

SAN SABA COUNTY

PERSONNEL POLICY MANUAL

October 2020

October 26, 2020

Dear San Saba County Employee/Official:

On behalf of the Commissioners Court, as well as the elected officials and all employees of San Saba County, “*Welcome.*” You are now part of a team of individuals proudly dedicated to public service. A part of each of our jobs is to aid you in improving our system for the benefit of the County residents and visitors, making our county government the best it can be. Feel free to ask questions and to seek help from me or from your tenured co-workers, and be sure to refer to this guide for answers to employment related issues.

You have joined a public institution with a venerable history. San Saba County was created in 1856, when 1,120 square miles was carved from Bexar County to be democratically governed by its residents. San Saba has always been the “seat” of our county government and our present courthouse still occupies land where two previous courthouses once stood. “From The People, To The People,” the motto written above our third courthouse in 1910 still directs our mission.

San Saba County is a legal public entity established by the State of Texas under rules set by the State Legislature, but its affairs are locally administered by the Commissioners Court, consisting of four Commissioners and a County Judge. Each Commissioner is elected by and represents a single precinct. The Judge is elected county-wide, represents the entire county, and is its chief executive officer. The policies included in this handbook were adopted by the Commissioners Court on October 26, 2020, and supersede any and all personnel policies previously adopted by San Saba County.

We are pleased to have you as part of our team!

Byron Theodosis
County Judge

SAN SABA COUNTY PERSONNEL POLICY MANUAL

Sections 1, 2 & 3 of the San Saba Personnel Policy Manual are hereby adopted by the San Saba Commissioners' Court under the limited authority to adopt personnel policies applicable to all San Saba County Employees. Any personnel questions regarding these sections should be directed to the Office of the San Saba County Treasurer.

Sections 4 thru 7 of the San Saba Personnel Policy Manual are hereby adopted guidelines by the San Saba Commissioners' Court in an effort to provide consistent employment policies throughout the County. The application of these guidelines in your particular position are subject to approval and application by the particular elected official to whom you report. The elected official to who you report may adopt these guidelines as the personnel policy of their office, although they are not compelled to. The elected official is responsible for all personnel policies in their office. Please direct any personnel questions regarding these sections to the elected official to whom you report.

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COUNTY EMPLOYMENT

1.01 EMPLOYMENT AT WILL

All employment with San Saba County is considered “at will” employment. No contract of employment may exist between any individual and San Saba County for any duration, either specified or unspecified. [While individuals or entities may contract with the County to provide goods & services, neither they nor their employees acquire the rights or benefits of a County employee under this policy.]

San Saba County, through its appropriately designated agents, shall have the right to terminate the employment of any employee for any legal reason, or for no reason, at any time, either with or without notice. San Saba County shall also have the right to change any condition, benefit, policy, or privilege of employment, at any time, with or without notice.

Likewise, employees of San Saba County have the right to leave their employment with the County at any time, with or without notice.

1.02 EMPLOYEE STATUS

FULL-TIME A full-time employee shall be any employee in a position which has a normal work schedule of at least 30 hours per week.

PART-TIME A part-time employee shall be any employee in a position which has a normal work schedule of less than 30 hours per week.

TEMPORARY A temporary employee shall be any employee who is hired into a position which is expected to last for some specific duration or until a specific project is completed. Temporary employees may be either full-time or part-time.

REGULAR A regular employee shall be any employee hired into a position which is not considered to be temporary. Regular employees may be either full-time or part-time.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of San Saba County to be an equal opportunity employer. Neither race, color, religion, national origin, sex, gender identity, genetic information, age, nor disability shall be a factor 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.

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

EMPLOYEE BENEFITS

2.01 PAID VACATION

ELIGIBILITY Full-time regular employees shall be eligible for paid vacation benefits. Part-time or temporary employees are not eligible for vacation benefits. Elected Officials are not eligible for paid vacation benefits.

ACCRUAL RATE Employees who have worked at least twelve (12) consecutive months and less than fifteen (15) years in a position eligible to receive vacation shall earn paid vacation at the rate of .833 working days per month, which is equivalent to ten (10) eight (8) hour working days per year.

Employees who have worked for fifteen (15) or more years in a position eligible to receive paid vacation shall accrue paid vacation at the rate of 1.25 working days per month, which is equivalent to fifteen (15) eight (8) hour working days per year.

For purposes of this policy, a working day shall be defined as the regular number of hours that an employee would be expected to work on a day that he/she is scheduled to work. All vacation hours will be calculated at the employee's regular hourly rate and will not be considered hours worked when calculating overtime. Vacation shall not be accrued while an employee is on leave without pay.

When an employee status changes from part-time to full-time, the full-time effective date becomes the benefit accrual date. Any break in service with San Saba County will restart the vacation accrual with no bridge in service for previous years of employment.

INITIAL WAITING PERIOD Accrual of paid vacation days shall begin at the time an employee begins to work in a position eligible to accrue paid vacation, but an employee must work for a minimum of twelve (12) consecutive months in such a position before the paid benefit vests and before being eligible to take any paid vacation.

MAXIMUM ACCRUAL The maximum amount of unused paid vacation an employee may be allowed to accrue at one time is the number of paid vacation days the employee would normally earn in one (1) year at his or her current accrual rate, plus five (5) additional workdays. When an employee reaches the maximum accrual amount, he/she shall not accrue additional vacation time until sufficient time has been used that brings the balance below the maximum allowed under this policy. Accrual over the maximum shall only be allowed if an employee is unable to take vacation because of the needs of the County and (a) the employee's supervisor prepares a request for accrual above the maximum allowable, explaining why the employee was unable to take vacation; and (b) the request is approved by action of the Commissioners' Court.

