



**Deaf Smith County**  
**Personnel Policy Manual**

# Index

## 1. County Employment

- 1.01 Employment at Will.....
- 1.02 Employee Status.....
- 1.03 Equal Employment Opportunity.....
- 1.04 Application for Employment.....
- 1.05 Nepotism.....

## 2. Employee Benefits

- 2.01 Vacation.....
- 2.02 Sick Leave.....
- 2.03 Holidays.....
- 2.04 Jury Duty Leave.....
- 2.05 Military Leave.....
- 2.06 Funeral Leave.....
- 2.07 Medical Insurance.....
- 2.08 Workers' Compensation.....
- 2.09 Retirement.....
- 2.10 Social Security & Medicare.....
- 2.11 Family & Medical Leave.....

## 3. Work Rules and Employee Responsivities

- 3.01 Attendance and Timeliness.....
- 3.02 Timeclock Procedures.....
- 3.03 County Property.....
- 3.04 Conflict of Interest.....
- 3.05 Political Activities.....

3.06	Safety.....	.....
3.07	Harassment.....	.....
3.08	Sexual Harassment.....	.....
3.09	Whistleblower.....	.....
3.10	Workplace Violence.....	.....
3.11	Social Media.....	.....
3.12	Computer and Internet Usage.....	.....
3.13	Cellphone Usage.....	.....
3.14	DSC Purchasing Policy.....	.....
3.15	DSC Fraud Policy.....	.....
3.16	DSC Credit Card Policy.....	.....
3.17	DSC Reimbursement Policy.....	.....
3.18	FLSA Policy.....	.....
3.19	Weather Closing & Emergencies.....	.....
3.20	COVID Policy.....	.....
<b>4.</b>	<b>Payroll</b>	
4.01	Pay Periods and Time Sheets.....	.....
4.02	Compensation.....	.....
4.03	Payroll Deductions .....	.....
4.04	Work Schedule and Workweek .....	.....
4.05	Hours Worked and Overtime .....	.....
4.06	Overtime Compensation .....	.....
4.07	Longevity Pay .....	.....
<b>5.</b>	<b>Grievances</b>	
5.01	Procedure.....	.....

**6. Policy on Discipline**

6.01 Discipline.....

**7. Drugs and Alcohol**

7.01 Purpose.....

7.02 Suspicion-Based Testing.....

7.03 Pre-employment Testing.....

7.04 Testing Procedures.....

**8. Separations**

8.01 Definitions.....

8.02 Types of separation .....

8.03 Dismissal .....

8.04 Retiree Rehires .....

## **1. Current Employment**

### **1.01 Employment at Will**

- 1.01.1 All employment with Deaf Smith County shall be considered “at will” employment
- 1.01.2 No contract of employment shall exist between any individual and Deaf Smith County for any duration, either specified or unspecified.
- 1.01.3 Deaf Smith County shall have the right to terminate the employment of any employee for any legal reason, or no reason at any time either with or without notice.
- 1.01.4 Deaf Smith County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice.
- 1.01.5 Employees of Deaf Smith County shall have the right to leave their employment with the county at any time, with or without notice.

### **1.02 Employment Status**

#### **Regular Full-time**

- 1.02.1 A fulltime employee shall be any employee in a position who has a normal work schedule of at least thirty (30) hours per week. Fulltime employees are eligible for county health insurance and retirement benefits. Employees may be non-exempt employees are eligible for overtime compensation. Deaf Smith County makes exempt status determination based on the Fair Labor Standards Act ([Wages and the Fair Labor Standards Act | U.S. Department of Labor \(dol.gov\)](#)).

#### **Regular Part-time**

- 1.02.2 A part-time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week.

#### **Temporary**

1.02.3 A temporary employee shall be any employee who is hired into a position that lasts six (6) months or less and begins at approximately the same time each year. Temporary employees can either be part time or full time, and they do not qualify for health insurance through the county under the Affordable Care Act ([PUBL148.PS \(govinfo.gov\)](#) ). Temporary employees are not eligible for retirement benefits under TCDRS.

#### **Regular Variable Hour**

1.02.4 A variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week-hour are variable or indeterminate at the time of employee's state date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act ([PUBL148.PS \(govinfo.gov\)](#)). If an employee's schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS.

#### **Qualifications for Employment**

1.02.5 All employees must provide both, current bank account information as the county does direct deposit of payroll and personal identification to complete an I-9 form

### **1.03 Equal Opportunity**

1.03.1 It shall be the policy of Deaf Smith County to be an equal opportunity employer.

1.03.2 Race, color, religion, national origin, sex, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, and disability, or any other condition or status protected by law and disability shall not be factors in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by law

or where a bona fide occupational qualification (BFOQ) ([CM-625 Bona Fide Occupational Qualifications | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#)) exists.

### **Reasonable Accommodation**

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

## **1.04 Application for Employment**

### **Job announcements**

- 1.04.1 Applications for employment with the County will be accepted only when a job vacancy exists. The applicant shall be considered only for the position for which they/their is applying. Future vacancies shall require a new application.
- 1.04.2 Applications shall be submitted on a standard form as authorized by the Commissioners Court.
- 1.04.3 All employment openings will be posted on the County bulletin board for a five-day period prior to publication of any advertisement. This shall be for the benefit of any qualified County employee interested in applying for the available opening. The County Treasurer will also fax or email the posting to auxiliary locations. If the position is filled within the County Pool, the position is not required to be advertised in the local paper.
- 1.04.4 Whenever a person is given a standard application, that person shall also receive at least the following:
  - A. A Written description of the job's requirements and duties,
  - B. A written description of any specific job qualifications,

C. If applicable, a written description of the necessary testing procedure setting forth:

- a) Type of test required
- b) The administering entity
- c) The address of the administering entity
- d) The name and telephone number of a contact person at the administering entity

1.04.5 All applications shall remain active until the vacancy is filled and notification of employment or non-selection is mailed. (Applications filed shall be retained for two years for statistical reasons only.)

#### **Selection**

1.04.6 Each elected or appointed official, or they/their designee, shall be responsible for selecting the applicant who they/their feels best meets the qualifications for an open position in they/their department.

#### **Disqualification**

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

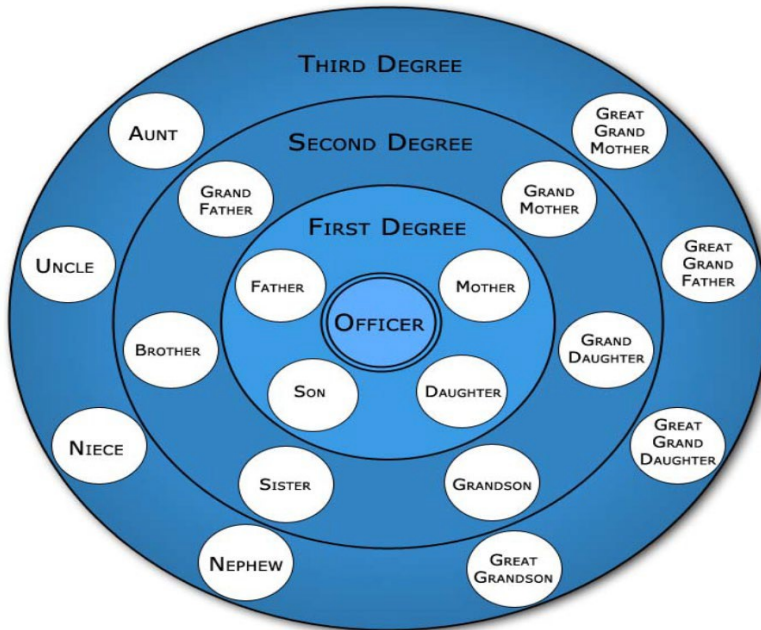
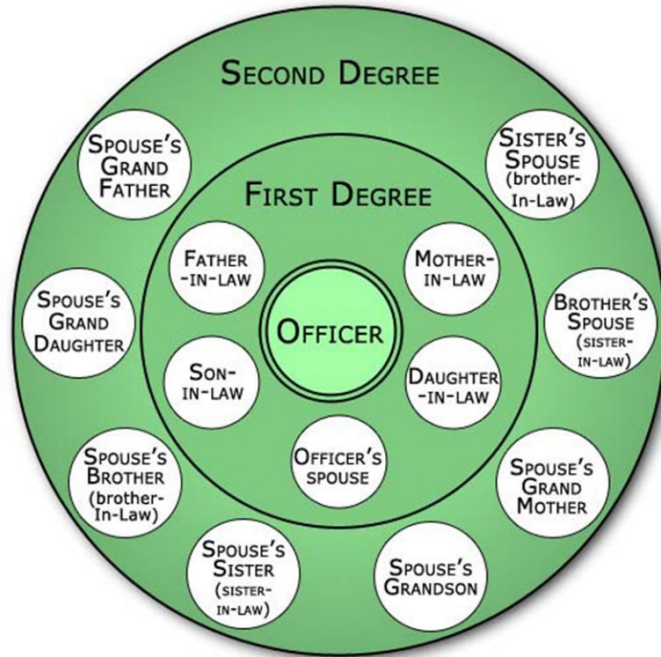
- A. The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which they/their is applying;
- B. The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process;
- C. The applicant has committed or attempted to commit a fraudulent act at any stage of the application process; or
- D. The applicant is not legally permitted to hold the position.
- E. To ensure the safety and efficiency of the new employees, Deaf Smith County requires a pre-employment drug screen before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and/or alcohol test.

