

# **BREWSTER COUNTY**

# **EMPLOYEE HANDBOOK**

# BREWSTER COUNTY EMPLOYEE HANDBOOK

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## **EMPLOYEE HANDBOOK ACKNOWLEDGMENT**

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

**I further understand that the Brewster County Employee Handbook is not a contract of employment. I understand that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.**

**I understand that this employee handbook is intended to provide guidance in understanding Brewster County policies, practices and benefits. Except for the policy of "At-Will" employment, I understand that Brewster County retains the right to change this handbook, and to modify or cancel any of its employee benefits when the need for change is recognized.**

**I further understand that as a Brewster County employee, I have a personal responsibility to provide quality service to the public, to achieve the highest degree of safety possible for my fellow workers, to continually make suggestions for improvements and to display a spirit of teamwork and cooperation.**

**I have read these policies and understand that I must abide by and adhere to these policies.**

---

**Signature of Employee**

---

**Printed Name of Employee**

---

**Date Signed**

**COUNTY OF BREWSTER  
COMMISSIONERS COURT ORDER**

**WHEREAS the Commissioners Court of Brewster County wishes to comply with various laws applicable to public employers in the employment relationship; and**

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

**WHEREAS the Brewster County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County:**

**THEREFORE, BE IT RESOLVED that the Brewster County Commissioners Court and the County Judge hereby approve and adopt the BREWSTER COUNTY EMPLOYEE HANDBOOK.**

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

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

\_\_\_\_\_  
**Commissioner, Pct. 1**

\_\_\_\_\_  
**Commissioner, Pct. 2**

\_\_\_\_\_  
**Commissioner, Pct. 3**

\_\_\_\_\_  
**Commissioner, Pct. 4**

**Witnessed and Attested By:**

\_\_\_\_\_  
**Brewster County Clerk**

# **SECTION 1: GENERAL POLICIES**

## **A. COUNTY EMPLOYMENT**

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

All employment with Brewster County shall be considered "at will" employment. No contract of employment shall exist between any individual and Brewster County for any duration, either specified or unspecified.

Brewster 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.

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

### **1A-2 EMPLOYEE STATUS**

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

Employee status for County positions is as follows:

**A. REGULAR FULL TIME:** A full time employee is any employee in a position which has a normal work schedule of at least 40 hours per week.

1. Regular Full time employees are eligible for all county benefits.
2. Regular full time employees may be non-exempt, hourly employees or exempt employees.
3. Non-exempt employees are eligible for overtime compensation.
4. Exempt employees are not eligible for overtime compensation.
5. Brewster County makes exempt status determination based on the Fair Labor Standards Act.

**B. REGULAR PART TIME:** For general County Employment purposes, a part time employee shall be any employee in a position which has a normal work schedule of less than 30 hours per week.

1. All regular part time employees are included in the TCDRS retirement plan regardless of the number of hours worked per week.
2. Regular part time employees are eligible for vacation and sick leave.
3. For purposes of health insurance coverage only, as related to regular part time employees, see 2B-1.

**C. TEMPORARY:** A temporary employee shall be any employee who is hired for a position which is expected to last for some specific duration or until a specific project is completed.

1. Temporary employees may have work schedules as assigned by their manager.
2. Temporary employees are not entitled to any county benefits.

#### **1A-3 EQUAL EMPLOYMENT OPPORTUNITY**

It shall be the policy of Brewster County to be an equal opportunity employer. Race, color, religion, national origin, sex, age, genetic information, pregnancy and disability, or any other condition or status protected by law 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) exists. If you desire any type of accommodation as a result of any condition or status protected by law, please advise your elected or appointed Department Head, the County Judge or the County Attorney.

#### **1A-4 AMERICANS WITH DISABILITIES**

Brewster County is committed to the fair and equal employment of individuals with disabilities. It is Brewster County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, contact your Elected Department Head, appointed official, or the County Attorney. Reasonable accommodation shall be

determined through the interactive process of consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

It is the policy of Brewster County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected or appointed Department Head, County Judge or County Attorney. All elected officials, appointed officials, Department Heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

#### **1A-5 PERSONNEL FILES**

The Brewster County Treasurer's Office maintains basic employee information related to compensation and benefits.

Each County department will also retain other employee information in an individual personnel file. This file will include pertinent employment documents such as resume, application, and records related to performance & discipline.

