



# **GILLESPIE COUNTY EMPLOYEE HANDBOOK**

**Adopted 12/01/2024**

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## Gillespie County Employee Handbook

Welcome to Gillespie County!

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

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

This employee handbook contains some key policies, benefits and expectations of Gillespie County, and other information you will need. Each elected or appointed official may have their own detailed policy and procedures manuals for their office.

Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Gillespie County employee. You should use this handbook as a ready reference as you pursue your career with Gillespie County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this employee handbook.

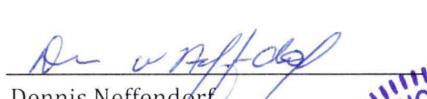
Welcome aboard!



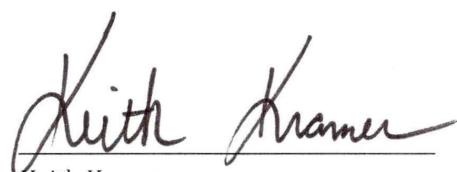
Daniel Jones  
County Judge



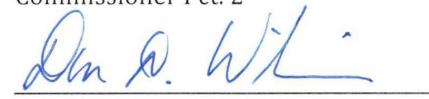
Charles Olfers  
Commissioner Pct. 1



Dennis Neffendorf  
Commissioner Pct. 3



Keith Kramer  
Commissioner Pct. 2



Don Weinheimer  
Commissioner Pct. 4

COUNTY OF GILLESPIE  
COMMISSIONERS COURT RESOLUTION

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

WHEREAS, the Gillespie County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County.

THEREFORE, BE IT RESOLVED that the Gillespie County Commissioners Court hereby approves and adopts the GILLESPIE COUNTY EMPLOYEE HANDBOOK, to be effective on December 1<sup>st</sup>, 2024.

ADOPTED THIS 28 DAY OF October, 2024



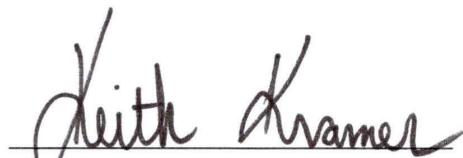
Daniel Jones  
County Judge



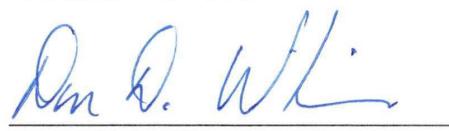
Charles Olfers  
Commissioner Pct. 1



Dennis Neffendorf  
Commissioner Pct. 3



Keith Kramer  
Commissioner Pct. 2



Don Weinheimer  
Commissioner Pct. 4

Witnessed and attested by:

  
Lindsey Brown  
County Clerk

## **ELECTED OFFICIAL ENDORSMENT FOR GILLESPIE COUNTY**

I, the undersigned, have read the Gillespie County Employee Handbook that the Gillespie County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Gillespie County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Gillespie County employees, and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Gillespie County Employee Handbook, as witnessed by my signatures below.

---

Printed Name of Elected Official

---

Office of Elected Official

---

Signature of Elected Official

---

Date Signed

## **Gillespie County Employee Handbook**

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

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Welcome aboard!