### **1.05 Nepotism**

#### **Hiring of Relatives**



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



## **2. Employee Benefits**

### **2.01 Vacation**

#### **Eligibility**

- 2.01.1 All full-time employees shall be eligible for vacation benefits.
- 2.01.2 Employees who have worked for less than eight (8) years in a position eligible to receive vacation shall earn vacation at the rate of 6.667 hours per month, which is equivalent to 80 hours per year. Maximum accrual is 80 hours. Vacation must be used in the anniversary year after which it is earned and may not be carried over past the employee's next anniversary date. Any vacation hours above what is allowed under this policy will be lost without notification the employee in advance of losing vacation hours.
- 2.01.3 Employees who have worked for eight (8) or more years in a position eligible to receive vacation shall accrue vacation at the rate of 10 hours per month, which is equivalent to 120 hours per year. Maximum accrual is 120 hours. Vacation must be used in the anniversary year after which it is earned and may not be carried over past the employee's next anniversary date. Any vacation hours above what is allowed under this policy will be lost without notification to the employee in advance of losing vacation hours.
- 2.01.4 Employees who have worked fifteen (15) or more years in a position eligible to receive vacation shall accrue vacation at the rate of 13.333 Hours per month, which is the equivalent of 160 hours per year. Maximum accrual is 160 hours. Vacation must be used in the anniversary year after which it is earned and may not be carried over past the employee's next anniversary date. Any vacation hours above what is allowed under this policy will be lost without notification to the employee in advance of losing vacation hours.
- 2.01.5 Vacation shall not be accrued while an employee is on leave without pay.
- 2.01.6 After 15 years and earning 4 weeks an employee can carry over 5 days. However, those 5 vacation days must be taken within 6 months of the employee's anniversary date. If for any reason during that 6 month period the employee leaves they/their position with the County, he will not be paid for those 5 vacation days. Any vacation hours above what is allowed under this policy will be lost without notification to the employee in advance of losing vacation hours.

### **Initial Accrual and Waiting Period**

- 2.01.7 Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of one full year in such a position before being eligible to take any vacation.
- 2.01.8 Vacation is accrued monthly but may be taken on or after each anniversary date. [That is, vacation time may be used (or sold) only after the year it is accrued.]

### **Scheduling**

- 2.01.9 Scheduling of vacations shall be at the discretion of the individual department heads.

### **Borrowing**

- 2.01.10 Employees shall only use or receive pay for vacation time earned during the employee's prior year of service. Employees will not be allowed to borrow vacation against future accruals, nor will they be paid for future accruals upon leaving Deaf Smith County employment.

#### **Example:**

An employee is hired on 01/01/17. On the employee's anniversary date, namely, 01/01/18, the employee can take all or part of they/their 80 hours of vacation time. However, on 07/01/17, the employee cannot use an additional 40 hours of vacation they/their has accrued since 01/01/17 since vacation time accrued in 2017 cannot be used until 2018.

### **Pay in Lieu of Vacation**

- 2.01.11 Only employees who have been employed for 10 years or more shall be allowed to receive pay for vacation in lieu of taking time. Pay will be in increments of eight hours with a limit of 40 hours. In addition, only employees who have been employed for 15 years or more shall be allowed to receive pay for vacation in lieu of taking time, in increments of eight hours with a limit of 80 hours.

### **Holiday During Vacation**

- 2.01.12 If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the Policy on Holidays and shall not be charged against the employee's vacation balance.

### **Pay at Termination**

2.01.13 If an employee has worked for at least one year in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

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

2.01.15 Each department head or elected official shall be responsible for accurately recording all vacation time used on they/their employee's time sheets. These time sheets shall be turned in to the Treasurer's Office.

2.01.16 All vacation days must be taken in no less than ½ day increments.

## **2.02 Sick Leave**

### **Eligibility**

2.02.1 All full-time regular employees shall be eligible for the paid sick leave benefit.

### **Accrual Rate**

2.02.2 Eligible employees shall accrue sick leave at a rate of 6.667 hours per month.

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

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

### **Maximum Accrual**

2.02.5 The maximum amount of unused sick leave an employee shall be allowed to have at any time is 480 hours.

### **Use of Sick Leave**

2.02.6 Sick leave may be used for the following purposes:

- a) Illness or injury of the employee;
- b) Appointments with physicians, optometrist, dentists, and other qualified medical professionals; and
- c) To attend to the illness or injury of a member of the employee's immediate family

- 2.02.7 For purposes of this policy, immediate family shall be defined as spouse, child, parent who is dependent on the employee for care.
- 2.02.8 Sick leave may not be used as vacation or for any other reason not addressed in this policy, AND cannot be used to extend or replace vacation time.

### **Notification**

- 2.02.9 Where sick leave is to be used for medical appointments, an employee shall be required to notify they/their supervisor of the intent to use sick leave as soon as the employee knows of the appointment.
- 2.02.10 Where use of sick leave is not known in advance, an employee shall notify they/their supervisor of the intent to use sick leave within one hour of the employee's normal time to begin work, when practicable.
- 2.02.11 Where it is not practicable to notify the supervisor within one hour of the normal starting time, the employee should notify they/their supervisor as soon as is reasonably practicable.
- 2.02.12 If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify they/their supervisor of the anticipated length of absence.

### **Documentation**

- 2.02.13 If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness.
- 2.02.14 Documentation requirements under Paragraph #13 of this policy shall also apply in situations where the absence is for the care of a member of the immediate family.
- 2.02.15 Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to resignation of employment with the County.

### **Borrowing**

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

### **Pay at Termination**

- 2.02.17 Employees shall not be paid for unused sick leave.

## **2.03 Holidays**

### **Eligibility**

- 2.03.1 All full-time regular employees shall be eligible for paid holiday benefits. However the employees will not be eligible for the two additional floating holidays until they have been employed for one year.

### **Holidays**

- 2.03.2 The County holidays for the following calendar year shall be determined by the Deaf Smith County Commissioners' Court on or before its last meeting of each December.

### **Holiday During Vacation**

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

### **Holiday on Day Off**

- 2.03.4 If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days.
- 2.03.5 An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

### **Emergencies**

- 2.03.6 An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 days equivalent to one and one half (1 1/2) the amount of time worked on the holiday or given the option of being paid overtime equivalent to one and one half the amount of time worked.

### **Special Observances**

- 2.03.7 Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for the County.
- 2.03.8 Determination of granted leave under Paragraph 7 of this policy shall be made by the supervisor of the department in which the employee works, based on the needs of the department.
- 2.03.9 Vacation, compensatory time, or leave without pay may be used for leave granted under Paragraph 7 of this policy.
- 2.03.10 Holidays must be taken in no less than ½ day increments.

## **2.04 Jury Duty Leave**

- 2.04.1 Employees of Deaf Smith County who are called for jury duty shall receive pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.
- 2.04.2 Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule.
- 2.04.3 Any fees paid for jury service may be kept by the employee.