SCHEDULING Scheduling of vacations (paid or unpaid) is completely at the discretion of the elected official or department supervisor responsible for such employee.

MINIMUM USAGE The minimum amount of paid vacation that may be taken at one time shall be four (4) hours.

BORROWING Employees shall only be able to use paid vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals.

PAY IN LIEU OF VACATION Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

HOLIDAY DURING VACATION If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the POLICY ON HOLIDAYS and shall not be charged against the employee's paid vacation balance.

MANDATORY RECORD KEEPING FOR BENEFITS The County Treasurer is responsible for maintaining the official record of employee benefits, including paid vacation. To accurately reflect the use of benefits, each employee and supervisor shall be responsible for accurately reporting hours worked (up to the minimum required for benefits), all vacation, holiday, sick leave, and/or any other County paid benefit time used on their time sheet or benefits report as established by and delivered to the County Treasurer. Unless the employee has regularly submitted to the County Treasurer their statement of hours worked, on vacation, on sick leave, and/or on holiday, eligibility for and pay for any such allegedly accrued benefit shall not be allowed to such employee or former employee, especially upon employment separation.

VACATION PAY AT TERMINATION If an employee has worked for at least twelve (12) consecutive months in a position which accrued vacation before the time the employee resigns, is discharged, or otherwise terminates employment, the employee shall receive pay at their current rate for all unused vacation up to the maximum of twenty (20) days. An employee who has not worked for a minimum of twelve (12) consecutive months in a position which accrues vacation forfeits any accrued paid vacation time and shall not be eligible for any vacation pay upon termination of employment.

2.02 PAID SICK LEAVE

ELIGIBILITY Full-time regular employees shall be eligible for a paid sick leave benefit upon the completion of six (6) months continuous employment. Part-time or temporary employees are not eligible for paid sick leave benefits. Elected Official are not eligible for paid sick leave benefits.

ACCRUAL Eligible employees shall accrue sick leave at a rate of eight (8) hours per month. For purposes of this policy, a workday is defined as the normal number of hours an employee would be expected to work on a day he/she is scheduled to work. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

MAXIMUM ACCRUAL The maximum amount of unused sick leave an employee shall be allowed to carry is two hundred forty (240) hours.

USE OF SICK LEAVE Sick leave may be used for the following purposes:

- a. illness or injury of the employee;
- b. appointments with physicians, optometrists, dentists, and other qualified medical professionals;

- c. to attend to the illness or injury of a member of the employee's immediate family; and
- d. additional family funeral leave as addressed in the "Policy on Funeral Leave."

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

NOTIFICATION Where sick leave is to be used for medical appointments, an employee shall be required to notify their 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 their supervisor of the intent to use sick leave as soon as is reasonably practical. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify their supervisor of the anticipated length of absence. Failure to follow this notification requirement may be grounds for disciplinary action, up to and including termination.

DOCUMENTATION 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 of the employee or member of the immediate family. Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to the end of employment with the County.

MINIMUM USE The minimum amount of sick leave that an employee may use at any time shall be a two (2) hour interval.

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

MANDATORY RECORD KEEPING FOR BENEFITS The County Treasurer is responsible for maintaining the official record of employee benefits, including paid sick leave. To accurately reflect the use of benefits, each employee and supervisor shall be responsible for accurately reporting all sick leave used on the prescribed time sheet.

USE OR LOSE Employees shall not be paid for unused sick leave upon employment separation.

2.03 PAID HOLIDAYS

ELIGIBILITY Full-time regular employees shall be eligible for paid holiday benefits. Elected Officials are not eligible for paid holiday benefits.

HOLIDAYS The County paid holidays for the following calendar year shall be determined by the San Saba County Commissioners' Court during its first meeting of each November.

HOLIDAY DURING VACATION If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and shall not be charged against the employee's paid vacation balance.

HOLIDAY ON DAY OFF If an officially designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the current or following pay period. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

REQUIRED SERVICE / EMERGENCIES An eligible employee called in to work on an official County holiday because of necessity or an emergency, shall be given the option (1) to be paid for the actual time worked in addition to eight [8] hours holiday pay or (2) to be given paid time off, not to exceed 8 hours per holiday, on or before the end of the next calendar quarter (90 days).

SPECIAL OBSERVANCES Special consideration will be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for the County. Determination of granted leave for "Special Observances" shall be made by the supervisor of the department in which the employee works, based on the needs of the department. Vacation, compensatory time, or leave without pay may be used for leave granted for "Special Observances."

2.04 LEAVE FOR COURT

JURY DUTY Employees of San Saba 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 or donated by such employee.

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

PRIVATE LITIGATION If an employee is absent from work to appear in private litigation in which they are involved, the time shall be charged to vacation, other eligible paid leave, or to leave without pay.

2.05 MILITARY LEAVE

GUARD AND RESERVE County employees who are members of the National Guard or in active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per year with pay to attend authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the calendar year and any unused balance at the end of the year shall not be carried forward into the next calendar year.

Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule.

An employee may use annual leave, earned compensatory time, or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.

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

ACTIVE MILITARY 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.

2.06 FUNERAL LEAVE

FAMILY FUNERAL LEAVE Employees shall be allowed up to three (3) days leave with pay per calendar year for a death in the immediate family.

For purposes of this policy, immediate family shall include the employee's spouse and the child, parent, grandparent, brother or sister of the employee, or other person living in the employee's home who is dependent on the employee for care.

OTHER LEAVE Employees may be allowed similar time off with pay, up to a maximum of eight (8) hours per calendar year, to attend the funeral(s) of a relative who is not a member of the immediate family or the funeral of a friend.