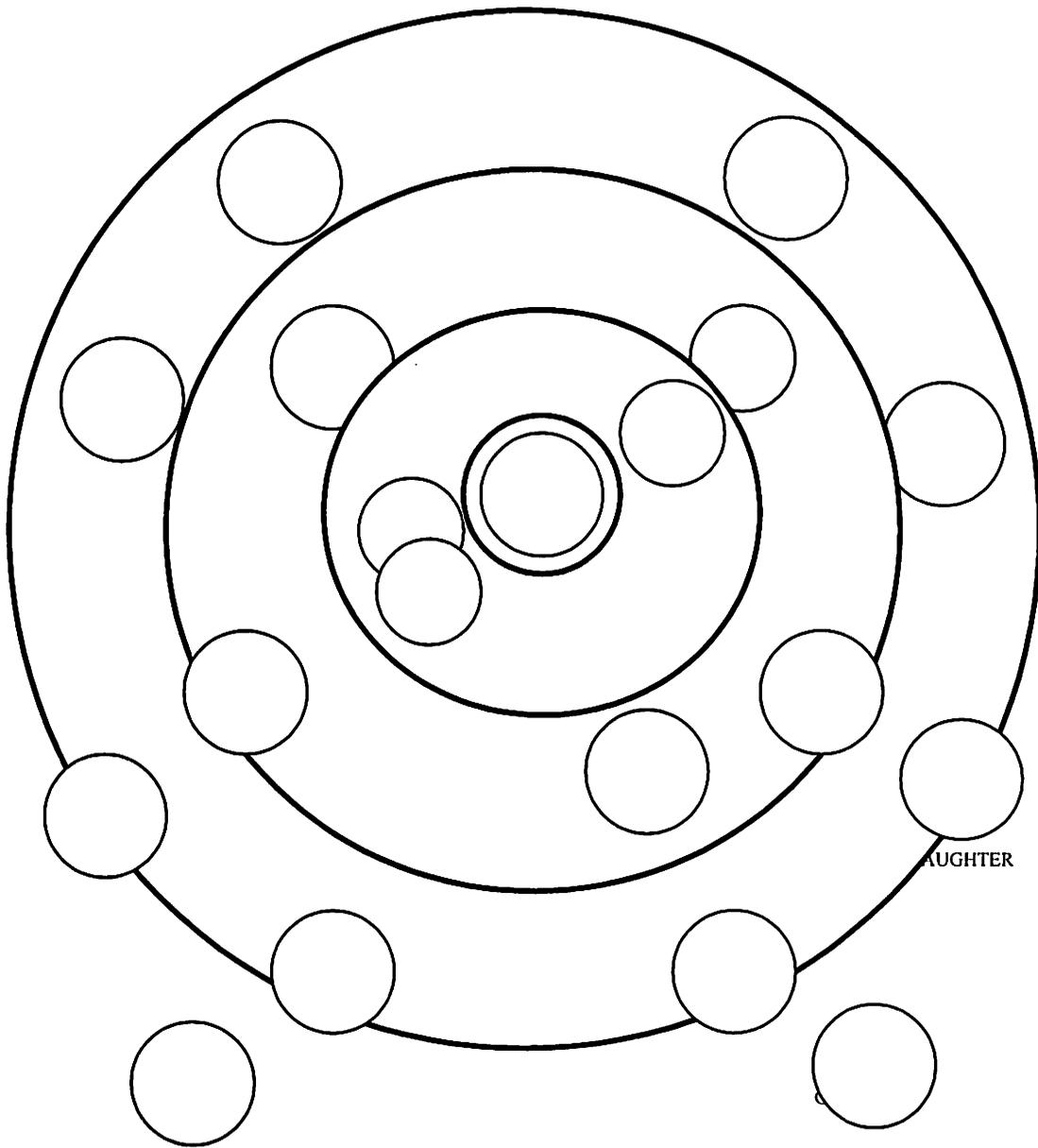
It is important that the personnel records of Brewster County be accurate at all times. In order to avoid issues, compromising benefit eligibility or having W2's returned, Brewster County employees must promptly notify the Treasurer's office and their Department Head of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

Texas State Law requires that all governmental entities release the home address and telephone number of employees if requested to do so. Employees may keep this information private by requesting in writing not to allow this information to be released.

