Resources, upon discovery, any inadvertent overpayment of salary or funds to the employee from the County.

Good faith reporting of illegal activity is protected under the law.

## **7.05 Conflict of Interest**

County Elected Officials- A member of the Commissioners Court and certain other County officials will not participate in a vote or decision affecting a business or real estate in which the member of official has a substantial interest. See Texas Local Government Code Chapter 171.

Elected officials and county employees may not:

1. Solicit or accept or agree to accept a financial benefit, other than from the County, that might reasonably tend to influence his or her performance of duties for the County or that he or she knows or should know offered with intent to influence the employee's performance;
2. Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
3. Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County;
4. Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County;  
or
5. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

#### **7.06 COMPUTER AND INTERNET USAGE**

The use of Caldwell County information systems, including computers, fax machines, smart phones, tablet computers, and all forms of Internet/Intranet access, is for 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.

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

Caldwell County owns the rights to all data and files in any computer, network, or other information system used in the county. The 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 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. The 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 employees shall break any copyright law; download any illegal or unauthorized downloads. The 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 Caldwell County electronic systems, unless expressly permitted to do so by their supervisor and/or IT department. Violations of this policy may result in disciplinary action, up to and including termination of employment.

### **7.07 Outside Employment**

Although the County expects you to devote your primary efforts towards your duties and responsibilities with us, you may engage in outside employment with the prior approval of your department head. Generally, outside employment will be approved if it:

- Does not conflict with your responsibilities at the County, including your ability to work overtime as required in your position;
- Does not interfere with your performance at the County;
- Does not prove detrimental to the interests of the County;
- Does not involve a conflict of interest or the appearance of a conflict of interest; and
- Does not involve the use of confidential or proprietary information of the County.

Any issues regarding any outside employment you may be contemplating should be resolved prior to your accepting such employment.

### **7.08 Nepotism**

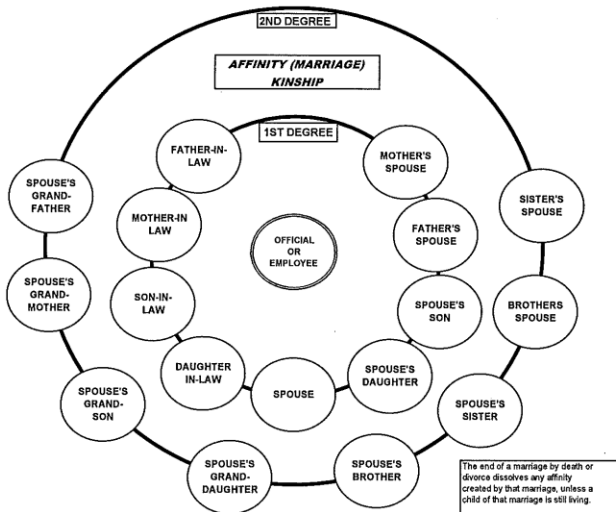
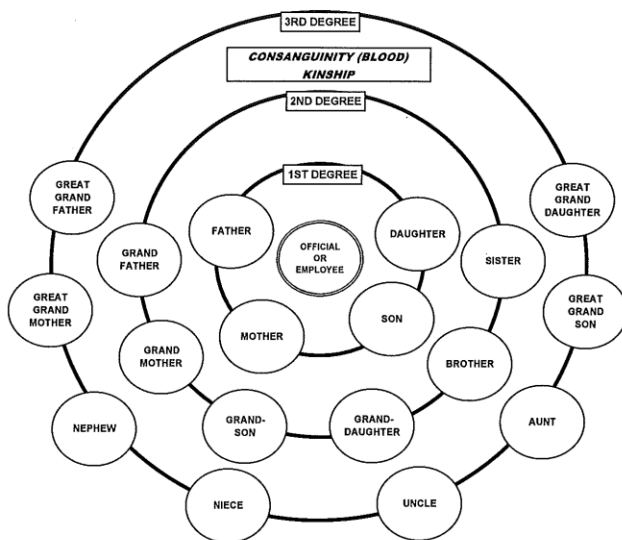
With regard to the appointment, confirmation of the appointment of, or voting for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated with public funds or fees of office, County officials shall conform to the nepotism prohibitions contained in Chapter 573 of the Texas Government Code. Examples of nepotism include the following:

- a. The appointment or related action, as stated above, by a public official (elected or appointed) of a person related by blood (consanguinity) to the official, in the following degrees: parent, child, sibling, grandparent, grandchild, aunts, uncles, nieces, nephews, great-grandparents, or great-grandchildren;

- b. The appointment, or related action, as stated above, by a public official (elected or appointed) of a person related by marriage (affinity) to the official, in the following degrees: spouses, mothers-in-law, fathers-in-law, sons-in-law, daughters-in-law, brothers-in-law, sisters-in-law, or grandparents-in-law.
  
- c. A candidate for office cannot influence people in the office for which he or she is a candidate to appoint, promote, or take other employment actions involving persons related to the candidate in the same degrees stated above. If the candidate is running for commissioner, the candidate cannot influence persons serving on the commissioner's court, other officials, or their employees to take such actions.
  