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

2.07 MEDICAL INSURANCE

ELIGIBILITY All regular full-time employees of San Saba County shall be eligible for the group medical insurance benefit or a Medicare supplement.

Our current group health and prescription benefit plan is administered through the Office of the County Treasurer. An Employee Benefits Enrollment Guide may be obtained from the County Treasurer's office. This Guide gives a brief description of the benefit plans, eligibility requirements and the specific benefits available to full-time regular employees.

Monthly group health insurance premiums for eligible and covered employees (and/or dependents, if elected and paid for by the employee as a payroll deduction) may be paid to the insurance carrier for the benefit of such County employee in such amounts and at such levels as may be determined by the Commissioner's Court.

In lieu of group health insurance premiums, the County may elect to pay the Medicare Supplement for qualifying employees to the Social Security Administration.

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

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

EXTENSION OF COVERAGE Employees who leave the employment of San Saba County may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Information on extension of benefits under COBRA is available in the County Treasurer's office and may be obtained during the normal working hours for that office.

2.08 GROUP TERM LIFE INSURANCE

ELIGIBILITY All regular full-time and part-time employees shall be eligible for a Group Term Life Insurance benefit, currently through the Texas County and District Retirement System (TCDRS).

PREMIUMS The County pays all premiums for this coverage. If your salary or wages are less than \$50,000 a year, your premiums are tax free.

If your salary or wages are more than \$50,000 a year, you may have to pay taxes on some of your coverage. The County will report the taxable amount on your W-2 so you can report it when you file your income tax return.

COVERAGE The value of this coverage is equal to the amount of your annual salary or wages if you should die while you are still an employee of the County. Your beneficiary(s) may elect to send these monies directly to a funeral home, hospital, or other organization to help defray last expenses.

2.09 SECTION 125 CAFETERIA PLAN

Employees may voluntarily elect to obtain additional insurance coverage, deferred compensation, and/or other fringe benefits under an Internal Revenue Code 125 payroll deductions "cafeteria plan" through approved vendors selected annually by the Commissioner's Court. Any payroll deduction authorization must be arranged with the office of the County Treasurer.

ELIGIBILITY An individual is eligible to participate in the County's Section 125 Cafeteria Plan if the individual (a) is a full-time County employee; and (b) has been employed by the County for a consecutive period of 60 days.

BENEFIT PLANS AVAILABLE The Premium Payment Component permits an employee to pay for their share of contributions for insurance plans with pre-tax dollars. Under the San Saba County Cafeteria Plan, these benefits may include:

- a. group medical coverage for dependents;
- b. accidental death & dismemberment coverage;
- c. additional dental or vision coverage;
- d. additional disability coverage;
- e. additional hospitalization indemnity coverage; and/or
- f. insurance for a specific disease or condition.

INFORMATION Details on approved insurance coverages for payroll deduction may be obtained in the County Treasurer's office during regular hours for that office.

2.010 WORKERS' COMPENSATION

ELIGIBILITY All San Saba County employees are covered by workers' compensation insurance while on duty for the County.

BENEFITS Workers' compensation insurance pays for most medical bills resulting from injury or illness an employee may incur while carrying out the duties of their job, even though the employee may have other medical insurance coverage. Workers' compensation also pays a partial salary continuation benefit for time lost from work in excess of seven (7) calendar days as the result of eligible work related injuries or illnesses.

San Saba County has elected to utilize the Political Subdivision Workers' Compensation Alliance to provide access to contracted physicians and healthcare providers for workers' compensation injuries. Please see Employee Notice of Political Subdivision Worker Compensation Alliance Program Requirements section of this handbook for complete details of the program.

ACCIDENT REPORTING Any employee who suffers a job related illness or injury shall be required to notify their supervisor as soon as possible. The department supervisor shall thereafter notify the County Treasurer's office immediately. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which may become due.

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

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

2.011 NOTICE REGARDING WORKERS' COMPENSATION

As your employer, San Saba County, has elected to utilize the Political Subdivision Workers' Compensation Alliance (Alliance) to provide access to contracted physicians and healthcare providers especially suited for workers' compensation injuries.

IMPORTANT CONTACT INFORMATION

- The Alliance website is www.pswca.org
- The Alliance phone number is (866) 997-7922
- To contact your adjuster, please call (800) 752-6301

IN CASE OF INJURY If you are injured at work, tell your supervisor as soon as possible, but most importantly, be sure to seek care for your injury. Your supervisor will help with any questions about how to get treatment. You may also contact The Texas Association of Counties Risk Management Pool (TACRMP) Workers' Compensation Claims Department as listed above for any questions about your care and treatment for a

work related injury. TACRMP and your employer have formed a team to provide you with timely care and treatment for work related injuries. The goal is to provide quality medical care and return you to work as soon as it is safe to do so.

A list of Alliance treating physicians may be available from your employer; however, a complete list is also available online at the Alliance website, or you may contact your adjuster directly as shown above.

IN CASE OF AN EMERGENCY After you receive emergency care or treatment, you may require ongoing care. You must select a treating doctor from the Alliance provider list. This list is available at the Alliance website. The doctor you choose will oversee the care you receive for your work-related injury. Except for emergency care, you must obtain all health care and specialist referrals through your treating doctor

CHOOSING A TREATING DOCTOR If you are injured at work you must choose a treating doctor from the Alliance panel of providers. This is **REQUIRED** in order for the cost of your medical care for your work related injury to be covered. A provider listing is available through the Alliance website at www.pswca.org. It is updated weekly and identifies providers who are contracted with the Alliance and accept workers' compensation patients.