### **Official Court Attendance**

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

### **Private Litigation**

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

## **2.05 Military Leave**

### **Guard and Reserves**

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

### **Orders**

2.05.5 An employee going on military leave shall provide they/their supervisor with a set of orders within two (2) days after receiving them.

**Active Military**

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

**2.06 Funeral Leave**

2.06.1 Full time employees may be allowed up to three days leave with pay for a death in the immediate family.

2.06.2 For purposes of this policy, immediate family shall include the employee's spouse and the child, parent, grandparent, grandchild, brother or sister of the employee or the employee's spouse.

**Other Leave**

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

**Additional Leave**

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

**2.07 Medical Insurance**

**Eligibility**

2.07.1 All employees of Deaf Smith County that are eligible under the Affordable Care Act shall receive the group medical insurance benefit.

2.07.2 Premium for the coverage for eligible employees shall be paid by the County.

**Dependent Coverage**

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

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

**Extension of Coverage**



- 2.07.5 Employees who leave the employment of Deaf Smith County will be covered until the last day of the month in which they leave Deaf Smith County should further coverage be necessary, an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).
- 2.07.6 Information on extension of benefits under COBRA is available in the County Treasurer's office and may be obtained during the normal working hours for that office.

### **Life Insurance**

- 2.07.7 Employees shall have a limited amount of life insurance on themselves as part of their group medical insurance coverage.

### **Information**

- 2.07.8 Details of coverage under the group medical insurance plan are available in the County Treasurer's office and may be obtained during the normal working hours for that office.

## **2.08 Workers' Compensation**

### **Eligibility**

- 2.08.1 All Deaf Smith County employees are covered by workers' compensation insurance while on duty for the County.

### **Benefits**

- 2.08.2 Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of they/their job
- 2.08.3 Workers' compensation also pays a partial salary continuation benefit for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses.

### **Accident Reporting**

- 2.08.4 Any employee who suffers a job-related illness or injury shall be required to notify they/their supervisor within 24 hours.
- 2.08.5 Failure to promptly report job-related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

### **Physicians Release**

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

### **Contributory Factors**

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

## **2.09 Retirement**

### **Eligibility**

2.09.1 All employees, except temporary employees, shall be eligible for the retirement benefit through the Texas County and District Retirement System.

### **Contributions**

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

2.09.3 Deaf Smith County shall make a contribution to each eligible employee's retirement account at least equal to the contribution rate of the employee.

### **Information**

2.09.4 Information on the retirement program may be obtained at the County Treasurer's office during the normal working hours for that office.

## **2.10 Social Security & Medicare**

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

### **Contributions**

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

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

## **2.11 Family & Medical Leave**

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

- a) Have worked for Deaf Smith County at least 12 months (it is not required that these months be consecutive, however a continuous break in service of 7 years or more will not be counted toward the 12 months); and
- b) Have worked at least 1250 hours during the previous 12 months.

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

- a) The birth of a child and in order to care for that child;
- b) The placement of a child in the employee's home for adoption or foster care;
- c) To care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with serious health condition; or
- d) The serious health condition of the employee that makes the employee unable to perform the essential functions of their job.
- e) A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;
- f) To care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or
- g) To care for a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy

2.11.3 Serious health condition of the employee shall be defined as a health condition that makes the employee unable to perform the essential function of they/their job.

2.11.4 Serious health condition of a spouse, child, or parent shall be defined as a condition which requires inpatient care at a hospital, hospice, or residential care medical facility, or a condition which requires continuing care by a licensed health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- a) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - I. Treatment two or more times within 30 days of incapacity, or

- II. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity;
- b) Any period of incapacity due to pregnancy or pre-natal care;
- c) Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time;
- d) Any period of incapacity which is permanent or long term due to a condition that treatment is not effective;
- e) Any period of incapacity or absence to receive multiple treatments by a health care provider. Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave:
  - I. Leave may be taken to address any issue that arises because the covered military member was given seven or less days' notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty;
  - II. leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member;
  - III. leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member;
  - IV. leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member;

- V. leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active duty status in a foreign country;
- VI. leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status;
- VII. leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member;
- VIII. Leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees make take up to fifteen (15) days of leave for each instance of rest and recuperation;
- IX. leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status;
- X. leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country;
- XI. certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty or;
- XII. Leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

## **Leave Amount**

- 2.11.5 Up to 12 weeks leave per 12 month period may be used under this policy.
- 2.11.6 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.
- 2.11.7 All leave taken under this policy during the 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.
- 2.11.8 If a married couple both work for the County, the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child is 12 weeks. The combined limit is 26 weeks in a single 12 month period if leave is to care for a covered service member or covered veteran with a serious injury or illness. An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12 month period:
- a) the single 12 month period begins on the first day the eligible employees takes FMLA to care for covered service member or covered veteran and ends 12 months after that date;
  - b) the single 12 month period begins on the first day the eligible employees takes FMLA to care for covered service member or covered veteran and ends 12 months after that date;
  - c) this leave entitlement is applied on a per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12 month period.

## **Paid and Unpaid Leave**

- 2.11.9 If an employee has accrued leave, the employee shall be required to use appropriate paid leave first with the remainder of the 12 weeks as unpaid leave.
- 2.11.10 An employee who is taking leave because of the employee's own serious health condition, or the serious health condition of an eligible family member, shall be required to first use all paid vacation, sick leave, and any other paid leave, with the rest of the 12 week leave period being without pay.

- 2.11.11 An employee taking leave for the birth of a child shall be required to take paid sick leave first, then earned compensatory time, vacation and holiday leave for the recovery period after the birth of the child prior to going on leave without pay.
- 2.11.12 After the recovery period from giving birth to a child, the employee shall be required to first use compensatory time, then vacation and other available paid leave, prior to going on leave without pay.
- 2.11.13 An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use, first all earned FLSA compensatory time, then vacation then other available paid leave, with the exception of sick leave, prior to going on leave without pay.
- 2.11.14 An employee taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.
- 2.11.15 An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26 week leave period being unpaid leave.
- 2.11.16 The maximum amount of paid and unpaid leave that may be used under this policy in any 12 month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness with the maximum leave being 26 weeks in a single 12 month period.

### **Insurance**

- 2.11.17 While on leave under this policy, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work.
- 2.11.18 The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued.
- 2.11.19 Payment for coverage under Paragraph 17 of this policy shall be made through regular payroll deduction while the employee is on leave with pay.
- 2.11.20 While on leave without pay, the employee shall be required to pay for premiums due to the County under Paragraph 18 of this policy no later than 30 days after the due date which the County sets or the coverage shall be discontinued. At the end of the

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

### **Intermittent Leave and Reduced Schedule**

2.11.21 Intermittent leave under this policy shall be allowed where it is necessary for the care and treatment of the serious condition of the employee or the employee's eligible family member.

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

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

### **Physicians Statement**

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

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

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

- a) The date the condition began;
- b) Its expected duration;
- c) The diagnosis of the condition;
- d) A brief statement of the treatment;
- e) A statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.



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

- a) The date the condition began;
- b) Its expected duration;
- c) The diagnosis of the condition;
- d) A brief statement of treatment; and
- e) A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

2.11.28 Certification for leave taken because of a qualifying exigency shall include:

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

2.11.29 Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include:

- a) if the injury or illness was incurred in the line of duty while on active duty;
- b) the approximate date on which the illness or injury occurred and the probably duration;
- c) a description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care;
- d) if the covered military member is a current member of the Regular Armed Forces, The National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to;

- e) the relationship of the employee and the covered military service member or covered veteran;
- f) In lieu of certification, an ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for an eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.

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

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

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

### **Requesting Leave**

2.11.33 Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to they/their immediate supervisor.

2.11.34 Where practicable, an employee should give they/their immediate supervisor at least 30 days' notice before beginning leave under this policy.

2.11.35 Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable.

2.11.36 If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

### **Reinstatement**

- 2.11.37 Employees returning from leave under this policy, and who have not exceeded 12 week maximum allowed under this policy shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Employees who have not exceeded the 26 week maximum, in a single 12 month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.
- 2.11.38 Where an employee is placed in another position, it will be one which has equivalent status, pay, benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility, and authority.
- 2.11.39 The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum leave allowed under this policy, or who elects not to return to work after using the maximum leave.