- d. The ending of a marriage by death or divorce ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as the child of that marriage lives.
  
- e. Department Heads and supervisors in a department under the Commissioners Court are not allowed to directly or indirectly supervise an employee who is related to them as defined in Chapter 573 of the Texas Government Code. In summary, they are prohibited from having an employee who is related to them at any level in their chain of command.

## Nepotism Chart

### NEPOTISM CHART CIVIL LAW METHOD



## **7.09 Political Activity**

Employees are encouraged to vote and to exercise other responsibilities of citizenship consistent with state and federal law and these policies. Employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so. An employee may not:

- a. Use his or her official authority or influence to interfere with or affect the result of an elections or nomination for office; or
- b. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

County employees, except elected officials, may not participate in political activities while on County duty. Employees are expected to remove County uniforms and identification before participating in a political activity. In addition, no County-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity. This section does not apply to the use of the Courthouse, Courthouse grounds or County buildings when used for the purpose of political announcements approved by Commissioner's Court.

Any employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.

An employee's political activity, which is not in violation of this section, will not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

## **7.10 Time Off for Voting**

The County encourages all employees to fulfill their civic responsibilities and to vote in all official public elections. Generally, your working hours are such that you will have at least two (2) hours to cast your vote before or after working hours. However, if you find yourself with less than two (2) hours between the time the polls open and you begin work or the time you end work and the polls close to vote due to overtime work, etc., please discuss the matter with your supervisor. The County complies with all applicable voting-time laws of the states and municipalities in which its facilities and offices are located.

## **7.11 Safety and Health**

The County is committed to providing a safe and healthful working environment. In this connection, the County makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

The County's policy is aimed at minimizing the exposure of our employees and others visitors to our facilities to health or safety risks. To accomplish this objective, all County employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

The responsibility of all employees of the County in this regard includes:

1. Exercising maximum care and good judgment at all times to prevent accidents and injuries;
2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor;
3. Reporting unsafe conditions, equipment, or practices to supervisory personnel;
4. Using safety equipment provided by the County at all times;
5. Observing conscientiously all safety rules and regulations at all times; and
6. Notifying their supervisors, before the beginning of the workday, of any medication they are taking, that may cause drowsiness or other side effects that could lead to injury to them and their coworkers.

## **7.12 Workplace Violence**

It is the policy of the County to expressly prohibit any acts or threats of violence by any County employee or former employee against any other employee in or about the County's facilities or elsewhere at any time. The County also will not condone any acts or threats of violence against the County's employees or visitors on the County's premises at any time or while they are engaged in business with or on behalf of the County, on or off the County's premises. The County prohibits unauthorized employees from possessing or carrying a firearm, concealed or otherwise, at the County's offices or any other site where the County's business is performed.

In keeping with the spirit and intent of this policy, and to ensure the County's objectives in this regard are attained, the County is committed to the following:

1. To provide a safe and healthful work environment, in accordance with the County's safety and health policy;
2. To take prompt remedial action up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures;
3. To take appropriate action when dealing with the public, former employees, or visitors to the County's facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law;
4. To prohibit employees, former employees, and visitors from bringing unauthorized firearms or other weapons onto the County's premises where it is unlawful to carry into a building;
5. To establish viable security measures to ensure that the County's facilities are safe and secure to the maximum extent possible and to properly handle access to County facilities by the public, off-duty employees, and former employees. Any employee who receives a key to the County's offices must notify their immediate supervisor, Building Maintenance Manager and Human Resources if such key becomes lost, and upon termination of employment. All keys must be returned to the immediate supervisor.

Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the County, in its sole discretion, deems offensive or inappropriate will be subject to disciplinary action, up to and including dismissal.

In furtherance of this policy, employees have a "duty to warn" their supervisors, or Human Resources of any suspicious workplace activity or situations or incidents they observe or become aware of that involve other employees, former employees, or visitors that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The County will not condone any form of retaliation against any employee for making a report under this policy.

### **7.13 Tobacco Use**

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, tobacco use in the County offices, facilities and vehicles is strictly prohibited. This includes the use of electronic/vapor cigarettes. Please contact Human Resources if you have any questions regarding this tobacco policy.



## **7.14 County Vehicles**

### **Valid Driver's License**

All elected officials/employees driving a County-owned vehicle must have a valid Texas Driver's License with a classification which allows for operation of the assigned vehicle. If during the course of employment an elected official/employee loses his/her driver's license due to suspension or non-renewal, the elected official/employee shall immediately notify his/her department head/elected official as well as the County Judge's Office. It shall be the elected official/department head's responsibility to ensure that each of his/her employees possess a valid Texas Driver's License with the proper classification to operate the employee's assigned vehicle. Improper use of a County vehicle shall be subject to disciplinary action.

An occupational driver's license is not considered a valid driver's license under this section. Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or termination.

Caldwell County may check employees driving records, at the County's discretion, for all employees who drive for Caldwell County business reasons. This includes driving a county owned vehicle or their own car for County business. Employees who drive for the county must furnish the county a copy of their driver's license.