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Daniel Jones  
County Judge

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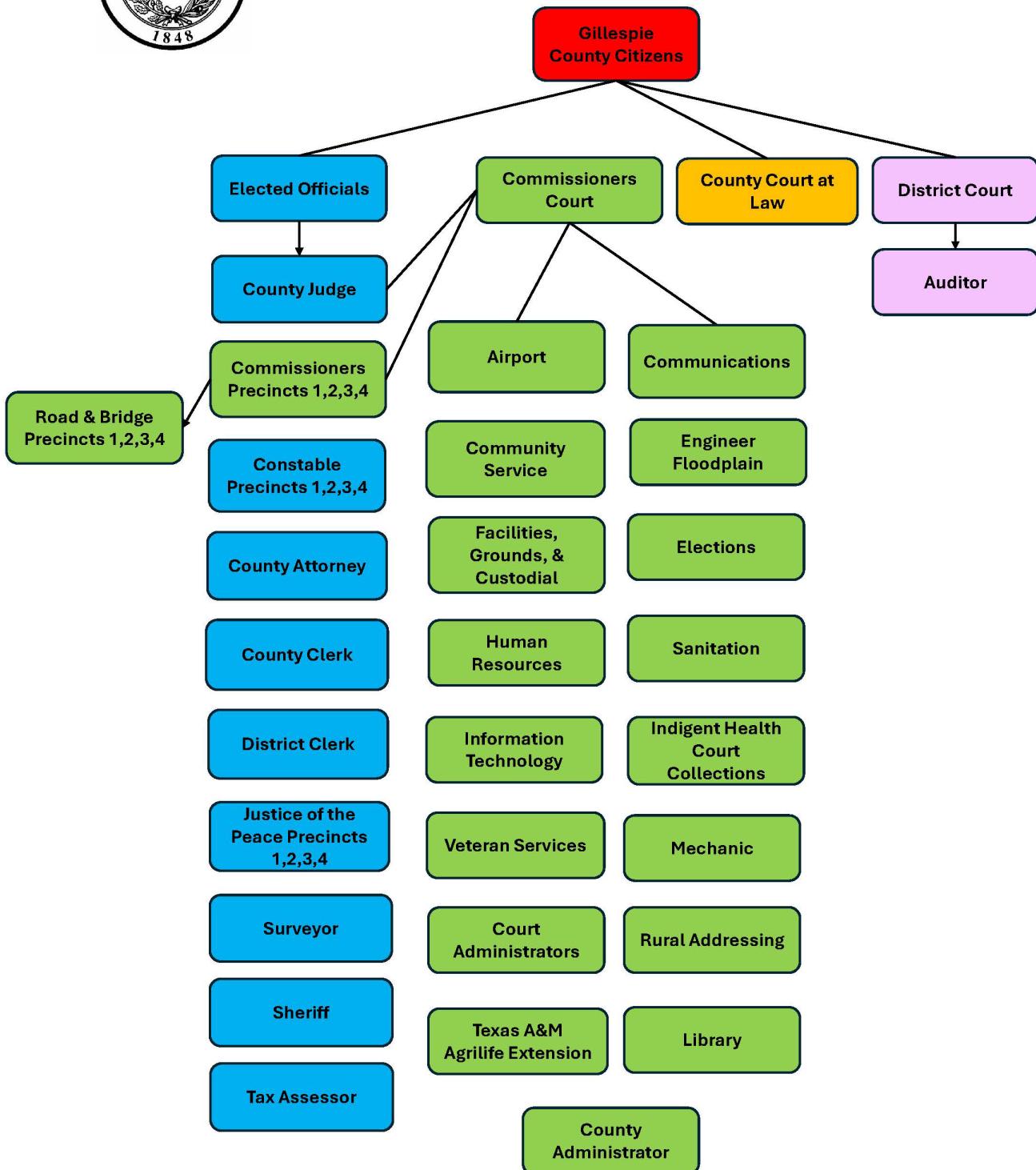
## **INTRODUCTION & HISTORY**

### **GILLESPIE COUNTY INTRODUCTION**

The County of Gillespie was founded in 1848 from portions of Bexar and Travis Counties and named for Texas Ranger Captain R. A. Gillespie. Germans settled it in the heart of Comanche Country. Noted composer Frank Van der Stucken, Fleet Admiral Chester W. Nimitz and President Lyndon B. Johnson were born in Gillespie County. The County's governmental organization is established by the Constitution of the State of Texas and by state statutes. State and federal law and actions of the Commissioners Court govern the operations of the County. The Commissioners Court consists of the County Judge and 4 (four) County Commissioners. The voters of a Commissioner's Precinct elect each Commissioner. The voters of the County elect the County Judge. This is the governing body of the County.