#### **Repayment of Premiums**

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

#### **Other Benefits**

- 2.11.41 While on leave without pay under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy
- 2.11.42 Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it.

### **3. Work Rules and Employee Responsivities**

#### **3.01 Attendance and Timeliness**

- 3.01.1 Each employee shall report to work on each day they/their is scheduled to work unless prior approval for absence is given by the employee's supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

### **Tardiness**

- 3.01.2 Each employee shall be at they/their place of work at the starting time set by they/their supervisor unless prior approval is given by the supervisor or the employee is unable to be at work on time for reasons beyond the control of the employee.
- 3.01.3 Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

### **Notification**

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

### **Excused and Unexcused**

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

### **Abandonment of Position**

- 3.01.7 An employee who does not report for work for three consecutive scheduled work days and fails to notify they/their supervisor, shall be considered to have resigned they/their position by abandonment.
- 3.01.8 All leave (Comp, vacation, & holidays) must be taken before employee goes on unpaid or docked time.

## **3.02 Timeclock Procedures**

- 3.02.1 Each employee is required to have a record of hours worked. In departments using time clocks or the web-based time keeping system, the following regulations will apply:
  - 3.02.2 Employees are required to clock in prior to their assigned start time, and must clock out when they go off duty.
  - 3.02.3 Employees are required to clock out any time they leave the work site for any reason other than assigned work duties.
  - 3.02.4 Employees must clock in and out at their designated duty station.
  - 3.02.5 Clocking in within the time-frame specified in number three will be calculated as on-time report for duty.

- 3.02.6 Depending on the department procedures, time recorded will be the work-time paid or employees will be paid from time sheets verified by actual recorded times. Any adjustments to the recorded time must be approved by the employee's supervisor. Managers will be accountable to their department head for any manual changes submitted.
- 3.02.7 Unless a department is utilizing a system with an automatic lunch deduction, employees must clock out for their designated lunch time. All employees are free to leave the County premises during lunch.
- 3.02.8 Employees who have worked time in excess of 40 hours per week will be paid time and a half (or accrue comp-time at that rate) for all time exceeding 40 hours.
- 3.02.9 Except in emergency circumstances, prior permission to work overtime should be approved in writing to the department manager.
- 3.02.10 Violations of these procedures may result in disciplinary actions; including oral or written warnings, suspension without pay and/or termination. Under no circumstance may one employee clock in or out for another employee. Any employee participating in this type of violation will face immediate termination.

### **3.03 County Property**

- 3.03.1 Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool, or other County equipment assigned to him/her.
- 3.03.2 County employees shall only use equipment, vehicles, tools and other County property that they are authorized to use.

### **Texting Ban**

- 3.03.3 It is the policy of Deaf Smith County that all employees who drive county owned vehicles operate said vehicles in a safe manner. Employees should always drive county vehicles with their full attention on the road. Cell phones should be used with a hands free device and texting while driving is never allowed while operating any county vehicle. County employees are also forbidden from texting on any county owned device while driving their personal vehicles. Violators can be disciplined up to and including termination at the discretion of the employee's supervisor and/or Elected Official. If an employee has an accident in a county owned vehicle and it is due to texting while driving the employee will be subject to discipline up to and including termination at the discretion of the employee's supervisor and/or Elected Official. CDL holders who are caught texting while driving will also be subject to discipline up to and including termination. CDL drivers who violate this policy may also be subject to fines as imposed by the federal transportation department, and

could lose their license for a period of 60 days or permanently if there are multiple violations.

### **Personal Use**

3.03.4 Personal use of County vehicles, equipment, supplies, tools and any other County property shall not be permitted. County Vehicle Assignment Reports shall be filled out by all employees using county vehicles and filed with the County Treasurer. Employees commuting in non-exempt vehicles between their residence and normal place of reporting for duty will be responsible for any taxes as required by I.R.S. guidelines. (The county will be required to report the personal fringe benefit on the employee's W-2 form at the end of the year.)

### **Licenses**

- 3.03.5 A County employee who operates any County equipment or vehicle which requires a license shall be required to have a current active license for that vehicle or equipment any time they/their operates it.
- 3.03.6 Any employee who operates a vehicle or equipment which requires a license for legal operation shall notify they/their supervisor of any change in the status of that license.
- 3.03.7 An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change or termination if that license is suspended or revoked.
- 3.03.8 An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle insurance carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change or termination.

### **Accidents**

- 3.03.9 Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to they/their supervisor and to the proper law enforcement or other authority immediately.
- 3.03.10 A copy of all accidents and incident reports prepared by the employee shall be sent to the supervisor and the County Judge.

### **License and Certifications**

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

### **3.04 Conflict of Interest**

- 3.04.1 Employees of Deaf Smith County shall not engage in any employment, relationship, or activity which could be viewed as a conflict of interest because of the potential or appearance of affecting the employee's job efficiency, or which would reduce they/their ability to make objective decisions in regard to they/their work and responsibility as a County employee.
- 3.04.2 Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination.
- 3.04.3 Activities which constitute a conflict of interest shall include but not be limited to:
- a) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
  - b) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
  - c) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgement in performance of duties for the County;
  - d) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and they/their duties for the County;
  - e) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

3.04.4 Full time employment by the County generally shall constitute the sole employment of any employee; however, it is recognized that personal situations do occur which make it necessary for employees to seek supplementary employment. Because of the possibility of conflict of interest, employees are not allowed to work for any other organization or engage in business for themselves without written permission of an elected official or designated department head.

- a) Permission to engage in outside employment will not be granted if such employment will result in any of the following:
  - 1. Impairment of on-the-job efficiency
  - 2. Conflict of interest
  - 3. Unfavorable publicity or poor public relations
- b) All requests for permission to engage in outside employment must be in writing and will state:
  - 1. The type of work to be engaged in, including an explanation of task to be performed
  - 2. The hiring organization
  - 3. The hours of work

### **3.05 Political Activities**

3.05.1 Employees of Deaf Smith County shall have the right to support candidates of their choice and to engage in political activity during their personal time.

3.05.2 County employees shall not:

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

### **3.06 Safety**

#### **Safety Standards**

3.06.1 Each County employee shall be required to adhere to the general safety standards established for all employees and to all additional safety standards for their job or the department in which they/their works. (See Safety Manual)



## **Violations**

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

## **Reporting**

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

## **3.07 Harassment**

- 3.07.1 Deaf Smith County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, including lesbian, gay, bi-sexual or transgender status race, color, religion, national origin, age, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.
- 3.07.2 Harassment is strictly prohibited by Deaf Smith County whether committed by an elected official, appointed official, department head, co-worker or non-employee the county does business with.
- 3.07.3 Employees who feel they have been harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work.
- 3.07.4 Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.
- 3.07.5 Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.
- 3.07.6 Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy.
- 3.07.7 Remedial action will be taken in accordance with the circumstances when the county determines unlawful harassment has occurred, up to and including termination.

## **3.08 Sexual Harassment**

- 3.08.1 Sexual harassment is strictly prohibited by Deaf Smith County, whether committed by elected official, appointed official, department head, co-worker, or non-employee the county does business with. It shall be the policy of Deaf Smith County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.
- 3.08.2 Employee engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, request for sexual favors, and other verbal, non-gestures, touching, pictures, emails or cartoons where:
- a) the submission to such conduct is either an expressed or implied condition of employment; or
  - b) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
  - c) The conduct has the purpose of effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.
- 3.08.3 All claims of sexual harassment shall be taken seriously and investigated promptly, thoroughly and as is consistent with the investigation, confidentially.
- 3.08.4 No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment or those employees who cooperate in the investigation of a complaint.
- 3.08.5 Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If for any reason the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the District Attorney.
- 3.08.6 Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.
- 3.08.7 Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.
- 3.08.8 Use the following procedures so that your complaint may be resolved quickly and fairly.

- a) When practical, confront the harasser and ask them to stop the unwanted behavior.
- b) Record the time, place and specifics of each incident, including any witnesses.
- c) Report continuing sexual harassment to the elected Official or the Appointed Official who is responsible for your department or to the County Judge or the District Attorney.
- d) If a thorough investigation reveals that unlawful sexual harassment has occurred, Deaf Smith County will take effective remedial action in accordance with the circumstances up to and including termination.