## **7.15 Solicitations and Distribution of Literature**

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time without first obtaining permission from your supervisor. Once permission is obtained, these activities may only be done in a manner that is not disruptive to the workplace.

## **7.16 Social Media**

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, You Tube, and My Space.

Caldwell County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work; is used to harass supervisors, co-workers, customers, or vendors; creates a hostile work environment; or harms the goodwill and reputation of Caldwell County among the community at

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

Where no policy or guidelines exist, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager or supervisor.

- If your posts on social media mention Caldwell County, make clear that the views posted are your personal views and do not represent the views of Caldwell County.
- Do not mention Caldwell County supervisors, employees, customers, or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about the county, you may respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers, or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous, or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a County computer or if the post did not occur during work hours or on county property.
- Employees may not use Caldwell County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. The County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws, and cite or reference sources accurately.
- Do not link to Caldwell County's website or post County material on a social media site without written permission from your supervisor.
- All Caldwell County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to harassment and code of conduct.
- Any confidential information that you obtained through your position at Caldwell County must be kept confidential and should not be discussed through a social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

It is the policy of Caldwell County that supervisors do not engage in social media activities with their employees.

## **7.17 Disciplinary Action Procedures**

The following disciplinary procedure is available for use by supervisory personnel:

- a. If informal counseling has not produced appropriate results, the supervisor may give the employee an oral warning which explains the misconduct, outlines a solution, and states the consequences if improvement does not occur. Supervisors may prepare a memo for the record of the conversation, have the employee sign it, and retain it in their files.
- b. If misconduct continues after the oral warning, the supervisor may issue a written reprimand to the employee and focus again on the nature of the misconduct, the solution, and the consequences if improvement does not occur. In addition, the employee may be placed on probation for a specified period.
- c. If a written reprimand does not produce the desired improvement, additional written reprimands may be issued or other actions (such as paid or unpaid suspension) or dismissal may be necessary. If an employee is suspended, the terms of the suspension should be set forth in writing and signed by the employee and the supervisor.

There is no requirement that the disciplinary actions listed above be implemented prior to dismissal or other action or that they be implemented in any particular order. County employees work “at will”, which means that the employment relationship is terminable at any time, with or without cause or notice, by either the employee or the County, and nothing in this section is intended to affect the “at will” status of any County employee.

Employees may be notified in writing by their immediate supervisor of inadequate performance.

Unless prior authority has been granted, dismissal shall occur only with the approval of the elected official, department head, or other hiring authority.

Employees may use available grievance procedures if they disagree with the implementation of a disciplinary action. We strongly encourage supervisors, department heads and elected officials to work with Human Resources on all disciplinary issues.

Should your performance, work habits, overall attitude, inattention to duty, inefficiency, absence without leave, inappropriate conduct, or demeanor become unsatisfactory in the judgment of the County, based on violations either of the preceding provisions or of any other County policies, rules, or regulations, or other reasons deemed appropriate, you will be subject to disciplinary action, up to and including termination.

## **7.18 Complaint Resolution Procedure**

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that you believe is detrimental to your employment with the County, you should follow the procedure described here for bringing your complaint to management's attention.

### **Step One**

Step one is to discuss the problem with your supervisor. If, however, you don't believe a discussion with your supervisor is appropriate, you may proceed directly to Step Two.

### **Step Two**

If your problem is not resolved after discussion with your supervisor or if you feel discussion with your supervisor is inappropriate, you should request a meeting with your elected official/department head.

### **Step Three**

If your problem is not resolved after discussion with your supervisor, elected official/department head or if you feel discussion with the above mentioned individuals is inappropriate, you should request a meeting with Human Resources.

### **Step Four**

The elected official's decision is final after consideration and discussion with all parties.

The County does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the County from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the County deems disciplinary action appropriate.

## **7.19 Resignation**

To resign in good standing, you should notify your immediate supervisor at least 10 business days prior to the last day of work. Employees may be required to work during their 10 day notice (not use accrued leave time). It is important for employees to continue with their current job functions and even train or assist for a smooth transition during the departure. Failure to do so may be noted in your personnel record and may result in loss of re-employment rights.

## **7.20 Separation of Employment**

The employee termination date for an employee who is terminating employment with Caldwell County will be their last date of active duty in person at his/her usual and customary place of work unless they are on paid administrative leave pending an investigation. If they are on paid administrative leave pending an investigation, their last date of active duty will be the date upon which a final determination decision was made following the investigation.

Any accrued vacation and comp time balances remaining for the employee as of their last date of active duty will be paid in a lump sum to the employee on their final pay check. When you leave county service, you normally will be paid for your unused vacation time.

Each employee who is issued County-owned equipment that may be used or taken outside the daily workplace must sign an acknowledgement of receipt for the equipment, and agree that the equipment will be returned on request of the department head or upon leaving departmental employment whichever comes first. The agreement will further provide that if the equipment is not returned when required, the replacement value will be deducted from the employee's next (or final) paycheck, as long as minimum wage is paid for each hour worked for non-exempt employees.