#### **1A-6 NEPOTISM**

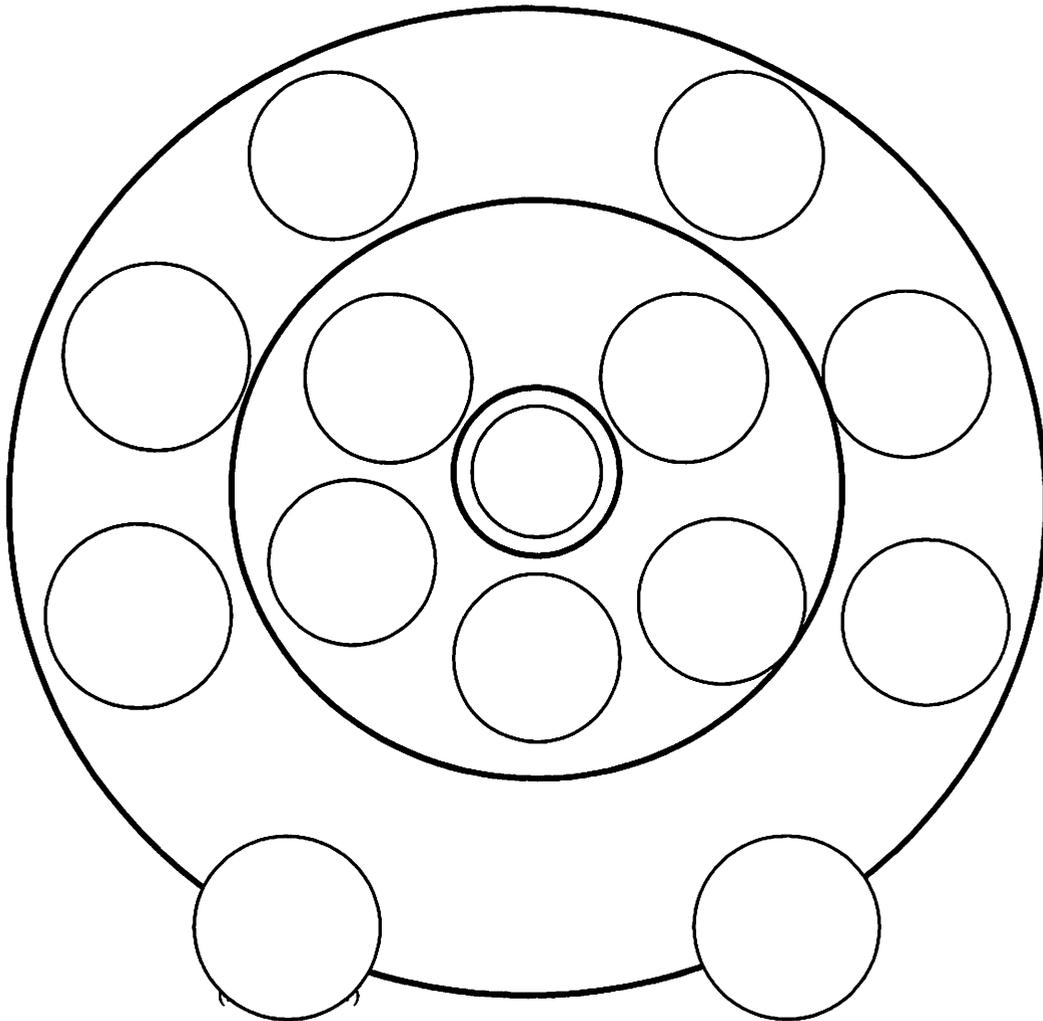
In accordance with the Texas Government Code Chapter 573 on nepotism, an elected or appointed official of Brewster County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over.

A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)



**Consanguinity Kinship Chart  
(Blood)**

**TEXAS NEPOTISM CHART  
CIVIL LAW METHOD**



**Affinity Kinship Chart  
(Marriage)**

**TEXAS NEPOTISM CHART  
CIVIL LAW METHOD**

## **1A-7 HIRING PRACTICES**

Each County Department Head is responsible for the selection and hiring of his/her employees. The County has two methods of selecting persons to fill vacancies: (1) promotion from within, and (2) public announcement and competitive consideration of applications for employment.

If two or more applicants have substantially equal qualifications and one is a current county employee, the current County employee may be given preference over the other applicants.

Each Department Head, when utilizing competitive selection, will make a good faith effort to publicize vacancies. Vacancies must be published on the County website and bulletin boards, and other means as deemed appropriate.

Each County Department Head is responsible for establishing appropriate job application forms for his/her department.

Each County Department Head will establish job descriptions which set out the required knowledge, skills, abilities, experience, training, licenses and physical requirements for each position in that Department. Each County Department Head is responsible for keeping job descriptions current.

All new hires will be subject to a drug screen and background check.

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

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

Employees are required to give a full day's work for a full day's pay, to carry out efficiently the work assigned as their responsibility, to maintain good public conduct and to do their part in maintaining a good relationship with the public, their supervising county official and their fellow County employees.

All Brewster County employees are expected to be punctual and demonstrate consistent attendance.

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor, unless prior approval for absence is given by

the employee's supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

If an employee is unable to be at work at their normal reporting time, that employee shall notify his/her supervisor at least two hours prior to the scheduled start of their reporting time, or as soon as it is reasonably practical in the case of an emergency.

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

Each supervisor shall be responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.

Frequent unexcused absences or tardiness shall make an employee subject to disciplinary measures, up to and including termination of employment.

An employee who does not report for work for three (3) consecutive scheduled work days, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment.

### **1B-2 APPROPRIATE DRESS / DEMEANOR**

Employees of the County are hired to perform various tasks in a professional manner. A professional appearance is an important part of presenting a competent, positive image to the public.

Brewster County expects all employees to be well-groomed, clean, and neat at all times. All employees should maintain a professional appearance appropriate for their department. Each department head retains the option to establish higher standards of dress and grooming. Some county departments may require that uniforms be worn while on duty.

County Employees are expected to act in a professional manner and to extend the highest courtesy to co-workers and to the public. A polite, positive and cooperative attitude is essential to public service.

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

Brewster County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in county buildings is strictly prohibited. Additionally, no smoking is allowed within ten (10) feet of exterior entranceways.

### **1B-4 CONFLICT OF INTEREST & OUTSIDE EMPLOYMENT**

**CONFLICTS:** Employees of Brewster 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 his/her ability to make objective decisions in regard to his/her work and responsibility as a Brewster County employee.

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination.

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

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

## **1B-5 HARASSMENT**

Brewster County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County employees shall not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

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

Brewster County employees are expected to give their full and undivided attention to their job duties. They should not use Brewster County facilities or equipment or their association with Brewster County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, county employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Brewster County that interferes with the employee's assigned duties with Brewster County.

## **1B-9 BREAKS**

The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child. Brewster County supports the practice of expressing breast milk.

Brewster County will provide reasonable paid breaks for nursing mothers to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

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

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

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

## **1B-10 GRIEVANCES**

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor.