### **3.09 Whistleblower**

3.09.1 An employee may, in good faith, report an alleged violation of a Deaf Smith County Policy or federal or state law to they/their supervisor, department head, or Elected Official, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the District Attorney or County Judge. The County will investigate the reported activity. An official, supervisor, department director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, designated person, pursuant to this policy. An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination. An employee who, in good faith, believes they/their is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact HR, the County Judge or District Attorney. An employee with a question regarding this policy should contact HR.

### **3.10 Workplace Violence**

3.10.1 Deaf Smith County is committed to providing a workplace free of violence. Deaf Smith County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, without

permits in all county offices and buildings owned or used by Deaf Smith County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination. No open carry will be allowed by any County Employee with the exception of Law Enforcement employees.

### **3.11 Social Media**

- 3.11.1 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, YouTube, and Myspace.
- 3.11.2 Deaf Smith 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 Deaf Smith County among the community at large. Deaf Smith County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.
- 3.11.3 Where no policy or guideline exists, employees are expected to use their best judgement 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.
  - a) If your posts on social media mention Deaf Smith County make clear that you are an employee of Deaf Smith County and that the views posted are yours alone and do not represent the views of Deaf Smith County.
  - b) Do not mention Deaf Smith County supervisors, employees, customers or vendors without their express consent.
  - c) Do not pick fights. If you see a misrepresentation about Deaf Smith County, respond respectfully with factual information, not inflammatory comments.
  - d) 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.

- e) Employees may not use Deaf Smith County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Deaf Smith County monitors its computers to ensure compliance with this restriction.
- f) You must comply with copyright laws, and cite or reference sources accurately.
- g) Do not link to Deaf Smith County's website or post Deaf Smith County material on a social media site without written permission from your supervisor.
- h) All Deaf Smith County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- i) Any confidential information that you obtained through your position at Deaf Smith County must be kept confidential and should not be discussed through social media forums.
- j) Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

### **3.12 Computer and Internet Usage**

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

3.12.2 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 their parties; or disrupt the workplace.

- 3.12.3 Use of Deaf Smith 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.
- 3.12.4 Deaf Smith County owns the rights to all data and files in any computer, network, or other information system used in the county. Deaf Smith County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access email 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. Deaf Smith County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. Deaf Smith 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.
- 3.12.5 Employees should not bring personal computers to the workplace or connect them to Deaf Smith County hard wired electronic systems. Violation of this policy, may result in disciplinary action, up to and including termination of employment.

### 3.13 Cell Phone Usage

- 3.13.1 Deaf Smith County determines on a case by case basis the need for county provided cell phones. County cell phones are to be used for business purposes only.
- 3.13.2 Deaf Smith County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.
- 3.13.3 Deaf Smith County bans all employees from texting while operating any county owned vehicle or equipment. County employees who are driving their own personal vehicle are also banned from texting while driving on county business. Federal law

prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL.

3.13.4 Employees in possession of a Deaf Smith County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

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

### **3.14 DSC Purchasing Policy**

3.14.1 The purchasing Policy has been developed by the Commissioner's Court and is set forth in the following paragraphs. The purpose of this policy is to obtain goods and services as timely and economically as possible while continuing to purchase items that are best suited to the needs of the various departments and conform to state laws. To achieve this purpose the County Auditor is designated as the Purchasing Officer.

#### Classes of Purchases

3.14.2 To help the County get the best prices for quality merchandise in the efficient manner, purchases are divided into the following four classes:

1. Less than \$10,000.00-Department Head gets quotes for goods, and prepares purchase order.
2. Over \$50,000.00-Formal written sealed competitive bids, as required by state law.
3. Emergency Purchases.
4. Capital Expenditures Over \$10,000.00-Department Head shall get prior approval from entire Commissioner's Court before making any capital expenditures in excess of \$10,000.00

#### **Procedures, Less than \$10,000.00**

3.14.3 Department head should obtain two quotations when possible. This may be done over the phone and if it requires unreasonable time, effort, or expense to obtain two quotations, one will be acceptable.

3.14.4 If circumstances warrant, and upon agreement between the Department Head and County Treasurer, a signed invoice may be used by the Department Head. The Treasurer must have this before a claim will be paid.

#### **Procedures Over \$50,000.00**

3.14.5 State law requires formal written, sealed, competitive bids or proposals on all purchases or contracts, calling for an expenditure for more than \$50,000.00. This includes installment payments and lease/purchase, if the payments will total more

than \$50,000.00. If a County purchases goods or services at an aggregate of \$50,000.00 during the budget period, those items should be bid or proposed competitively.

3.14.6 Purchases of any of the following items are exempt from Competitive bidding by State Law. The same exemptions are hereby granted by the Deaf Smith County Commissioners' Court.

1. An item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;
2. An item necessary to preserve or protect the public health or safety of the residents of the county;
3. An item necessary because of unforeseen damage to public property;
4. A personal or professional service;
5. Any work performed and paid for by the day, as the work progresses;
6. Any land or right-of-way;
7. An item that can be obtained from only one source, including:
  - I. Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;
  - II. Films, manuscripts, or books;
  - III. Electric power, gas, water, and other utility services; and
  - IV. Captive replacement parts of components for equipment; or
8. An item of food
9. Personal property sold:
  - I. At an auction by a state licensed auctioneer;
  - II. At a going out of business sale held in compliance with subchapter F, Chapter 17, Business & Commerce Code; or with subchapter Chapter 17 Business & Commerce Code; or
  - III. By a political subdivision of this state, a state agency of this state, or an entity of the federal government.
10. Any work performed under a contract for community and economic development made by a county under Section 381.004.
  - I. B. by authority of Section 262.024 the renewal or extension of a lease or of an equipment maintenance agreement is exempt for bid requirements, under certain conditions. The Commissioners' Court hereby grants the exemption if:



- II. The lease of agreement has gone through the competitive bidding procedure within the preceding year;
- III. The renewal or extension does not exceed one year; and
- IV. The renewal or extension is the first renewal or extension of the lease or agreement.
- V. If an item exempted under Subsection (a) (7) is purchased, the Commissioners' Court, after accepting a signed statement from the county official who makes purchases for the county as to the existence of only one source, must enter in its minutes a statement to that effect.
- VI. The exemption granted under Subsection (a) (8), items of food, and shall apply only to the sealed competitive bidding requirements on food purchases. Counties shall solicit at least three bids for purchase of food items by telephone or written quotation at intervals specified by the Commissioners' Court. Counties shall award food purchase contracts to the responsible bidder who submits the lowest and best bid or shall reject all bids and repeat the bidding process, as provided by the subsections. The Purchasing officer taking telephone or written bids under this subsection shall maintain, on a form approved by the Commissioners' Court, a record of all bids solicited and the vendors contacted. This record shall be kept in the purchasing office for a period of at least one year until audited by the county auditor.
- VII.
- VIII. The procedures for a purchase of \$50,000.00 or more will be carried out as provided by state laws.

### **Procedures, Emergency Purchases**

#### 3.14.7 Amounts of \$10,000.00 or less

- a) An emergency is defined for this purpose as a situation requiring prompt action before normal purchasing procedures can be complied with in order to save life or property, to protect public health or safety, or to deal with a situation that could not, with proper care and diligence, have been foreseen

beforehand. There should be very few emergencies. Thinking ahead will do away with the need for almost all emergencies.

- b) In a bona fide emergency, the Department Head must make every reasonable attempt to comply with as many of the purchasing Procedures as possible.
- c) The Commissioners' Court will consider emergency purchases at their next meeting. If the court does not agree that a real emergency existed, the purchase may be the personal liability of the user.