## **7.21 Exiting**

It shall be the responsibility of each departing employee and their supervisor, whether or not the departure is voluntary, to meet with Human Resources to complete forms and submit keys and other materials or information required by the County. Human Resources will also provide the departing employee with information about retirement and payment of accrued leave, if any.

The departing employee may also discuss insurance issues and the possible extension of benefits.

Employees are encouraged to submit an address change notice to Human Resources, if necessary, to ensure proper address is on file for mailing of W-2.

## **LEAVE AND ABSENCES**

### **8.01 Leave for Full-Time Employees**

The County recognizes the importance of vacation time in providing the opportunity for rest, recreation, and personal activities. The County believes that vacation is important for employees to rejuvenate and be productive. The County also recognizes that it is inevitable that most employees will suffer an illness or injury that causes absence from work. Therefore, it is also the County's expectation that employees will stay home and take care of themselves when they are sick and not expose their co-workers to illnesses. To minimize the economic hardship that these leaves place on employees, the County provides paid leave time.

Full-time employees will receive paid leave-time as follows:

Vacation will be accrued each pay period. New employees may not take any vacation leave until after 90 days of service. Vacation can be accrued up to 240 hours.

Year	Hours accrued per pay period
0	3.0769
3	3.3846
6	3.6923
9	4
12	4.3077
15	4.6154
18	4.9231
21	5.2308
24	5.5385

Sick 3.0769 hours accrued per pay period  
Sick leave can be accrued up to 240 hours

Law Enforcement (12 hour shift) full-time employees will accrue paid leave-time as follows:

Vacation will be accrued each pay period. New employees may not take any vacation leave until after 90 days of service. Vacation can be accrued up to 360 hours.

Year	Hours accrued per pay period
0	4.6154
3	5.0769
6	5.5385
9	6
12	6.4615
15	6.9231
18	7.3846
21	7.8462
24	8.3077

Sick 4.6154 hours accrued per pay period  
Sick leave can be accrued up to 360 hours

If the employee has paid leave time available, the employee may not take leave without pay unless specified in other parts of this handbook.

Subject to the requirements set out in this handbook for using leave, you may use accrued paid leave-time to take time off from work with pay for your own illness, a child or spouse's illness, death in the family, vacation or personal time, jury or witness duty, military leave or adoption or placement of a child.

An employee who terminates employment or is terminated for any reason other than gross misconduct will receive cash payment for unused vacation leave time.

An employee who has exhausted leave time and is off work will be subject to termination unless on an approved leave, such as FMLA, a personal leave of absence, or additional leave time to reasonably accommodate a disability.

Vacations may be taken as weekly periods, as individual days or in hourly increments.

Vacation periods must be approved by your supervisor. Vacation should be requested by submitting the Request for Time Off through ESS, at least two (2) weeks in advance. On occasion, however, your supervisor may approve a day off with less than two (2) weeks' notice if under the circumstances your absence will not jeopardize the orderly flow of work.

## **8.02 Leave for Part-Time Employees**

If you are a part-time employee, you do not receive paid leave or leave-time.

## **8.03 Absenteeism and Tardiness**

Attendance is an essential function of your job, and good attendance is necessary for the orderly operation of the County. Consequently, the County expects all employees to assume diligent responsibility for their attendance and promptness. Recognizing, however, that illnesses and injuries may occur, the County has established leave plans to compensate full-time employees for certain time lost for legitimate medical reasons. (Please consult the appropriate sections of this Handbook for information regarding these benefits.)

Should you be unable to work because of illness, you must notify your supervisor or your department head by 8:00 a.m. on each day of your absence unless you are granted an authorized medical leave, in which case different notification procedures apply. (See the Family and Medical Leave Act policy earlier in this Handbook.) Failure to properly notify the County will result in an unexcused absence.

If you are absent for three (3) or more consecutive workdays due to illness, a statement from a physician may be required before you will be permitted to return to work. In addition, the County may require you to submit a statement from your physician, if abuse is suspected (for example, where an employee's record indicates a pattern of short absences and/or frequent absences before or after holidays and weekends).

Absenteeism or tardiness that is unexcused or excessive is grounds for disciplinary action, up to and including termination, regardless of whether you have accrued leave time. Absenteeism includes leaving work early.

## **8.04 Bereavement/Emergency Leave**

Up to three days of bereavement/emergency leave with pay may be granted to full time employees by an elected official or department head in the event of:

- A death in the employee's immediate family
- A life-threatening illness of a member of the employee's immediate family who requires the employee's personal care and attention if sick leave is not available

Note: For purposes of bereavement/emergency leave, family includes spouse, child, parent, brother, sister, grandparents, or grandchild of an employee or an employee's spouse. It also includes any person living in the employee's household who is dependent on the employee for care.



## **8.05 Civil Leave**

**8.05.1 Jury Duty:** Caldwell County encourages employees to serve on jury duty when required. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the absence. Of course, employees are expected to report for work whenever the court schedule permits. Any questions regarding work schedule should be directed to the employee's supervisor. Either Caldwell County or the employee may request an excuse from jury duty if, in Caldwell County's judgment, the employee's absence would create serious operational difficulties. Caldwell County will continue to provide health insurance benefits, vacation, sick leave, and holiday benefits for eligible employees. County employees are also eligible for juror checks and may keep such remuneration in addition to the County pay.