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

If the employee is still not satisfied or has not received resolution, the employee should contact either the County Judge or the County Attorney.

## **1B-11 DISCIPLINE**

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

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

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

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

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

Brewster 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, any licenses or certification required for their employment, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the

position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

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

As a general practice, Brewster County offices do not close unless the health, safety, and security of county employees and of the public are impacted by inclement weather or an emergency. The County Judge, or if the County Judge is not available, County Commissioners in order of seniority, are responsible for initiating the closing of county offices and providing the public and employees with notice of the closing, using the best means practicable under the circumstances.

Some county departments are continuously operating public safety or public service departments. Therefore, county personnel assigned to these departments will be required to work during emergency closings. Each department head is responsible for designating its own employees and providing alternate information to personnel designated as essential during emergency closings.

Employees who cannot travel to the courthouse for work will be excused as long as the Texas Department of Transportation and the Emergency Management Department, with advice from the Sheriff's Office and/or the County Judge, determine that doing so would be dangerous.

Courthouse and ancillary employees should listen to KVLV 1240 AM and/or check the County website and social media for information about closings related to weather.

### **1B-14 CONFIDENTIALITY**

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

All requests for public information related to an employee or elected officials' personal information will be reviewed by the County Attorney, prior to release. Such information will be released only as provided by Texas Law.

## **1B-15 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Brewster County Policy or federal or state law to his or her supervisor, department head, or Brewster, 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 County Attorney or District Attorney. 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, reports an alleged violation of County policy or federal or state law to a 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 he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact either the County Attorney or District Attorney.

An employee with a question regarding this policy should contact the County Judge.

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

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

County employees shall be responsible for the care, maintenance, proper use, and upkeep of any county equipment assigned to or used by them. County employees shall only use equipment, tools, and other county property and vehicles that they are authorized to use. County employees shall not affix any political, religious, commercial, or personal messages and/or symbols to any County property. Personal use of county equipment, supplies and/or vehicles is not permitted, unless expressly authorized by Commissioners Court.

To the same extent that the general public has the right to utilize certain county property, for instance, use of certain county facilities or some copy machines (for a fee), county employees may utilize that property, on the same terms and conditions as the public.

## **1C-2 COUNTY WORKSPACE & OFFICES**

County Department Heads and employees have assigned office workspace in County facilities. Workspace in the County's Alpine offices is assigned by the County Judge. Workspace in Marathon County offices is assigned by Commissioner, Pct. 3. County workspace in South Brewster County is assigned by Commissioner, Pct. 2.

All Department Heads and County employees are expected to maintain their County offices and workspaces in an orderly, accessible, clean fashion. Floors will be kept clear of obstructions and clutter, such as boxes, electrical cords and cables, etc. County Offices and workspace are for conduct of public business and should appear professional.

Some County buildings are historic buildings. Many walls in older county offices are fragile. Therefore, any items displayed on walls in all county offices will be hung or be mounted, so as not to cause damage to the walls.

Courthouse corridors and other corridors in County buildings will be kept clear for access and may not be used for storage. Exterior and interior doorways and staircases must be kept clear of obstructions, at all times.

To help minimize insects and rodents in County buildings, any snacks or other food left in County offices must be kept in sealed containers.

The County has limited office space. Storage space in county buildings is especially limited. Accordingly, all County Departments will strive to adhere to State Records Management schedules, to avoid retaining duplicative or outdated materials and to properly and promptly dispose of outdated, worn out or unused equipment. (Contact the County Judge's Office for procedures regarding the disposal of old equipment and furnishings).

## **1C-3 REPORTING CONDITIONS REQUIRING REPAIRS**

County Employees should report any conditions in County Facilities requiring repairs to their Department Head.

## **1C-4 COUNTY VEHICLE USAGE / DRIVERS LICENSE**

Some employees may be required to use county vehicles as a part of their job. Employees who are assigned county vehicles shall be responsible for the care,

maintenance, proper use and upkeep of the vehicle. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

If personal use of a county vehicle is permitted, the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be taxed at the current IRS rate in accordance with IRS rules and regulations. Commissioners Court must approve all personal use of any county vehicles.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in status of their license they must immediately notify their supervisor. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion or termination if that license is suspended or revoked.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle insurance carrier, even though the employee's license has not been revoked or suspended, shall be subject to possible job change, demotion or termination.

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to that employee's Department Head, the County Judge and County Treasurer.

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

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

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

Use of Brewster 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.

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

Employees should not bring personal computers to the workplace or connect them to Brewster County electronic systems, unless expressly permitted to do so by their supervisor and or IT department. Violation of this policy, may result in disciplinary action, up to and including termination of employment.

#### **1C-6 REPORTING ACCIDENTS ON COUNTY PROPERTY OR INVOLVING COUNTY VEHICLES OR EQUIPMENT**

County Employees must immediately (by next business day) report any accidents occurring on County property or involving County vehicles and equipment to the Treasurer's Office and County Judge's Office.

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

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

All Brewster County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses.

Employees may use paid leave for all workers' compensation time off less than 8 days.

All employees who are placed on Worker's Compensation leave will fall under the Family Medical Leave Act. Brewster County runs FMLA and Worker's Compensation concurrently.