#### 3.14.8 Amounts over \$50,000.00

- a) State law defines emergency as has been previously noted in the document. The Commissioners have the discretion to declare a situation to be an emergency.
- b) Reasonable efforts should still be made to get the best prices on the required merchandise as possible.
- c) Signed invoices should still be used

### **State Contract Bids**

3.14.9 By utilizing the purchasing Program for Local Governments under the Local Government code 271.081-.083, department heads and officials may purchase items from the approved state contract Bid List without competitive bidding. This Purchasing Policy shall be construed to comply with Local Government code 262.021-262.037

### 3.15 DSC Fraud Policy

- 3.15.1 The Deaf Smith County Fraud Policy and Response Program (Policy) has been created to support Deaf Smith County's commitment to protecting county revenue, property, reputation and other assets; to emphasize clearly the need for accurate financial reporting; and to define guidelines for the investigation and handling of fraud, should it occur.
- 3.15.2 The Deaf Smith County Fraud Policy applies to all elected officials, appointed officials and employees of Deaf Smith County and includes all full-time, part-time, seasonal, volunteer, and other temporary employees.
- 3.15.3 In law, "fraud" generally involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement, or concealment of material facts. Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a

violation of trust that, in general, refers to an intentional act committed to secure personal or business advantage. While fraud can cover many activities, this Policy is directed primarily at financial matters that could be legally defined as fraud. Examples of “financial fraud” generally fall into two broad categories and may include, but are not limited to:

#### 3.15.4 Misappropriation Of Assets

- a) Forgery, alteration or misappropriation of checks, drafts, or securities
- b) Unauthorized, non-business acquisition, use, or disposition of funds
- c) Inventory, furniture, fixtures, equipment, records, or other assets
- d) Prohibited to cash personal checks or receive cash advances from available cash drawer in county offices (Section 130.902 (c) of the Texas Local Government Code)
- e) Embezzlement
- f) Theft
- g) Falsifying time sheets or payroll records, including but not limited to:
- h) Reporting hours not worked or a supervisor not allowing the reporting of all hours worked by hourly employees.
- i) Falsifying travel and expenses and/or utilizing company funds to pay for personal expenses.
- j) Misappropriation of the County-owned computer hardware, software, data, or other records including county intangibles (e.g. proprietary information, trade secrets, patents, etc.)

#### 3.15.5 Expenditures and Liabilities

- a) Bribery
- b) Kickbacks

#### 3.15.6 General Policy and Responsibilities

- a) It is the County’s intent to investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation, as deemed necessary will be conducted regardless of the position, title, office, and length of service or relationship with the County of any party who might be or becomes involved in or becomes/is the subject of such investigation.
- b) Each Elected Official/Department Head or Supervisor is responsible for instituting and maintaining a system of internal control to provide reasonable

assurance for the prevention and detection of fraud, misappropriations, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

- c) The county Auditor, with consultation and support from the Count Judge and County Treasurer, has the primary responsibility for overseeing the investigation of all activity as defined in this policy. The Auditor will immediately notify the commissioners Court of any significant fraud investigation. Also, the Auditor, will involve Legal Counsel and/or management, as deemed appropriate. Upon conclusion of the investigation, the results will be reported to the appropriate management representatives.
- d)
- e) Where there are reasonable grounds to indicate that a fraud may have occurred, the County may report the incident to the appropriate authorities in order to pursue all legal remedies. Also, the County will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the losses from the offender.

### **Procedures for Reporting**

- 3.15.7 All Employees-Any employee who has knowledge of an occurrence of fraudulent conduct, or has reason to suspect that a fraud had occurred, shall immediately notify their supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the County Auditor or an appropriate Elected Official.
- 3.15.8 Elected or Appointed Officials & Departments Heads-Upon notification from an employee of suspected fraud, or if the Department Head has reason to suspect that a fraud has occurred, the Department Head shall immediately notify the County Auditor or an appropriate Elected Official.

### **Investigation**

- 3.15.9 Upon notification or discovery of a suspected fraud, the Auditor will promptly investigate the fraud. The Auditor will make every effort to keep the investigation confidential; however, from time to time other members of the management team will need to be consulted in conjunction with the investigation. After an initial

review and a determination that the suspected fraud warrants additional investigation, the Auditor will notify the Commissioners Court and the appropriate Elected Official, Department Head or management as required to deal with the findings. When deemed necessary, the Auditor shall coordinate the investigation with the appropriate law enforcement officials. Internal or external counsel will be involved in the process, as deemed appropriate.

3.15.10 It should be noted that there may be certain instances of fraud that will be handled in the normal course of business that will not result in a separate “investigation” by the Auditor’s Office. An example of this would be an employee taking home office supplies or other minor items purchased with county funds.

### **Security of Evidence**

3.15.11 Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records needs to occur. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records.

### **Confidentiality**

3.15.12 All participants in a fraud investigation shall keep the details and results of the investigation confidential. However, as noted, above, from time to time other members of the department will need to be consulted in conjunction with the investigation.

### **Personnel Actions**

3.15.13 If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal, shall be taken by the appropriate level of management or elected official, in consultation with the Commissioners’ Court and legal counsel.

### **Whistle-Blower Protection**

3.15.14 No employee of Deaf Smith County or person acting on behalf of the County in attempting to comply with this policy shall:

- a) Be dismissed or threatened to be dismissed;
- b) Be disciplined or suspended or threatened to be disciplined or suspended;

- c) Be penalized or any other retribution imposed, or
- d) Be intimidated or coerced, based to any extent upon the fact that the employee has reported an incident or participated in an investigation in accordance with the requirements of this Policy. Violation of this section of the Policy will result in disciplinary action, up to and including dismissal. If an allegation is made in good faith, but it is not confirmed by the investigation no action will be taken against the originator. If, however, individuals make malicious allegations, action may be considered against the individual making the allegations.

### 3.16 Credit Card Policy

#### Purpose

3.16.1 The purpose of this policy is to ensure that the functions of the Deaf Smith County Auditor's Office are integrated in a manner that provides assurance that credit card disbursements have been made only for authorized purposes and have been properly recorded. The County must at all times keep control over these credit card transactions to protect the County against misuse of public funds.

#### 3.16.2 General Guidelines

1. The County Auditor's Office shall be the only department authorized to obtain a credit card and allow the use of the credit card to be used for County purposes.
2. No cash advances shall be authorized on any card issued.
3. The County Auditor's Office shall be responsible for reviewing monthly managerial reports and/or credit card statement to ensure that all card statements have been paid.
4. The County Auditor's Office shall determine a monthly deadline for processing credit card statements that will ensure payments are made prior to the statement deadline.
5. Commissioner's court will allow the credit card statements to be paid by demand payment to ensure the payments are made prior to the statement deadline.

#### 3.16.3 Policy

1. Those employees whose responsibilities include the possession of a County credit card are responsible for the safekeeping of that card.

2. County credit cards are only to be used for Deaf Smith County expenditures, within the budgetary guidelines established by the County Judge and Commissioners.
3. Each employee or elected official is responsible for providing detailed receipts for each credit card transaction (not simply an acknowledgement of the credit card transaction), so that these transactions can be recorded as a valid expenditure of Deaf Smith County. If a receipt cannot be obtained, the employee will be held personally liable for these expenditures.
4. Employees are responsible for turning in their detailed receipts for payment prior to the deadline established by the County Auditor's Office. Any late fees incurred on the card because of failure to turn in the receipts before this deadline will be the personal liability of the employee or elected official.
5. Employees shall make every effort to avoid paying sales taxes on credit card transactions. Copies of the tax exempt certificate for the State of Texas can be obtained in the County Auditor's Office.
- 6.
7. Non-compliance with this policy may result in the elected official or employee's credit use privileges being revoked, as well as possible disciplinary action up to and including termination and/or legal action.

### 3.17 DSC Reimbursement Policy

- 3.17.1 The purpose of this policy is to ensure that the functions of the Deaf Smith County Auditor's Office and Treasurers Office are integrated in a manner that provides assurance that Reimbursement is made only for authorized purposes and has been properly recorded. The County must at all times keep control over these transactions to protect the County against misuse of public funds.
- 3.17.2 No Per Diem will be issued before time of travel. Reimbursement request must be accompanied by proof of the event, school, seminar, or purpose of county business travel. Employee or Elected official must pay for their own meals while traveling, you must also keep meal receipts and NO alcohol purchases will be reimbursed by the county. You must also keep accurate record of mileage as verified by Map Quest. Upon returning from your travel, submit the "Deaf Smith County Reimbursement &

Expense Sheet” to the Treasurer’s office and once approved by the Commissioners Court it shall be paid.