**8.05.2 Witness Duty:** Caldwell County encourages employees to appear in court for witness duty when subpoenaed. If an employee has been subpoenaed or requested to testify as a witness for Caldwell County, they will receive paid time off for the entire period of witness duty. Employees will be granted a maximum of 24 hours of paid time off to appear in court as a witness at the request of a party other than Caldwell County or the State of Texas. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid. The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, when necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

**8.05.3 Private Litigation:** If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time off will be charged to vacation or leave without pay.

## **8.06 Leave Without Pay**

Caldwell County discourages allowing an employee to be granted unpaid leave time. However, in cases other than Family and Medical Leave, any official or department head may grant leave without pay to any employee so long as the official or department head can discharge the responsibilities of the office or department without the presence of the employee.

Vacation and sick leave accrual will continue only as long as the employee is on paid leave; once the employee has expended all paid leave, accrual will cease until the employee returns to work.

Employees who are on leave without pay should contact Human Resources for details concerning continued benefit coverage during their leave without pay.

## **8.07 Sick Leave**

All full-time employees will accrue sick leave at a rate as defined in section 8.01 of this handbook. Temporary and part-time employees do not accrue sick leave. Use of accrued sick leave is subject to the approval of an employee's supervisor, elected official or department head.

All full-time employees that generally work an 8 hour shift may accrue up to a maximum of 240 hours. Those employees that work a 12 hour shift may accrue up to a maximum of 360 hours.

Sick leave must be taken on an actual-time basis. Employees may not borrow against future accruals nor use more sick leave than accrued.

If you use leave time for an illness, you are required to provide notice as described below under the attendance policy. If you are ill for three (3) or more days, you may be required to provide a doctor's certificate documenting the reason for your absence and releasing you to work.

Upon separation from the County, unused sick leave will be forfeited.

## **8.08 Sick Leave Pool**

The purpose of the Caldwell County Sick Leave pool is to provide additional sick leave days to County employees in the event of a catastrophic illness or injury that prevents an employee from active employment. Days may be applied from the Pool only after the employee has exhausted all accrued sick, vacation, longevity and compensatory time.

At the direction of the Commissioner's Court, Human Resources shall serve as the Pool Administrator. The Pool Administrator shall be responsible for developing mechanisms to transfer accrued sick leave into and out of the Pool; develop policies and procedures for the operation of the Pool; and develop forms for contributing leave to, or using leave from, the Pool.

The Pool Administrative Committee shall be composed of the following members: an elected official, the County Auditor or a staff member, the District Attorney or a staff member, the Treasurer, and a non-supervisory employee, and an alternate in case of an absent member.

The Pool Administrative Committee will review requests within 5 days of receipt of the application. Recommendations will be based upon individual circumstances, overall balance of pool leave and the Medical Certification/Recommendation of the applicant.

Refer to adopted procedure of the sick leave pool administration committee located in Human Resources.

## **8.09 Military Leave**

In accordance with Title 38 U.S.C. Section 4301 et. Seq., Uniformed Services Employment and Reemployment Rights Act (USERRA), employees of Caldwell County are granted leave to serve in the U.S. uniformed services, including the armed forces, the various reserve units, the National Guard and the commissioned corps of the Public Health Service.

It is the intention of Caldwell County to adhere to all requirements of USERRA with regard to military service. The provisions of this policy shall not be construed to abridge any right of compensation or benefits arising under state or federal law or regulations.

Employees that leave a job to serve in the uniformed services are required to give advance written notice to their supervisor. Duly authenticated copies of the State or Federal military orders shall accompany each notice of the need for military leave, and any other documentation reasonably required to establish the employee's right to leave.

Leave for military duty whether voluntary or involuntary, shall be granted to employees who provide sufficient documentation of the need for leave. In accordance with Section 431.005 of the Texas Government Code, Caldwell County will provide 15 days of paid leave for military duty in a federal fiscal year (October 1 – September 30). There is no accrual of paid military leave time. Employees shall be paid leave when leave is taken, and paid military leave will not exceed 15 days in one federal fiscal year.

Employees are able (but are not required) to use accrued leave time for additional time while performing military duty. Part-time and/or temporary employees may receive time off for military duty with pay.

If an employee is on military leave for less than 31 consecutive days, the employee may elect to continue Caldwell County's health benefits at the same rate as an active employee. For absences of 31 days or more, employees may elect to continue health benefits at up to 102 percent of the full premium for up to 24 months or until the date they decline or become ineligible for reemployment, whichever is less. Notification and payments must be coordinated with Human Resources.

If an employee elects not to continue health benefits while on military leave, the employee will be immediately entitled to health benefits upon their return to work if they meet the requirements for reinstatement of employment. Any illnesses or injuries that were incurred in or aggravated during the period of military service will be subject to the provisions of the Caldwell County Employee Medical Plan, Article IV, Limitations and Exclusions.