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

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

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

### **1D-2 EMPLOYEE SAFETY**

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

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

Failure to follow the safety standards set by the County or an employee's supervisor shall make an employee subject to disciplinary action, up to and including termination.

Employees seeing unsafe working conditions shall take steps to correct those conditions and report the unsafe conditions to their supervisor, along with any corrective action which the employee had taken.

### **1D-3 DRUG AND ALCOHOL FREE WORKPLACE- ALL EMPLOYEES**

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

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

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

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

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

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use 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.

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

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

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

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

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

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

#### **1D-4 DRUGS AND ALCOHOL- CDL EMPLOYEES**

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

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

Specifically, it is the policy of Brewster County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who

operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Brewster County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

A detailed policy and procedure is available at the County Road & Bridge Department office.

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

Brewster County is committed to providing a workplace free of violence. To that end, Commissioners Court adopted a Courthouse Security Policy on September 28, 2010; that policy is made a part of this manual.

Brewster 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 are inappropriate or might make another employee suspicious or 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 Office.

Possession of any firearm or weapon without an appropriate permit issued pursuant to Texas Law is prohibited in all County offices and buildings owned or used by Brewster County, and County-owned vehicles. If employees believe that an unauthorized weapon is on County premises they should immediately report this to their immediate supervisor or the Sheriff's Office. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

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

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

Brewster 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 Brewster County among the community at large. Brewster 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.

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

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

- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

**SECTION 2:  
EMPLOYEE  
COMPENSATION  
AND BENEFITS**

## **A. EMPLOYEE PAYROLL**

### **2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR**

Brewster 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, Brewster County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.

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. Do not sign your time card if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must notify the Treasurer's Office.

It is a violation of Brewster County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Treasurer's Office.

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

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

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons: 1) partial day absences for personal reasons, sickness or disability; or 2) your absence because the facility is closed on a scheduled work day; or 3) your absence because of the County's operating requirements; or 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or 5) any other deductions prohibited by state or federal law.

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 absences for personal reasons, sickness or disability.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the Treasurer's Office. 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 may result in disciplinary action, up to and including termination.

## **2A-2 IRS FRINGE BENEFITS**

Brewster County will comply with IRS regulations in regard to fringe benefits such as County uniforms, County vehicle usage and day-trip meals. You may be responsible for paying taxes when you receive such fringe benefits.

## **2A-3 COMPENSATION**

Brewster County Commissioners Court sets the maximum compensation for each employee in accordance with Texas State Law.

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

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Brewster County shall begin at 12:01 a.m. on each Monday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 28 days and 172 hours as established by the Brewster County Commissioners Court.

All non-exempt County employees shall be paid an hourly wage. Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. Exempt employees shall receive a weekly salary for all hours worked. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in any work week.

For part time regular employees, the monthly salary compensates the employee for all hours worked in a work week up to the amount designated by the County for the position.

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

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

A. Deductions shall be made from each employee's paycheck for federal withholding, Social Security, Medicare, and any other deductions required by law.

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

B. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

No optional deduction shall be made from an employee's paycheck unless the employee provides written authorization for the deduction to the Treasurer's Office.

Current optional deductions include dental & vision insurance, a 457 tax deferred retirement savings plan, a regular savings plan, accident, life, long-term disability and short-term disability. Commissioners Court may change or eliminate these authorized plans at any time, for any reason.

## **2A-5 TIMESHEETS & TIME CARDS**

Each employee shall be required to fill out a time sheet to be turned in to their supervisor on the Monday before the Friday pay date. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. 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.

Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record, is a criminal offense.

Some County Departments utilize time clocks. Employees of these departments are required to utilize the time clock and time card, as directed by their supervisor.

## **2A-6 PAY PERIODS**

The pay period for Brewster County shall be bi-weekly, payable every other Friday to equal a total of 26 pay periods in a year with the pay period dates established by the Commissioners' Court. If a payday falls on a holiday, paychecks shall be issued on the last workday immediately preceding the holiday.

## **2A-7 WORK SCHEDULES**

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

## **2A-8 HOURS WORKED**

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

## **2A-9 OVERTIME CALCULATIONS AND RULES**

Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-law enforcement employees; 86 hours per 14-day work period for certified law enforcement officers and certified detention officers).

For non-law enforcement employees, overtime begins to accrue after the 40<sup>th</sup> hour worked during the seven-day work week. For law enforcement employees as defined above, overtime begins to accrue after the 86<sup>th</sup> hour worked during the 14-day work period.

## **2A-10 BUDGETED AND NON BUDGETED OVERTIME**

### **A. Budgeted Overtime:**

1. All budgeted overtime must be authorized in writing by the Employee's Supervisor or Department Head, prior to working overtime hours.

2. All Department Heads and Supervisors are responsible for regularly monitoring the status of their budgeted overtime, in cooperation with the Treasurer's Office.

Department Heads and Supervisors shall not authorize overtime which exceeds a Department's budgeted overtime, except in emergency situations, as set out in 2A-11b.

3. For purposes of this section only, budgeted overtime also includes budgeted overtime funds in awarded grants.

**B. Non Budgeted Overtime:**

1. During emergencies, all County employees may be required to provide services in addition to normal hours or on weekends and holidays.