If your treating physician leaves the Alliance you will be notified and you will have the right to choose another treating doctor from the list of providers . If your doctor leaves the Alliance and you suffer a life threatening or acute condition for which a disruption of care would be harmful, your doctor will contact your adjuster to request that you treat with them for an additional 90 days.

CHANGING DOCTORS If you become dissatisfied with your initial choice of treating physician, you can complete the Change of Treating Doctor Form to select a new treating doctor from the list of Alliance providers. This form is available at www.pswca.org and should be completed and submitted to your adjuster for approval prior to changing doctors.

REFERRALS Referrals are not required for emergency care. Your treating doctor will refer you to other health care providers if necessary for your medical treatment.

PAYMENTS FOR HEALTH CARE Alliance providers have agreed to bill TACRMP for payment in relation to your health care. You should never be required to make payment at the time of your treatment. You may only access non-Alliance health care providers and remain eligible for coverage of your medical costs if one of the following situations occur:

- a. emergency care is needed. [You should go to the nearest hospital, urgent care, or emergency care facility];
 - b. you do not live within 75 miles of a contracted provider; or
 - c. your treating physician refers you to a non-Alliance provider or facility
- AND your adjuster has approved the referral prior to treatment

NON-EMERGENCY CARE Once you have selected your treating physician, your adjuster will be notified and they will contact you if additional information is required.

COMPLAINTS You have the right to file a complaint with the Alliance. You may do this if you are dissatisfied with any aspect of the operation. This includes a

complaint about the Alliance or an Alliance treating physician or facility. It may also be a general complaint about the PSWCA Direct Contracting Program. Complaints should be addressed to the PSWCA Direct Contracting Program Grievance Coordinator by phone or in writing via email or fax. Complaints should be sent to: PSWCA Direct Contracting Program Attention: Grievance Coordinator, P.O. Box 763, Austin, TX 78767. Additional contact with the Grievance Coordinator may be by phone at (866) 997-7922 or by email at customerservice@pswca.org

2.012 RETIREMENT

ELIGIBILITY All regular full-time and part-time employees shall be eligible for the retirement benefit through the Texas County and District Retirement System (TCDRS).

CONTRIBUTIONS Eligible employees shall make contributions to the retirement program through a system of payroll deduction. The current employee contribution is seven percent (7%) of gross pay.

San Saba County shall make a contribution to each eligible employees retirement account. The County contribution rate is subject to change annually. Please contact the County Treasurer's office to obtain the current contribution rate.

INFORMATION Retirement program information may be obtained at the County Treasurer's Office during the normal working hours for that office.

2.013 SOCIAL SECURITY

All County employees participate in the federal Social Security program which provides certain retirement, disability, and other benefits, currently funded by mandatory Federal Insurance Contribution Act (FICA) and Medicare salary or wage withholdings. Additional information regarding Social Security benefits should be sought from the Social Security Administration at www.ssa.gov.

CONTRIBUTIONS The County contributes an amount equal to or greater than the employee's withholdings in accordance with the requirements of this program.

2.014 PERSONAL LEAVE OF ABSENCE (UNPAID)

ELIGIBILITY Regular full-time employees may request a personal leave of absence up to a maximum of ninety (90) calendar days. Personal leaves of absence may include reasons such as continuing education, extended bereavement, or other dealing with other personal matters. Personal leaves of absence may be granted solely at the discretion of the elected or appointed official supervising such employee. Leave may be granted, subject to applicable legal restrictions, and other factors, including but not limited to, performance, responsibility level, length of service, reason for the request, and the County's reasonable need.

Regular part-time employees and temporary employees are not eligible for a personal leave of absence.

NOTIFICATION REQUIREMENTS As soon as the employee becomes aware of the need for a leave of absence, it is your responsibility to provide the request in writing to their supervisor. The request should include the reason for the leave of absence and anticipated beginning and end dates.

The department head must present the written request to the Treasurer's Office so the payroll function can accurately administer the requirements of the leave as granted.

REQUIRED STATUS UPDATE While on approved, unpaid personal leave of absence, the employee must give updates (status, anticipated return date, and a continued expression of intent to return to work) to the employee's supervisor at least every fifteen (15) days, unless instructed otherwise by the department head.

GROUP INSURANCE BENEFIT Group medical and life insurance coverage will not be interrupted or suspended during a personal leave of absence beginning and ending in a thirty-one (31) day period. For any other personal leave, employees may continue their medical insurance at their own expense, but they shall be responsible for the entire premium, which includes both their portion, if any, and the County portion. The employee must pay the premium on the first of each month or as required by the insurance carrier. Lack of payment may result in insurance termination, making the employee ineligible for COBRA benefits.

ACCRUAL OF BENEFITS An employee on a personal leave of absence shall not accrue any other employee benefits.

VOLUNTARY TERMINATION If an employee accepts other employment or fails to return to work on the next regularly scheduled workday following the expiration of their unpaid leave, it will be understood that the employee has voluntarily terminated employment with the County.

2.015 NEUTRAL ABSENCE POLICY

ELIGIBILITY All San Saba County employees are covered by this policy, subject to any applicable legal restrictions.

PURPOSE The purpose of this policy is to allow the County to replace employees who are unable to come to work so that the County is able to continue the work of the County without undue hardship to individual departments, the County and the citizens we serve.

REASONS This policy will be applied for all leave reasons including, but not limited to, personal leave of absence, work related injury, employees own illness, employee absence due to family illness, or any other reason that keeps the employee from returning to work for six consecutive months.