The period an employee has to apply for reemployment or report back to work after military service is based on time spent on military duty.

- For service of 1 to 30 consecutive calendar days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight hour rest period.

- For service of 31 to 180 calendar days, the service member must submit for application for reemployment within 14 calendar days of release from service.
- For service of more than 180 calendar days, an application for reemployment must be submitted within 90 calendar days of release from service.

The above deadlines to report to work or apply for employment or reemployment within the appropriate period specified in this subsection shall be subject to possible forfeiture of rights and benefits under this policy and may to be subject to disciplinary action for unauthorized absence from scheduled work.

In accordance with USERRA guidelines, the County will reinstate employees who:

- During their employment with the County have had no more than five cumulative years of leave for military duty (unless their service fits into one of the excused categories defined in USERRA);
- Are not discharged under dishonorable conditions; and
- Reapply in a timely manner.

An elected official or department head may request a copy of military orders showing the date of release from duty and satisfactory performance of duty from an employee returning from military leave.

Upon the end of the military leave, the employee will, upon request, be reinstated to a position and rate of pay comparable to what the employee could reasonably have been expected to attain if they had been continuously employed with the County. For additional information regarding reinstatement rights after military leave, please contact Human Resources.

During a military leave of absence, an employee shall retain any accrued leave time that is not used during their period of military leave. Military leave shall not be treated as a break in service for purposes of longevity. During periods of unpaid leave, an employee will not accrue vacation or sick time, and will not receive holiday pay.

Employees on military leave shall continue to earn service credit toward vesting in the retirement system. An employee returning from military leave shall be allowed to make contributions to their account in the TCDRS in an amount not to exceed what they would have contributed had they been continuously employed. The contributions may be made over a period equal to three times the period of military service, but no longer than five years.

## **8.10 Workers' Compensation/Injury Leave**

The County carries insurance to cover approved costs for work-incurred injury or illness. When employees are injured while performing their duties, without negligence on their part, and are unable to return to work, they may be entitled to paid leave from the date of the injury. However, all regulations regarding injury leave must be followed or injury leave may be

denied.

Workers compensation benefits, if approved, help pay for the employee's medical treatment, if any, and part of any income that may be lost. Specific benefits are prescribed by law, depending on the circumstances of each case.

In compliance with the Texas Workers' Compensation Insurance Act, all Caldwell County employees are provided workers' compensation coverage.

To assist in obtaining coverage, employees shall report all work-related accidents to the appropriate supervisor immediately. The supervisor must then immediately notify Human Resources. Human Resources must notify the workers' compensation carrier and obtain a claim number for the injured employee to provide medical facilities. Along with the report of injury, an accident investigation report should also be submitted.

All employees injured on the job must see a Workers Compensation approved urgent care centers, hospitals and/or specialists. Approved providers will decide when an employee can return to the work place and if any work restrictions will apply. An employee who fails to return to work at the designated time may be dismissed, if all FMLA time has been exhausted or the employee no longer qualifies for FMLA leave.

If your physical condition permits and an assignment is available, you may be assigned to do other work for the county until you are able to return to your original job.

More information about workers' compensation rights may be obtained from the Texas Department of Insurance – Division of Workers' Compensation (TDI-DWC), or by calling 512-804- 4000, or by contacting Human Resources at 512-398-4108. Human Resources will report all injuries to the County's workers compensation provider as they are reported.

## **TRAVEL AND SUBSISTENCE POLICIES**

### **9.01 General Policy**

The policy of the County is that employees are to be fully reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of County business, including business-related travel. Except in cases involving in-County use of a personal vehicle, employees must receive prior approval from the appropriate elected official or department head before travel which involves reimbursable expenses. The request should include an estimate of costs to be incurred.

All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget.

In some cases, the County may prepay such expenses as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

Employees should be conscientious in their use of County funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses.

It shall be the responsibility of each County official or department head to utilize out of County travel funds for official County business only. It shall be the responsibility of each County official or department head to see to the strict enforcement of this policy.

Expenses which are not permitted under the terms of grants, contracts, or agreements with out agencies will not be charged as costs to those grants, contracts or agreements.

Travel by County employees outside the County in which the employee is stationed is permissible provided that it is authorized in advance by the appropriate elected official or department head and does not exceed budgetary limitations. Advances or reimbursement for travel are based upon the most economical conveyance that is reasonably available. When private automobiles are used for travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class air fare, whichever is less. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except with less-than-first-class air accommodations are not available.

In cases where a rental car is used, employees must choose the optional insurance coverage; the County will pay for the insurance cost.

County officials and employees who receive automobile allowances are provided the allowances for travel within the County. In the event one of these official or employees is required to travel outside the County, he or she is entitled to reimbursement for actual expenses for such trip(s) provided the travel was authorized.

## **9.02 Subsistence Expenses**

Reimbursable subsistence expenses will generally be for food, registration, lodging, telephone calls, parking, tolls, taxi service, and reasonable gratuities. For out of County travel, mileage shall be paid at the State or General Services Administration (“GSA”) standard mileage rate.