2. Non budgeted overtime may be worked only in the case of emergencies which constitute an eminent threat to life or property.

3. Non budgeted overtime due to such emergencies must be authorized in writing by a Supervisor or Department Head and also be presented to Commissioners Court for approval at the next scheduled Commissioners Court meeting following the emergency. Requests for approval of non budgeted overtime shall fully set out the nature of the emergency, the number of overtime hours worked and the employees who worked those overtime hours.

4. Non budgeted overtime may also be approved in other special circumstances, only upon specific authorization of Commissioners Court, prior to the performance of the overtime.

**2A-11 DEMOTIONS**

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or Department Heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downwards.

## **2A-12 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary.

Elected officials, appointed officials or Department Heads may transfer a qualified employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-13 PROMOTIONS**

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary.

Elected officials, appointed officials or Department Heads may promote a qualified employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court. Any increased salary or wages resulting from a promotion must be approved by Commissioners Court.

## **2A-14 SEPARATIONS**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Brewster County shall be designated as one of the following types:

(1) resignation; (2) retirement; (3) dismissal; (4) reduction in force; or (5) death.

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

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 employment with the County to do so. An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

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

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

A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, their designated beneficiary or estate shall receive all earned pay and payable benefits.

## **2A-15 RETIREE REHIRES**

(Texas County and District Retirement System requires at least a full calendar month break in service with no pre-arranged return)

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

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

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

#### **2A-16 NO ALLOWANCES OR CREDIT**

No pay advances or loans against future pay will be made to any employee or elected Department Head.

### **B. EMPLOYEE BENEFITS**

#### **2B-1 HEALTH INSURANCE AND DENTAL & VISION INSURANCE**

All full time regular employees of Brewster County shall be eligible for County paid group health insurance through the Texas Association of Counties Health and Employee Benefit Pool (TAC HEBP). Employees become eligible for group health insurance only upon employment by Brewster County for 90 consecutive days.

For the purpose of health insurance coverage, regular full time employees are defined as those working 40 hours per week or more.

Eligible employees may enroll their qualified dependents in group health insurance through TAC HEBP by paying the full premium for the dependents. Payment for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Brewster County offers group dental and vision plans; however, employees are responsible for the full cost of these plans.

Details of coverage under the group health insurance plan and dental & vision plans are available in the County Treasurer's Office and may be obtained during normal work hours for that office.

Employees who leave the employment of Brewster County or lose their health insurance eligibility may be eligible for an extension of coverage for

themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA, they will be offered COBRA if eligible. Information on extension of benefits under COBRA is available in the County Treasurer's Office and may be obtained during normal work hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information within 14 days of their termination.

**2B-2 OTHER INSURANCE – LIFE, SUPPLEMENTAL AND SAVINGS**

The County provides a limited amount of paid group term life insurance for employees through the Texas Association of Counties Health and Employee Benefit Pool (TAC HEBP) and through the Texas County & District Retirement System (TCDRS).

The County also provides for various optional employee paid plans through payroll deductions. As of the date of Adoption of these policies, these plans were:

1. AFLAC
2. Security Benefits 457 Tax Deferred Retirement Savings Plan
3. First Basin Credit Union Savings Plan

Details of coverage are available in the County Treasurer's Office and may be obtained during normal work hours for that office.

**2B-3 VACATION**

All full-time regular employees shall be eligible for vacation benefits. Part-time regular employees shall be eligible for vacation benefits at half the rate of a full-time employee. Temporary employees are not eligible for vacation benefits.

Employee vacation is determined by the following schedule:

Years of Employment	Vacation Leave Earned Per Pay Period	Maximum Hours to Carry Forward from year to year
Less than 5 Years	3.07 hours	(10 Days) 80 hours
From 5 to 10 years	4.62 hours	(15 Days) 120 hours
More than 10 years	6.14 hours	(20 Days) 160 hours

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of 6 months in such a position before being eligible to take any vacation.

The maximum amount of unused vacation an employee shall be allowed to have at one time varies based on number of years employed. See the table in 2B-3, above. When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.

Scheduling of vacations shall be in the discretion of an employee's department head. To avoid excessive accrued vacation time, all County Department Heads shall make reasonable efforts to see that employees take vacation on a regular basis. Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off. If a holiday falls during an employee's vacation then the employee will not be charged for the vacation.

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 other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

Each employee shall be responsible for accurately recording all vacation time used on their time sheet.

#### **2B-4 SICK LEAVE**

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

All full-time regular employees shall accrue sick leave at a rate of 3.69 hours per pay period. Part-time regular employees shall accrue sick leave at a rate of 1.85 hours per pay period. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit. The maximum amount of unused sick leave an employee shall be allowed to have at any time is 240 hours in accordance with FMLA.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical

professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, or other relative living in the employee's home who is dependent on the employee for care.

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

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

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

#### **2B-4a SICK LEAVE POOL**

Brewster County Employees may voluntarily participate in the County Sick Leave Pool, pursuant to Commissioners Court Order adopted on November 23, 1999. For information concerning the sick leave pool, contact the County Treasurer's Office. Eligibility for use of the Sick Leave Pool shall be determined by a committee consisting of the County Treasurer, County Clerk and a County Commissioner.