INSURANCE Employees on unpaid leave scheduled to extend beyond the calendar month in which leave begins will be eligible to continue coverage in the county's group insurance plan at their own expense through their rights under COBRA. Employees on leave under FMLA will have their insurance continued by the county under the conditions set forth in the FMLA.

TERMINATION If an employee is unable to return to work after six months from the last full day the employee was at work, or compensated for (whichever occurs later), the employee will be terminated. This would only occur after the employee has exhausted all paid leave (sick, vacation) accumulated that the employee may have accumulated.

2.016 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)

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

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

Family and Medical Leave

Eligibility:

Employees are eligible for FMLA leave if they:

- 1) Have worked for the county for at least 12 months in the last 7 years;
- 2) Have worked at least 1,250 hours for the county during the 12 calendar months immediately preceding the request for leave; and
- 3) Are employed at a work site that has 50 or more employees within a 75-mile radius.

An employees with any questions about his or her eligibility for FMLA leave should contact San Saba County Treasurer's Office for more information.

Qualifying Events:

For FMLA, an employee who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

- 1) to care for the employee's son or daughter during the first 12 months following birth;
- 2) to care for a child during the first 12 months following placement with the employee 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 ("covered relation") with a serious health condition; or

- 4) because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

If two employees of the county are married, they are only entitled to a combined total of 12 weeks' leave during any 12-month period for a qualifying event under (1), (2), or (3) above.

Military Family Leave

Under the MFL, there are two types of leave available:

- 1) a qualifying exigency leave;
- 2) leave to care for a covered service member; or
- 3) 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).

Qualifying Exigency Leave:

An eligible employee may be entitled to use up to 12 weeks of his or her FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active duty status in a foreign country.

Qualifying exigencies may include:

- 1) short-notice deployment (up to seven days of leave);
- 2) attending certain military events and related activities;
- 3) arranging for alternative childcare;
- 4) addressing certain financial and legal arrangements;
- 5) periods of rest and recuperation for the covered military member (up to fifteen days of leave);
- 6) attending certain counseling sessions;
- 7) attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status);
- 8) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
- 9) attending family support or assistance programs and informational briefings;
- 10) acting as the covered military member's representative before a governmental agency;
- 11) addressing issues that arise from the death of a covered military member while on active duty status in a foreign country; and

- 12) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and employee.

Military Caregiver Leave:

An eligible employee may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member or veteran of the Armed Forces (Regular, Reserve or National Guard).

An eligible employee may take up to 26 weeks of leave to care for a covered service member of the Armed Forces (Regular, Reserve, or National Guard) who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The MFL entitlement is applied on a per-injury basis and an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or covered veteran with a subsequent serious illness or injury, except that no more than 26 weeks may be taken within any single 12-month period.

An eligible employee may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the county's operations.

Intermittent Leave:

An employee may take FMLA leave because of a serious health condition, or type of MFL leave for a qualifying exigency or serious health condition intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If an employee's intermittent leave is unpaid, the county will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the county may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Unless approved in advance in writing by the county, an employee may not take intermittent leave to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption.

Substitution of Paid Leave:

San Saba County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the vacation and sick policy guidelines. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

Health Plan Benefits:

During an approved FMLA leave, the county will maintain the employee's health plan benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid leave, the county will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium to the County Treasurer's Office. An employee's health plan benefits will be cancelled by the county if the employee's premium payment is more than 30 days late. The county will provide the employee with written notice of the proposed cancellation 15 days before of the cancellation. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the county for the cost of the premiums paid by the county for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the county will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued

to work, provided the employee continues to pay his or her portion of the premium. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Other Benefits:

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

Return from FMLA Leave:

Upon return from FMLA leave, an employee will be restored to his or her original or equivalent positions with equivalent pay, benefits, and other employment terms. An eligible employee is not guaranteed the actual job held prior to taking leave.

Notice:

If the need to use FMLA leave is foreseeable, the employee must give the county at least 30-days' prior notice of the need to take leave. If 30-days' notice is not possible, the employee must give notice as soon as practicable (within one or two business days of learning of the need for leave except in extraordinary circumstances). An employee's failure to provide adequate notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the County Treasurer's Office. When submitting a request for leave, an employee must provide sufficient information to allow the county to determine if the leave qualifies as FMLA leave, including information on the anticipated start date for the leave and the duration of the leave.

The employee may be required to provide information documenting that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a health care provider; or the circumstances supporting the need for military family leave. An employee also must inform the county if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Certification:

Employees may be required to provide a certification and periodic recertification supporting the need for leave. If an employee requests leave under this policy, the

county will notify the employee if medical certification is required and when it is due (no more than 15 days after the employee requests leave).

When an employee requests leave, San Saba County will inform the employee whether the reasons for the leave request are eligible under the FMLA or MFL (FMLA form WH-381). If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide (FMLA form WH-381). If the employee is not eligible, the county will provide the employee with a written notice indicating the reason for ineligibility. If leave will be designated as FMLA or MFL, the county will inform the employee in writing (FMLA form WH-382) and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement. The county will also inform the employee if a fitness for duty letter will be required when the employee returns from FMLA leave. If a fitness for duty letter is required, the county will attach a list of the employee's essential job functions to the FMLA form WH-382.

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the treating health care provider may be required to provide appropriate medical certification. An employee may inquire about the necessary medical certification forms at the San Saba County Treasurer's Office.

If an employee provides at least 30-days' notice of medical leave, he or she should also provide the medical certification before leave begins. Failure to timely provide requested medical certification (if required) may result in denial of leave until certification is provided.