The County will reimburse employees for meals while away from home on County business according to GSA guidelines for overnight stays. Per GSA guidelines, if a trip does not include an overnight stay meals will not be reimbursed. These per-diem amounts may be adjusted by the Commissioners Court as deemed necessary.

### **9.03 Expense Reporting**

As soon as an employee returns from a trip, or at least within one week of the travel, he or she must complete an expense report documenting any actual expenses incurred on the trip which were not prepaid directly by the County to the entity involved. The County will issue a reimbursement check to the employee for allowable out-of-pocket expenses.

While traveling meals are reimbursed on a per diem basis. If a travel advance had not been requested prior to the trip, a copy of the conference/meeting agenda will be required to verify the beginning and end of the conference/meeting and if any meals were provided. If the hotel was pre-paid, a copy of the hotel receipt is required at the time of completing the Employee Travel Expense Form.

Incidental expenses are not pre-paid. Receipts will be required for these expenses to be reimbursed.

Once the Employee Travel Expense Form is completed, if the amount is less than the travel advance, please submit to the County Treasurer to deposit the remaining amount. A copy of the Employee Travel Expense Form with the Revenue Warrant number is assigned for the remaining amount to the Auditor's office. If the amount is over the travel advance; please submit directly to the Auditor's office with all appropriate receipts.

All reimbursements must be approved by the appropriate elected official or department head and must be within the department's budget. When two or more officials or employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

Conference registration checks will be made out only to the organization sponsoring the conference. Prohibited expenditures includes but are not limited to the cost of personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, traffic citations, or illegal activities. Any expenses allowed under this policy statement or any shortages will be deducted from the employee's paycheck or request to the employee to pay the County.

### **9.04 County Credit Card**

The Caldwell County Commissioners Court recognizes that using county-obtained credit cards to obtain certain goods and services to conduct the business of Caldwell County fulfills a public purpose. In order to safeguard the taxpayers' money and ensure financial accountability and transparency regarding county-obtained credit card transactions, the Caldwell County Commissioners Court finds it is in the public interest to adopt this Caldwell County Credit Card Policy.

### **Obtaining and Administering County Credit Cards**

1. Subject to the approval of the Caldwell County Commissioners Court, the Caldwell County Auditor will obtain and administer credit cards in the name of Caldwell County to conduct the business of Caldwell County.
2. No other Caldwell County elected official or employee may obtain or administer a credit card in the name of Caldwell County.
3. The Caldwell County Auditor will keep under lock and key all county-obtained credit cards that are not issued to a specific individual. These cards may be checked out to transact county business upon request to the auditor, who will keep records of all requests.
4. The Caldwell County Commissioners Court must vote in open session to authorize the Caldwell County Auditor to issue a county-obtained credit card to a specific county elected official, county employee or county office.
5. Only Caldwell County elected officials and employees may use county-obtained credit cards, and only for the business of Caldwell County.
6. Before being allowed to use a county-obtained credit card, Caldwell County elected officials and employees must acknowledge in writing that they have read and understand this policy. This acknowledgement will be kept in their personnel file.
7. This policy does not affect the Caldwell County Fuel Card Policy.

### **Using County Credit Cards**

1. All county-obtained credit card purchases must comply with all federal, state, and county purchasing statutes, rules, policies, and procedures.
2. All county-obtained credit card purchases must be documented with itemized receipts. All receipts must be turned in to the auditor's office within three business days of the date of the charge.
3. The following constitute unauthorized uses of county-obtained credit cards:
  - a. Personal expenditures;
  - b. Cash advances;
  - c. Sales tax (except in cases where state law does not exempt local governments);
  - d. Entertainment of any kind, including the purchase of alcohol;
  - e. Purchases under contracts, unless an emergency or necessity is deemed by the Caldwell County Auditor;
  - f. Separate, sequential and component purchases or transactions made with the intent to circumvent state law or county policy;
  - g. Purchases that are split to stay within card transaction limits;
  - h. Amounts greater than a county-obtained credit card's transaction limits;
  - i. Expenditures made without department head approval.
4. An individual who makes an unauthorized use of a county-obtained credit card or who does not document a purchase with an itemized receipt may be held responsible for such



expenditures. An individual whose failure to turn in receipts results in a late charge or fee from the credit card company may be held responsible for such late charge or fee.

5. Failure to comply with this policy will result in suspension of the privileges to use the credit card.
6. Unauthorized use of a county-obtained credit card may be considered misappropriation of county funds and may result in disciplinary action, up to and including termination, and could result in criminal prosecution.

## **9.05 Purchasing**

## **9.06 Travel Advances**

Travel advances are available to cover pre-paid expenses such as conference fees, hotels, and per diem for anticipated meals. To qualify for per diem meals, a copy of the conference/meeting agenda is required to calculate the approximated amount for the per diem for meals. Incidental expenses will not be included in the travel advance.

The employee requesting advance funds is responsible for them and must submit a final Employee Travel Expense Form upon returning from their trip.

## **9.07 Use of County Cash Fund**

According to Sec. 130.902 (c) of the Local Government Code, a change fund may not be used to make loans or advances or to cash checks or warrants of any kind.