#### **2B-5 HOLIDAY**

All full time regular and part-time regular employees shall be eligible for paid holiday benefits, immediately upon beginning employment by Brewster County.

County holidays for the following calendar year shall be determined by the Brewster County Commissioners' Court.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance. Any employee who is required to work on a holiday will be paid at a rate of time-and-a-half, in accordance with FLSA.

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

Holidays do not accrue and if holidays are not taken, will not be paid at termination.

#### **2B-6 SOCIAL SECURITY/MEDICARE**

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

#### **2B-7 FMLA/MFL**

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

Family or medical leave under this policy may be taken for the following situations: 1) the birth of a child and in order to care for that child; 2) the placement of a child in the employee's home for adoption or foster care; 3) to care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition; 4) the serious health condition of the employee that make the employee unable to perform the essential functions of their job; 5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country; 6) to care for a covered service member (Regular, Reserve or

National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or 7) to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

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

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

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

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave: 1) leave may be taken to address any issue that arises because the covered military member was given seven or less days notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty; 2) leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member; 3) leave may be taken to attend family support or

assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member; 4) leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member; 5) leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active duty status in a foreign country; 6) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status; 7) leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member; 8) leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation; 9) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status; 10) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 12) 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 13) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

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

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

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

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

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

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

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

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time,

then vacation, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The County may send out to an employee who has been out for three or more days a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

#### **2B-8 JURY DUTY & COURT APPEARANCES**

Employees of Brewster County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.

Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

Employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require. If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

#### **2B-9 FUNERAL LEAVE**

Employees shall be allowed up to three days leave with pay for a death in the immediate family. For purpose of this policy, immediate family shall include the employee's: spouse, children or step-children, siblings, parents, grandparents, and spouse's parents.

Employees may be allowed time off with pay, on not over two occasions per year, up to a maximum of 2½ hours each, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend.

If funeral 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.

## **2B-10 MILITARY LEAVE**

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

An employee going on military leave shall provide his or her supervisor with a set of orders within two (2) business days after receiving them.

Brewster County employees who leave their positions 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.

## **C. RETIREMENT BENEFITS**

### **2C-1 RETIREMENT ACCOUNT**

All regular employees shall be eligible for the retirement benefit through the Texas County and District Retirement System (TCDRS). Temporary employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Brewster County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS.

Information on the retirement program including retirement eligibility requirements may be obtained in the County Treasurer's Office during normal work hours.

## **2C-2 RETIREE LIFE INSURANCE**

The County provides a limited amount of paid group term life insurance for retirees through the Texas Association of Counties Health and Employee Benefit Pool (TAC HEBP).

Details of coverage are available in the County Treasurer's Office and may be obtained during normal work hours for that office.

## **2C-3 BREWSTER COUNTY POLICY REGARDING RETIREE HEALTH INSURANCE**

**A. PURPOSE:** This Policy regarding retiree health insurance sets forth comprehensive guidelines for Brewster County's provision of health insurance coverage to officials and employees who retire from service with Brewster County government. This Policy is established as a result of the desire to take proactive steps in caring for the County's most valuable asset, its employees, and to promote job retention.

This Policy is intended to memorialize the existing policy regarding retiree health insurance, but provides additional clarification and description of the qualifications criteria and benefits for those County employees and officials who are eligible to receive retiree health insurance benefits.

The following memorializes the conditions in which the Policy will be implemented. This policy is in effect and reaffirmed as of date these policies are adopted.

**B. QUALIFICATIONS AND CONDITIONS OF PARTICIPATION:** In order to qualify for retiree health insurance benefits the following conditions must be met:

1. To be eligible under this Policy, the employee must be a County official or a County employee and:
  - a. Retire under the Texas County and District Retirement System guidelines, and
  - b. Have at least 10 years of prior continuous creditable service with the County, if you started work for the County before September 1, 2000.
  - c. Have at least 15 years of prior continuous creditable service with Brewster County, if you started work for the County on or after

September 1, 2000, and

- d. Be employed with Brewster County at the time of your retirement.
- e. Employees hired on or after January 1, 2017, are not eligible for this benefit.

For purposes of determining eligibility for retiree health insurance benefits under this Policy, the term "prior continuous creditable service" means any period of time during which a county employee is being paid compensation on a full-time basis from the County. For purposes of computing years of "creditable service," full months and major fractions of a month shall be considered to be one-twelfth of a year and shall be added to all full years. A gap of greater than 180 days is considered a break in prior continuous creditable service.