The county, at its sole expense, may require an examination by a second health care provider designated by the county, if it reasonably questions the medical certification provided by the employee. If the medical certification provided by the health care provider hired by the county conflicts with the medical certification submitted by the employee, the county, at its sole expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a medical certification, which will be final and binding on both the county and the employee.

The county may require subsequent medical recertification related to an employee's ongoing FMLA leave. An employee's failure to provide requested certification within 15 days after the employee receives the county's request, except in extraordinary circumstances, may result in the delay of further leave until certification is provided.

If an employee takes leave because of the employee's own serious health condition or to care for a covered family member, the employee must contact the county each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within two business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

ENFORCEMENT:

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede and federal or state law that provides greater family of medical leave rights.

FMLA Policy for Counties under 50 employees:

All counties are covered under CFR 825.108 (d), which states "all public agencies are covered by FMLA regardless of the number of employees; they are not subject to the coverage threshold of 50 employees carried on the payroll each day for 20 or more weeks in a year".

San Saba County will meet all requirements under the FMLA. San Saba County employees to be eligible for FMLA must meet all of the requirements of eligibility, including the requirement that the employer employ 50 employees at the worksite or within 75 miles.

San Saba County will follow the regulation as a county with less than 50 employees by providing the following, as required under the regulation:

Counting

To count employees in the county we will include all full time employees, all part-time employees currently getting paid and all temporary employees currently getting paid. This will not include a count of elected officials, CSCD employees, A&M County Agents or any employees paid by the state. The county will not count people on the payroll register that are NOT getting paid. When the county payroll hits 50 eligible employees, San Saba County will comply fully with the entire regulation and will notify employees of the change to the FMLA policy for over 50 employees.

Responsibilities

San Saba County will post the current FMLA poster as provided by the department of labor.

If an employee asks for FMLA leave for any reason, San Saba County will respond in writing and will use the FMLA forms (WH-381) Notice of Eligibility and Rights and Responsibility and form (WH-382) Designation Notice to notify the employee of their eligibility rights.

2.017 RIGHT TO EXPRESS BREAST MILK

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. San Saba County supports the practice of expressing breast milk.

San Saba 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.

San Saba 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.

PAYROLL

3.01 PAY PERIODS AND TIME SHEETS

The pay period for salaried employees shall be monthly with remuneration being issued on the last working day of each month. Pay periods for hourly employees shall begin on the 26th day of the month and end on the 25th day of the following month with payday being on the same schedule as for salaried employees. If a payday should fall on a holiday or a weekend, remuneration shall be issued on the last banking business day of the month.

DIRECT DEPOSIT All payments for wages to elected officials and County staff are direct deposited to the financial institution or institutions of the employee's choice, wherever possible.

The following shall be provided to the Treasurer's office within 30 days of hire:

- a. a deposit ticket(s) for the account(s) in which remuneration needs to be deposited, or
- b. voided check(s) for the account(s) in which the remuneration needs to be deposited.

If the payment is to be deposited in multiple accounts, a percentage or amount must also be provided. Failure to provide this information may result in a delay of payment until remuneration arrangements are made with the Treasurer's office.

TIME SHEETS Each employee is required to fill out a sworn time sheet to be turned in to their supervisor on the last day of each pay period. The time sheet completed by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. The time sheet must be signed by the employee and the employee's supervisor.

Each department head must submit the completed time sheet to the County Treasurer's office by 9:00 a.m. on the 26th of the month to ensure timely payment to employee.

In the rare case of an emergency or incapacity of the employee's supervisor the County Treasurer is authorized to process the time sheet as reported as long as hours reported are within the normal range for that time within the pay period. No approval will be given for overtime, vacation or sick leave. The Treasurer will require approval signature on the time sheet when the department supervisor is available or the time sheet will be presented to the Commissioners Court for approval, whichever occurs first.

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

NEW HIRES Newly hired salaried employees shall be paid at a rate that is at least \$100.00 per month [\$.58 per hour] less than the maximum paid previously for that same position, provided that this reduction does not bring the hourly rate below the federal minimum wage standard.

A department supervisor may, at their discretion, raise the salary of a newly salaried employee \$50.00 per month [\$.29 per hour] at the end of the first three (3)

months of employment and another \$50.00 [\$.29 per hour] at the end of the second three (3) months of employment.

3.02 HOURS WORKED & OVERTIME

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

OVERTIME APPLICATION Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA.

OVERTIME DEFINITION Except for employees otherwise exempt and eligible law enforcement personnel compensated on an hourly basis whose overtime standard is defined in the FLSA for emergency workers, overtime shall include all time actually worked for the County in excess of forty (40) hours in any work week. For those employees who are defined as law enforcement personal under Section 7(k) of the FLSA a “work period” is 28 consecutive days beginning on October 4, 2015. Overtime will be paid for all hours worked during the 28 days in excess of 171 hours.

The work week for San Saba County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive work days later (168 hours).

Paid leave shall not be counted in determining whether overtime has been worked in any work week.

3.03 PAYROLL DEDUCTIONS

REQUIRED DEDUCTIONS Deductions shall be made from each employee’s remuneration for federal withholding, FICA, Medicare, child support, and any other deductions required by law.

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

OPTIONAL DEDUCTIONS Any optional deduction authorized by the Commissioner’s Court and approved by the employee shall also be made from the employee’s remuneration.

No optional deduction shall be made from an employee’s remuneration unless the employee turns in written authorization for the deduction to the Treasurer’s Office.

3.04 WORK SCHEDULE AND WORK WEEK

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

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

The need for schedules that vary from the normal schedule shall be determined by each department head and, unless confidential, approved by the Commissioner's Court.