Therefore, no checks will be cashed for any reason from any county change drawer.

## **COUNTY PROPERTY**

### **10.01 Use of Tools, Equipment, Property and Vehicles**

Employees who are assigned tools or equipment or vehicles by their departments are responsible for them and for their proper use and maintenance.

All county property shall be returned upon termination of employment.

No personal use of any county property, money, materials, supplies, tools, equipment or vehicles is permitted. Violations may result in discharge and possible prosecution.

The use of personal property in the course and scope of employment is at the employee's own risk for loss or damage. Reasonable measures will be taken to safeguard your personal belongings; however, Caldwell County assumes no liability for personal property brought into the workplace. Any employee who brings personal property into the workplace assumes the full risk for it should it be lost, stolen, or damaged.

## **10.02 Keys**

Employees are responsible for keys that are assigned to them for the duration of their employment. Including, but not limited to:

- Vehicles
- Equipment
- Buildings
- Offices
- Gates
- Filing Cabinets
- Desks
- Safe/Lock Boxes

It is also the responsibility of every employee to notify Security, Human Resources or Elected Official if the key(s) are misplaced, lost, stolen or suspect someone of tampering or trespassing. All keys are to be returned immediately upon separation of employment.

## **10.03 Passengers While on County Business**

It is recommended that no non-business passengers should be in the vehicle when the vehicle is being used on County business.

## **10.04 Unauthorized Use**

Employee agrees to indemnify and hold harmless Caldwell County from and against any and all losses, costs, judgments, damages, claims or liabilities growing out of or resulting from any unauthorized use of a County-owned or leased vehicle or from use of said vehicle by an unauthorized driver.

### **10.05 Accident Reporting**

Any employee operating county equipment or vehicles must report all equipment and vehicular accidents, personal injury and property damage or liability claims to his/her supervisor, Human Resources, Auditor and the proper law enforcement agency immediately. If requested, Elected Official and/or Department Head may be required to report accident(s) to the Commissioners Court.

Each vehicular accident, no matter how minor, must be reported to the county in order that an official accident report can be filed. Reports should be made to the Human Resources and County Auditor's office. Drug/alcohol testing may be required. Failure to report accidents may lead to disciplinary action up to and including termination.

### **10.06 County Vehicle Usage – General Guidelines**

All vehicles must be parked at a county facility at the end of each working day unless prior authorization has been granted by their elected official or department head.

Vehicles may be used only for work-related duties and if authorized to drive to and from work. They may be used for no other purpose except in an emergency or for trips completely incidental to County employment while driving to and from a County-related job site.

If an elected official/employee uses a County vehicle to commute to and from their primary residence, the fringe benefit use of said vehicle shall be included as taxable income of the elected official/employee in accordance with IRS Commuting Valuation Rules.

Marked and unmarked vehicles used by law enforcement officers used to commute to and from work are considered as qualified non-personal vehicles and the use of such vehicles is not considered taxable income. The term "law enforcement officer" means an individual who is employed on either a full-time or part-time basis by a governmental unit that is responsible for the prevention or investigation of crime involving injury to persons or property (including apprehension or detention of persons for such crime), who is authorized by law to carry firearms, execute search warrants, and to make arrests (other than merely a citizen's arrest), and who regularly carries firearms (except when it is not possible to do so because of the requirements of undercover work). Use of either a marked or unmarked vehicle by a person who is not a law enforcement officer would be considered as taxable income. Only County elected officials/employees, duly commissioned reserve officers authorized by the County Sheriff or Constable, or officers assigned to special operations and/or task force unit, Juvenile Probation Officers, Code Enforcement, Sanitation, Emergency Management, Unit Road and Building Maintenance personnel are authorized to drive a County vehicle by the Commissioners Court.

A list of duly commissioned reserve officers authorized by the County Sheriff, Constable, or to drive a County vehicle shall be maintained by the respective department head/elected official and a copy kept by the County Auditor's Office.

At no time may a County vehicle be used for personal gain, personal business, to drive to a place of secondary or part-time employment not related to County business, or for any other non-County related use.

County vehicles may not be used as tow vehicles, unless it is for official County business.

Allowed passengers in County vehicles are:

1. Anyone in the care and custody of law enforcement official;
2. County employees;
3. A non-employee on County-related business; and
4. Any person in need of transport due to an emergency

In the event of an accident involving a County-owned vehicle being used by County elected official/employee for personal reasons, the County elected official/employee will be fully liable for all damage and/or injuries sustained to all parties in the accident.

All drivers of County-owned vehicles, and those using their personal vehicles on County business, shall comply with all applicable State and local laws. It will be the responsibility of the driver to pay any fines imposed for not complying with such laws.

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. Caldwell County expressly prohibits anyone operating any County owned vehicle or equipment from texting with penalties, up to including loss of employment.

When driving or using a vehicle for county business, seat belts are to be worn by driver and passengers at all times.

### **10.07 Personal Usage**

Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official County business, reimbursement will be at the maximum allowed rate according to State of Texas guidelines. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and the County office is not eligible for reimbursement.