- 2. Brewster County will pay 100% of the premium portion of retiree health Insurance coverage for County officials and County employees who are qualified retirees under this Policy.
- 3. Brewster County will only pay health insurance premiums for the qualified retiree and not premiums for any spouse, member, or dependent of retiree's family.
- 4. Retirees who retire from the County and who are employed by another employer who provides access to health insurance coverage will no longer be eligible for coverage under the County's retiree insurance plan during such time that other employer-sponsored coverage is available. Only when such other employer-sponsored health insurance coverage is not available to a retiree, and he/she meets all other requirements of this Policy, will a retiree be entitled to avail himself/herself of coverage under this retiree health insurance coverage Policy.
- 5. Even though Brewster County will pay 100% of the premium for retiree health insurance coverage, this is not a guarantee that Brewster County will pay all costs related to a retiree's health expenses. Health insurance plans negotiated and contracted for by Brewster County may contain deductibles, split percentage coverage, maximums, out of pocket expenses, prescription drug costs, et cetera.
- 6. Spousal and Dependent Coverage. A retiree who elects to participate in the

retiree health insurance plan may elect to have his or her spouse and dependents participate in the County retiree health insurance plan, at full cost to the retiree for coverage to the spouse and/or dependents. Brewster County will not pay for a spouse's or dependent's coverage on behalf of a retiree health insurance coverage participant. Spousal and dependent coverage will only be afforded to those spouses and dependents of qualified retirees who were covered under the County's health insurance plan at the time of the participating retiree's retirement from County employment.

7. Death of Retiree Participant. A spouse who survives the death of a retiree participant who dies while covered under the County health insurance coverage may elect to continue to participate in the County's health insurance plan at full cost to the surviving spouse. Any dependent who is enrolled at the time of death of a retiree participant may continue to participate at full cost to the dependent until the dependent reaches the age of 26. Any dependent participant will be terminated from coverage upon reaching age 26.
  
8. All participating retirees must timely complete and submit retiree health insurance enrollment paperwork as is required by Brewster County. All premium payments for spouse and dependents must be received on or before the date due. If payments are received late, upon 45 days written notice to the County retiree or surviving spouse, spouses and dependents will be dropped from coverage.
  
9. It is the intent of the Brewster County Commissioners Court that this Policy is a continuation of existing policies which are now being reduced to this written policy in order to ensure equitable treatment of all Brewster County employees, additional clarification and description of the qualifications criteria and benefits for those County employees and officials who are eligible to receive retiree health insurance benefits.

**C. MODIFICATION TO POLICIES:** This Policy may be reviewed and revised at any time by the Commissioners Court. Amendments to plan coverage and plan benefits may be made in the future from time to time by the Commissioners Court, such amendments to be reflected in the minutes of the meetings of the Commissioners Court.

**D. LEGAL AUTHORITY:** This Policy is authorized by Texas Local Government Code Chapter 177.

Reaffirmed & Adopted this 7<sup>th</sup> day of February, 2018.

**SECTION 3:  
PROFESSIONAL  
DEVELOPMENT  
AND TRAVEL**

### **3A-1 PROFESSIONAL DEVELOPMENT**

**General Policy.** Regular full-time and regular part-time county employees are encouraged to take advantage of educational or training opportunities and professional memberships which are related to and will enhance performance of their work with the county. However, such training and/or memberships must be approved by the employee's Department Head and within the Department's budget. Department Heads and employees are encouraged to avail themselves of the most accessible and economical training and educational opportunities.

**Required Attendance at Seminars and Conferences.** When the county requires an employee to attend any educational or training course, conference or seminar, the county will provide the necessary time off with pay and will reimburse the employee for reasonable, documented associated costs, including tuition or registration fees and authorized travel, meals and lodging.

### **3A-2 TRAVEL ON COUNTY BUSINESS**

**General Policy.** Employees are reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of county business, including business-related travel. All employee travel must be authorized by an employee's department head. All travel expense is subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedure, provided that funds are available in the department's budget. In some cases, the county may prepay such expenses as registration fees, hotel costs, airline tickets or other public transportation costs directly to the entity involved.

### **3A-3 SUBSISTENCE EXPENSES**

Employees engaged in necessary and authorized travel in the conduct of county business will be reimbursed for actual cost of reasonable and documented expenses necessary to conduct the business for the county. Prior to reimbursement, the Treasurer's Office must have satisfactory, reasonable documentation of expenses. Reimbursable subsistence expenses will generally be for food, registration, lodging, telephone calls, parking, tolls, and taxi or rental car. Meals will be reimbursed at those rates promulgated by the State Comptroller's Office.

### **3A-4 NON REIMBURSABLE EXPENSES**

Travel expenses for entertainment, alcohol or tips are not reimbursable. Spouse's expenses are not reimbursable. Alcohol may not be charged to a County credit card.

### **3A-5 AUTOMOBILE MILEAGE RATE**

When private automobiles are used for travel, reimbursement is based on the basis of actual miles traveled. Reimbursement is made at the posted State rate.

### **3A-6 REIMBURSEMENT PROCEDURES**

Appropriate documentation includes receipts for meals, lodging, parking, tolls and taxi or rent car and will be reviewed and approved by an employees Department Head, prior to submission to the Treasurer's Office. After review by the Treasurer, reimbursement will be made for allowable expenses upon approval of Commissioners Court. Reimbursements for travel will be made as soon as practicable.

### **3A-7 COUNTY CREDIT CARDS**

Except in the case of certain department heads determined by Commissioners Court to need daily use of credit cards, employees may check out county credit cards to use for travel plans or general purchases. Credit cards may be used only for county business and must be returned to the Treasurer's Office promptly, upon completion of purchases. Brewster County Commissioners Court has adopted a credit card usage policy (December 12, 2012) which requires written acknowledgment of the policy by the employee, on each occasion a credit card is checked out.