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

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

WORK RULES & EMPLOYEE RESPONSIBILITIES

4.01 ATTENDANCE AND TIMELINESS

ATTENDANCE Each employee shall report to work on each day they are is scheduled to work unless

- (a) prior approval for absence is given by the employee's supervisor or
- (b) the employee is unable to report for work because of circumstances beyond the control of the employee.

TARDINESS Each employee shall be at their place of work at the starting time set by their supervisor unless

- (a) prior approval is given by the supervisor, or
- (b) the employee is unable to be at work on time for reasons beyond the control of the employee.

Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor. Repeated tardiness, leaving early, or unapproved overtime will be subject to disciplinary action up to and including termination.

OVERTIME Employees who are on an hourly basis shall neither report to work early, or stay late without the approval of the employee's supervisor. All overtime **MUST** be approved in advance by the employee's immediate supervisor.

REPORTING Employees and supervisors are responsible for accurate reporting of either workdays or hours, vacation time, sick leave, required work performed/completed or other data needed to calculate earnings.

When reporting hours of work, employees and their supervisors shall follow the seven (7) minute rounding rule [*i.e.*, earned time is calculated on a 15 minute basis and eight (8) minutes of each quarter hour are required to earn that quarter hour].

CRIMINAL PENALTIES MAY APPLY TO FALSE REPORTING OR TAMPERING WITH A GOVERNMENT DOCUMENT.

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

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

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

ABANDONMENT OF POSITION An employee who does not report for work for three (3) consecutive scheduled workdays, and who fails to notify their supervisor, shall be considered to have resigned their position by abandonment; however, nothing herein shall prevent a supervisor from terminating such employee sooner.

4.02 COUNTY PROPERTY CONTROLS

RESPONSIBILITY Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool, or other County equipment assigned to them.

County employees shall only use equipment, vehicles, tools, and other County property that they are authorized to use.

PERSONAL USE Personal use of County vehicles, equipment, supplies, tools, and any other County property (other than incidental use during a necessary County use) shall not be permitted.

LICENSES A County employee who operates any County equipment or vehicle which requires a license shall be required to have a current active license suitable for that vehicle or equipment any time they operate it.

Any employee who operates a vehicle or equipment which requires a license for legal operation shall notify their supervisor of any change in the status of that license. An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change or termination if that license is suspended or revoked.

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

ACCIDENTS Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to their supervisor and to the proper law enforcement or other authority immediately.

A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and to the County Judge.

4.03 CONFLICT OF INTEREST

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

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

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

- a. soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee

- knows or should know is offered with the intent to influence the employee's performance;
- b. accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- c. accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- d. making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and their duties for the County; or
- e. soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

4.04 POLITICAL ACTIVITY

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

County employees shall not:

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

4.05 SAFETY AND DRESS

SAFETY STANDARDS Each County employee shall be required to adhere to the general safety standards established for all employees and to all additional safety standards for their job or the department in which they work. Horseplay shall not be tolerated in any position.

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

An employee causing an accident resulting in major injury or death because of failure to follow safety standards shall be terminated.

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

DRESS Pride in professional appearance and good hygiene are important to the image of our County and communicate a positive message of public safety and service.

Wearing of specialized protective clothing/gear and/or uniforms may be required by your supervisor. Each department head will determine to type of attire that is acceptable.

4.06 SEXUAL HARASSMENT

It shall be the policy of San Saba County to provide a workplace 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.

DEFINITION Sexual harassment shall include, but not be limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- a. submission to such conduct is either an expressed or implied condition of employment;
- b. submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- c. the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

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

No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment.

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

The official or department head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

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

4.07 COMPUTER & INTERNET USAGE

ADVISORY CONCERNING CERTAIN COUNTY RECORDS San Saba County employees may be required to use computer software and systems as a part of the County service delivery function and duty. They are powerful business tools which can speed project results; and the Internet can provide a great deal of useful information. Remember, however, that San Saba County is subject to the Open Government Act and is subject to the retention requirements of the Local Government Records Act [see generally, Tex. Loc. Government Code Ann. 202.001(a)]. Documents generated on and received by these systems as a part of performing duties of office or incidental thereto become a “local governmental record,” and may be subject to public inspection. Intentional destruction of data in violation of applicable law can subject the offender to criminal penalties.

In an effort to clarify issues regarding use of the Internet while utilizing County property, the following are guidelines for all employees and elected officials:

PERSONAL USE Limited incidental personal use may occur during non-working hours or during working hours, so long as it does not interfere with work. Exploring the Internet should be done before or after work hours or during the lunch break. Using appropriate sites for business purposes is unrestricted as long as it is reasonable and with approval of your supervisor. Use of a County computer system, however, also impliedly provides consent to the County’s monitoring of same. County personnel shall identify themselves honestly, accurately, and completely when corresponding or participating in interactive activities, and shall not send unsolicited mass electronic mail.

DOWNLOADING PROGRAMS Although most County systems have very good virus protection installed, downloading from the Internet should be done with caution. Space is also a potential problem; therefore, downloaded material should be kept under control. Only software purchased by and licensed to the County may be loaded onto a County computer.

USES Internet access is intended for business-related purposes (such as communicating with consumers, suppliers, colleagues, to research relevant topics, and to obtain useful business information.) When determining whether an employee’s use of this Internet is appropriate, one may ask: “If I were doing this same activity in some other way (*e.g.*, by telephone, in person, by hand), would this activity be considered inappropriate?” Users of the County system are prohibited from using offensive, harassing, vulgar, obscene, or illegally threatening communications, included, but not limited to, disparagement of others based on race, national origin, marital status, sex, sexual orientation, age disability, pregnancy, religious or political beliefs, or any other characteristic protected under federal, State, or local law. E-mails and downloads which contain nudity, pirated software, gambling, illegal/questionable propositions, or violent content are prohibited.