3.17.3 No Cash Advances shall be authorized

3.17.4 The County Treasurers Office shall be responsible for reviewing request.

3.17.5 The County Treasurers Office shall determine a monthly deadline for processing request.

a) A schedule has been provided to all supervisors and elected officials as to the payroll cut off dates. All part time, overtime, or curfew hours are to be turned into the Treasurer’s office by the due date on the schedule. If you do not have a schedule, one can be obtained from the Treasurer’s Office.

b) All invoices and bills must be coded and entered then calculated for accuracy on or by the 1st and 3rd Wednesday of the month by the Treasurer’s Office before Commissioners Court. However invoices can be turned in any time prior to the cutoff date. If your bill or invoice does not arrive in the Treasurer’s office prior to the cutoff date it will be held over until the next Commissioners Meeting. (Commissioners Court meets every 2nd and 4th Tuesday of the month)

3.17.6 Commissioner’s court will allow or disallow the request to be paid if discrepancies are found.

### **3.18 FLSA Policy**

#### **Non-exempt Employees**

3.18.1 Deaf Smith County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Treasurer’s attention, Deaf Smith County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

3.18.2 Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time card must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week. Do not sign your time card if it is not accurate. Unless you are authorized by your



supervisor, you should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any “off-the-clock” work, which means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

- 3.18.3 It is a violation of Deaf Smith County policy for any employee to falsify a time card, or to alter another employee’s time card. It is also a serious violation of County policy for any employee, supervisor, or official to instruct another employee to incorrectly or falsely report hours worked or alter another employee’s time card to under or over report hours worked.

If anyone instructs you to:

- a) Incorrectly or falsely under or over report your hours worked, or
- b) Alter another employee’s time records to inaccurately or falsely report that employee’s hours worked, you should report it immediately to the County Judge.

### **Exempt Employees**

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

- 3.18.5 Your salary may also be reduced for certain types of deductions such as your portions of health, dental or life insurance premiums; state, federal or local taxes, social security, retirement; or voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your salary may be reduced for any of the following reasons:

- a) Absence from work for one or more days of personal reasons other than sickness or disability; or
- b) Full day disciplinary suspensions for infraction of
- c) Deaf Smith County written policies and procedures; or

- d) Full day of violating safety rules of major significance; or
  - e) Family and medical leave or military leave absences; or
  - f) To offset amounts received as payment for jury and witness fees or military pay; or
  - g) The first or last week of employment in the event you work less than a full week.
- 3.18.6 In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:
- a) Partial day absences for personal reasons, sickness or disability; or
  - b) Your absence because the facility is closed on a scheduled work day; or
  - c) Your absence because of the County's operating requirements; or
  - d) Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work;
  - e) Any other deductions prohibited by state or federal law.

**Please note: it is not an improper deduction to reduce an employee's accrued vacation, personal or other forms of paid time off for full or partial day absence for personal reasons, sickness or disability.**

## **Questions**

- 3.18.7 If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deduction or pay does not accurately reflect your hours worked, you should immediately report the matter to the County Judge or the County Treasurer. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

## **FLSA**

3.18.8 The new Patient Protection and Affordable Care Act (Healthcare Reform) has amended the FLSA to include an unpaid break for breast feeding mothers. Deaf Smith County will provide the following:

- a) A reasonable break period to allow mothers to express milk
- b) A private location, not a bathroom, for the mother to express breast milk
- c) No retaliation against nursing mothers for asking for the break
- d) The breaks should be given for up to 1 year following the birth of the child.

### **3.19 Weather Closings and Emergencies**

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

3.19.2 The County Judge will notify the following entities for public announcement: KPAN. The Judge will notify the Elected Officials and supervisors of each department by phone or email. It has been the policy of Deaf Smith County to follow the schedule of Hereford ISD. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

3.19.3 Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

### **3.20 COVID Policy**

3.20.1 As of October 1, 2021 any absences due to COVID or quarantine will no longer be paid by the County to Employees. Employees will be required to use their sick leave, vacation time, and compensatory time for any COVID related absences.

3.20.2 Quarantine periods for exposure to COVID will be up to the elected official or department head of each department.

3.20.3 If positive for COVID employees may return 3 days after symptoms are no longer present.

#### **4. Payroll**

##### **4.01 Pay Periods and Time Sheets**

###### **Pay Period**

4.01.1 The pay period for Deaf Smith County shall be a semi-monthly pay period with the pay period dates established by the Commissioners' Court.

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

4.01.3 Pay in lieu of vacation (for those qualified) and/or overtime shall be included in the next pay period.

###### **Time Sheets**

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

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

###### **Pay Advances**

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

##### **4.02 Compensation**

###### **Application**

4.02.1 This policy shall apply to all County employees except law enforcement employees.

4.02.2 Compensation for law enforcement employees shall be in accordance with the policies established in the Sheriff's Department which are based on the 28 day, 171 hour work week.

###### **Salaried Employees**

4.02.3 All County employees, except temporary employees, shall be paid on a monthly salary basis.

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

- 4.02.5 For part-time employees, the monthly salary compensates the employee for all hours worked in a workweek up to the amount designated by the County for the position.
- 4.02.6 Salaried employees shall be paid for half their monthly salary on each pay day.

#### **Temporary**

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

#### **New Employees**

- 4.02.8 Newly hired salaried employees may be paid at a rate that is less than the base pay for the position, provided this does not bring their regular rate below the federal minimum wage.

### **4.03 Payroll Deductions**

#### **Required Deductions**

- 4.03.1 Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law.

#### **Retirement**

- 4.03.2 Employees eligible for membership in the Texas County & District Retirement System shall have their contributions to that system deducted from each paycheck.

#### **Optional Deductions**

- 4.03.3 Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.
- 4.03.4 No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's office.

### **4.04 Work Schedule and Workweek**

- 4.04.1 The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday.

#### **Exceptions**

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

4.04.3 The need for schedules that vary from the normal schedule shall be determined by each department head.

#### **Workday**

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

#### **Workweek**

4.04.5 For purposes of record keeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Deaf Smith County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive workdays later (168 hours).

### **4.05 Hours Worked and Overtime**

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

#### **Overtime Application**

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

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

#### **Overtime**

4.05.4 Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek.

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

4.05.6 Hours shall not be counted as overtime should an employee come in from a scheduled vacation day.

4.05.7 Except in emergency situations, an employee shall be required to have written authorization from they/their supervisor before working overtime.

### **4.06 Overtime Compensation**

4.06.1 This policy shall apply to all County employees eligible for overtime compensation under the Fair Labor Standards Act (FLSA) except for law enforcement employees.

4.06.2 Overtime for law enforcement employees shall be handled in accordance with the policy for overtime compensation established by the Sheriff's Department.

### **Overtime Compensation**

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

4.06.4 Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half (1 1/2) times the amount of overtime worked.

### **Maximum Compensatory Time**

4.06.5 The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 80 hours.

4.06.6 When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 1/2) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

### **Use of Compensatory Time**

4.06.7 Employees shall be allowed to use earned time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Law Enforcement employees' policy may vary.

4.06.8 Compensatory time may be used for any purpose desired by the employee.

### **Termination**

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

### **Buy Back of Compensatory Time**

4.06.10 The County shall retain the right to "buy back" all or part of an employee's unused compensatory time. This might be one person or department or more as decided by the Commissioners court.

### **Cash Payment for Overtime**

4.06.11 The County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 1/2) the employee's regular rate of pay.

### **Record Keeping**

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

4.06.13 The department head shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee in they/their department and shall report it to the County Treasurer, See Form.

### **Other Issues**

4.06.14 Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the Fair Labor Standards Act and the regulations issued by the Department of Labor to administer that Act.

## **4.07 Longevity Pay**

### **Eligibility**

4.07.1 All full-time regular employees shall be eligible for the longevity pay benefit.

4.07.2 An employee shall be required to work a minimum of five years in an eligible full-time position before receiving longevity pay.

### **Amount**

4.07.3 Longevity pay shall equal \$10.00 per month for each completed full year of employment after five years of continuous employment. (Example: After an employee completes the initial five years of employment in an eligible position, the longevity pay for the next 12 months will be \$600.00 based on 60 months at \$10.00 per month. The longevity pay at the end of six years will be \$720.00 based on 72 months at \$10.00 per month.)

### **Payment**

4.07.4 When an employee becomes eligible for longevity pay, that pay shall be prorated over the pay period for the next 12 months beginning with the pay period ending after the anniversary date that the employee first became eligible for longevity pay or became eligible for an increase in longevity pay. (Example: An employee completes



five years of employment on April 1. The longevity pay would be added to the employee's paycheck at a rate of \$25.00 starting with the paycheck issued on April 15, and would continue for 24 pay periods. When the employee completes six years of employment the following year, the longevity pay will be increased to \$30.00 per paycheck for the following 24 pay periods and so on.)

### **Maximum**

4.07.5 The maximum amount of longevity pay that an employee shall be eligible for in any one year is \$1,500.00 which is equivalent to \$62.50 per pay period or \$125.00 per month.

### **Termination**

4.07.6 If an employee terminates, for any reason, and is subsequently rehired, the employee shall be required to work a minimum of five more years in an eligible position before receiving longevity pay.

## **5. Grievances**

### **5.01 Procedure**

5.01.1 Any employee having a grievance related to they/their job should discuss the grievance with they/their immediate supervisor.

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

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

## **6. Policy on Discipline**

### **6.01 Discipline**

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

### **Types of Discipline**

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

### **At Will Employment**

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

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

## **7. Drugs and Alcohol**

### **7.01 Purpose of Policy**

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

### **Applicability**

7.01.2 This policy shall apply to all hired employees of Deaf Smith County regardless of rank or position and shall include temporary and part-time employees.

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

### **Policy Violation**

7.01.4 The following shall be a violation of this policy:

a. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property.

b. Being under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

c. The unauthorized possession or use of prescription or over-the-counter drugs while on County property or while on duty for the County.

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

e. Conviction of a Class A or B Misdemeanor or higher for the use or abuse of alcohol or drugs whether on or off County property.

### **Definitions**

7.01.5 A controlled substance shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C.S 812), as amended. (A copy of this information is available for review in the Treasurer's office.)

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

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

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

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

7.01.10 Under the influence shall be defined as a state of having a blood alcohol concentration of 0.04 or more.

### **7.02 Suspicion-Based Testing**

7.02.1 Reasonable Suspicion: If an employee is having work performance problems or displaying behavior that may be alcohol or drug-related or is otherwise demonstrating conduct that may be in violation of this Drug and Alcohol Policy where immediate

management action is necessary, a supervisor, with the concurrence of the Alcohol and Drug Program Administrator\*, will require that employee to submit to a breath test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):

- a) Abnormally dilated or constricted pupils
- b) Glazed stare - redness of eyes (sclera)
- c) Flushed face
- d) Change of speech (i.e. faster or slower)
- e) Constant sniffing
- f) Increased absences
- g) Redness under nose
- h) Sudden weight loss
- i) Needle marks
- j) Change in personality (i.e. paranoia)
- k) Increased appetite for sweets
- l) Forgetfulness-performance faltering-poor concentration
- m) Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- n) Constant fatigue or hyperactivity
- o) Smell of alcohol
- p) Slurred speech
- q) Difficulty walking
- r) Excessive, unexplained absences
- s) Dulled mental processes
- t) Slowed reaction rate

### **Process if Reasonable Suspicion applies**

7.02.2 Elected officials or supervisors must take action if they have reason to believe one or more of the above-listed conditions is indicated, and that the substance abuse is affecting their employee's job performance or behavior in any manner. A supervisor observing such conditions will take the following actions immediately:

- a) Confront the employee involved and keep him/her under direct observation until the situation is resolved. Inform the employee of the problems with they/their job performance and specific violations of the County Policy.
  - b) Contact the Alcohol and Drug Program Administrator and inform him/her of the situation.
  - c) After discussing the circumstances with the elected official or supervisor, the Alcohol and Drug Program Administrator will arrange to observe or talk with the employee. If they/their believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that they/their will be terminated.
  - d) Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
- 7.02.3 The Alcohol and Drug Program Administrator will remove or cause the removal of the employee from the County workstation and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to drive a vehicle while conducting county business until a confirmed negative test result is received.
- 7.02.4 The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems, and present such documentation to the Alcohol and Drug Program Administrator.

### **7.03 Pre-employment Testing**

- 7.03.1 The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems, and present such documentation to the Alcohol and Drug Program Administrator.

### **Post-Serious Accident Testing**

7.03.2 All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested. This will be at the discretion of their elected official or supervisor and the Alcohol and Drug Program Administrator.

#### **7.04 Testing Procedures**

7.04.1 Any elected official or supervisor who requests an employee to be tested will first contact the Alcohol and Drug Program Administrator for authorization of the test. They must give the documentation for the reasonable suspicion to the Alcohol and Drug Program Administrator and they/their will investigate the matter.

- a) The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
- b) Tests that may be required may include a breathalyzer, urinalysis, and/or blood test.
- c) In case of a urinalysis, an observed specimen will be collected. The specimen will be collected and sealed in an appropriate container which will then be laboratory tested. If the result of the test is positive, an alternative method will be used by the testing facility to confirm the result of that specimen.
- d) The employee will sign the chain of custody form in the presence of the designated medical representative and a chain of custody will be signed by each person thereafter who handles the specimen.
- e) If the employee desires another test to be given, they/their may do so within two  
(2) hours of the specimen being collected and the same specimen (whether blood or urine) will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Deaf Smith County.
- f) The employee will be suspended with pay until the tests results are known. The Alcohol and Drug Program Administrator will make arrangements to ensure that the employee is safely returned to they/their residence.
- g) Confidentiality: Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

#### **Refusal to Be Tested**

7.04.2 Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug test when requested is cause for termination.

### **Policy Violations**

7.04.3 Any employee who violates this drug and alcohol policy shall be terminated.

### **Prescription Drugs**

7.04.4 Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity.

7.04.5 Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.

7.04.6 Prescription medications used at work are to be kept in their original container.

### **Treatment**

7.04.7 Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals.

### **Reservation of Rights**

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

\*

**Order No. 6584**

**"The County Judge Is Appointed Alcohol and Drug Program Administrator with the County Clerk Serving as the Alternate."**

## **8. Separations**

### **8.01 Policy on Separations**

#### **Definition**

8.01.1 A separation shall be defined as any situation in which the employer/employee relationship between the County and County employee ends.

## **8.02 Types of Separation**

- 8.02.1 All separations from Deaf Smith County shall be designated as one of the following types:
- a) Resignation
  - b) Retirement
  - c) Dismissal
  - d) Reduction in force (layoff)
  - e) Death
  - f) Other

### **Resignation**

- 8.02.2 A resignation shall be classified as any situation in which an employee voluntarily leaves they/their employment with Deaf Smith County and the separation does not fall into one of the other categories.
- 8.02.3 Employees who resign should submit a written notice of resignation to they/their supervisor.
- 8.02.4 Benefits paid upon leaving Deaf Smith County Employment:
- a) Vacation time accrued
  - b) Compensatory time accrued
  - c) No sick time, holiday, floating holiday, or United Way Day will be paid upon leaving the county.

### **Retirement**

- 8.02.5 A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave the employment with the County to do so.
- 8.02.6 An employee who is retiring should notify they/their supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

## **8.03 Dismissal**

- 8.03.1 A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation.
- 8.03.2 Deaf Smith County is an "at will" employer, and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.



8.03.3 An employee shall be separated from employment because of a reduction in force when they/their position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

#### **Death**

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

8.03.5 If an employee dies while still employed by the County, they/their designated beneficiary or estate shall receive all earned pay and payable benefits.

#### **Other**

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

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

#### **Notification**

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

#### **Fine**

8.03.9 Upon separation from employment, employee will return the personnel policy to their supervisor, or a \$25 deduction will be taken from employee's last paycheck.

### **8.04 Retiree Rehires**

8.04.1 Retired employees shall be eligible to apply for open positions with Deaf Smith County if the following provisions are met:

- a) The retiree has been retired for at least 6 calendar months, **(TCDRS requires at least a full calendar month break in service with no pre-arrange return.)**
- b) No prior arrangement of agreement was made between Deaf Smith County and the retiree for re-employment, and
- c) Strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

8.04.2 The retiree must have a bona fide separation of employment and have been retired for a minimum of 6 calendar months. A bona fide separation means there is no prior agreement or understanding between Deaf Smith County and the retiree that would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

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