An employee’s use of the Internet should not cause incremental expense to the County, nor should County time be wasted. County time should be spent conducting

County business. The County provides free Internet access as a service to our citizens at the Rylander Memorial Library; however, its systems have use and privacy limitations, also.

All existing laws and County policies apply to conduct when accessing the Internet on County owned computers, especially those that deal with intellectual property protection, privacy, misuse of County resources, sexual harassment, data security, and confidentiality. County employees are encouraged to report misuse of the County's computer systems either to a supervisor or to the County Judge or County Sheriff.

County owned computers may not be used to knowingly violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, county, province, or local jurisdiction in any material way. County owned computers may not be used to deliberately propagate any virus, worm, Trojan horse, trap-door, or back-door program code or knowingly disable or overload any computer systems, network, or to circumvent any system intended to protect the privacy or security of another user.

PRIVACY County employees should not have any expectation of privacy as to their Internet usage. It is possible to monitor Internet usage patterns and the County may inspect any and all files stored on County resources to the extent necessary to ensure compliance.

Infractions of these policies constitute misuse of a County asset and will be considered a violation of the San Saba County Employee Policy Manual and may result in disciplinary action or termination.

4.08 SOCIAL MEDIA

San Saba County employees shall not use any county equipment, including but not limited to computers and cell phones, nor information obtained by virtue of their employment duties in any social media or similar forum, blog, or social networking site(s) without prior approval of the elected official to whom you report.

4.09 CELL PHONE USAGE

San Saba County determines on a case by case basis the need for county provided cell phones. Cell phones are subject to section 4.02, County Property Controls, and personal use of cell phones shall be subject to the direction and discretion of the elected official to whom you report.

GRIEVANCES

5.01 FAIR LABOR STANDARDS ACT SAFE HARBOR

San Saba County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the County Treasurer's attention, San Saba 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 tell County Treasurer.

It is a violation of San Saba 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 County Treasurer, 500 E Wallace, Suite 204, San Saba, Texas (325)372-3337.

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) 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 County Treasurer, 500 E Wallace, Suite 204, San Saba, Texas (325)372-3337. 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 500 E Wallace, Suite #203, San Saba, Texas (325)372-3747. 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.

5.02 GRIEVANCE PROCEDURE

Any employee, other than an elected or appointed official, having a grievance related to their 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.

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

Elected officials have a salary grievance procedure related to the adoption of the County budget that appears in the Texas Local Government Code which is inapplicable to other County employees.

DRUG-FREE WORKPLACE

6.01 DRUGS AND ALCOHOL

San Saba 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 San Saba 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 their job or the safety of the employee, fellow employees or the public, the employee must report the condition to their 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.

6.02 CDL DRUG AND ALCOHOL TESTING POLICY

Drivers are an extremely valuable resource for 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 prevent substance use or abuse from having an adverse effect on our drivers. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, drivers have a right to work in an alcohol and drug-free environment and to work with drivers free from the effects of alcohol and drugs. Drivers who abuse alcohol or use drugs are a danger to themselves, their co-workers and the County's assets.

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these regulations and is committed to maintaining a drug-free work place. All 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 San Saba County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. "FMCSA" stated that 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.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis) conduct breath testing, and/or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each driver. Every effort will be made to maintain the dignity of drivers or driver applicants involved.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. San Saba County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective October 1, 2020, and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.

This policy outlines the responsibilities of employees, supervisors and managers with regard to drug and alcohol testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

Policy Statement

It is the policy of the San Saba County to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident and follow-up drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation. This policy applies to employees whose job requires them to obtain and retain a Commercial Drivers' License (CDL) and operate a Commercial Motor Vehicle (CMV). Positions and employees covered by this Policy shall be referred to herein as "CDL positions" and "CDL employees" respectively.

It is the policy of San Saba County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. San Saba County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

EMPLOYMENT SEPARATIONS

7.01 SEPARATIONS

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

TYPES OF SEPARATION All separations from San Saba County shall be designated as one of the following types.

- a. resignation;
- b. retirement;
- c. dismissal;
- d. reduction in force (layoff);
- e. death; or
- f. other.

RESIGNATION A resignation shall be classified as any situation in which an employee voluntarily leaves their employment with San Saba 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 their supervisor. The elected official that oversees the resigning employee should submit a copy of the written notice to the Treasurer's Office for placement of said document in employee's permanent personal file.

RETIREMENT 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 their supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits. An employee who is retiring may also contact the Treasurer's Office to assist in applying for any retirement benefits.

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

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

DEATH 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.

OTHER Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an "other" separation. When a separation is designated as "other", the supervisor shall provide details of the nature of the separation for the personnel records.

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

ACKNOWLEDGEMENT

I acknowledge that the County of San Saba Personnel Policy Manual is available online at: <http://www.co.san-saba.tx.us>

I further understand that as an “employee at will” I am not covered under the provisions of the Civil Service System. I have been instructed to contact the County Treasurer or my Elected Official/Department Head for explanation if I do not understand any section of the handbook. I further acknowledge that it is my responsibility to be aware of and comply with, the policies set forth in the San Saba County Personnel Policy Manual, as well as any changes made to those policies.

If I am unable to access the internet site, I must notify the County Treasurer for a hard copy. I also understand that an electronic version of the manual may be sent to me by e-mail for my records.

Date

Name (Please Print)

Signature

Department

Social Security Number (last 4 #'s)

E-mail Address