# GILLESPIE COUNTY ORGANIZATIONAL CHART



## **Gillespie County Policies and Procedures**

### **Personal Conduct Guidelines**

1. It is our responsibility to provide consistent and efficient service in a courteous and friendly manner. First impressions are lasting. A bad impression is extremely difficult to overcome.
2. We need to be good and sincere listeners. Our visitors and callers (internal and external) need us to understand and attempt to help them to the best of our ability.
3. We need to help get problems solved quickly and efficiently and if the problem needs to be transferred to another person or department, we should ensure that the transfer occurs in a courteous and friendly manner.
4. If you tell someone you are going to do something or make a promise to someone, you should complete the task. If you find that you cannot complete the task, you need to get back in touch with the person and explain why you are not able to do what you said. This should be done in advance, prior to any deadlines or commitment dates to give the person enough time to complete the task without additional hardship.
5. Treat others as you want to be treated – with dignity and respect. Employees will not raise their voices with the public, other employees or department heads and will behave in a professional manner.
6. Employees should arrive in a condition to work and begin their work on time.
7. Appearance and dress must be appropriate to our jobs. Public perception that we are professional is important and one way the public judges us is by our appearance.
8. County employees are trustees of public funds, records, and property. The actions of all County employees should reflect adherence to these principles and State and Federal Law.
9. Public service not only requires we obey the law but also mandates that we do not give any appearance of impropriety or the use of our position for personal gain or advantage or the detriment to others.
10. Employees shall not accept gifts from contractors, vendors, customers or other people who have business dealings with Gillespie County.

#### **Vision Statement**

Provide for the future needs of our community while preserving the Heritage of Gillespie County.

#### **Mission Statement**

Gillespie County is dedicated to providing effective, respectful, public service with integrity and accountability, while sustaining our heritage and enhancing a prosperous community.

# **SECTION 1: GENERAL POLICIES**

## **A. COUNTY EMPLOYMENT**

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

All employment with Gillespie County shall be considered “at will” employment. No contract of employment shall exist between any individual and Gillespie County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your employment at will status.

Gillespie 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.

Gillespie 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 Gillespie County shall have the right to leave their employment with the County at any time, with or without notice.

### **1A-2 ORIENTATION**

All new employees will attend a county orientation on the first day of employment. The orientation conducted by Human Resources will explain work rules, standards of performance, and personnel policies and procedures. Each employee will receive a link to the policy manual on the Gillespie County website and be required to sign an acknowledgement form. Law Enforcement will receive Policy Manual from their respective Elected Official.

Human Resources will provide an overview of employment benefits' eligibility and enrollment procedures and will provide the necessary forms and deadlines.

Before an individual begins performing his or her actual duties, he or she will be given a brief departmental orientation session, conducted by the Elected Official or Department Head for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better, as well as that job's relationship to the overall operation of county government.

### **1A-3 EMPLOYEE STATUS**

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

**REGULAR FULL TIME:** A full-time employee shall be any employee in a position which has a normal work schedule of 40 hours per week actually worked. Full-time employees are eligible for county

benefits for which they are qualified. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Gillespie County makes exempt status determination based on the Fair Labor Standards Act.

**REGULAR PART TIME:** A part-time employee shall be any employee in a position which has a normal work schedule of 29 hours or less per week and is not eligible for employee benefits except for TCDRS retirement. All regular part-time employees must be placed on TCDRS retirement regardless of the number of hours worked per week.

**TEMPORARY PART TIME:** A temporary short-term part-time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short-term part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**TEMPORARY FULL TIME:** A temporary short-term full-time employee shall be any employee who is expected to work for thirty (30) or more hours each week in a position that is expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular full-time status. Temporary short-term full-time employees are not eligible for retirement benefits under TCDRS. Temporary full-time employees will be eligible under the Affordable Care Act for county health benefits. Other county policies will dictate eligibility for other benefits.

**ASSIGNED STAFF:** Individuals assigned to the County for supervision, but who may or may not be directly paid by another government entity or private organizations are not employees of the County. Benefits are as specified in the individual's assignment for services. As a condition of their assignment, they are governed by all terms of these policies and procedures not in conflict with their assignment for services.

#### **1A-4 EQUAL EMPLOYMENT OPPORTUNITY**

Gillespie County is an equal opportunity employer. The County will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or the County Attorney.

## **1A-5 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

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

It is Gillespie County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official, department head or the County Attorney. Reasonable accommodation shall be determined through an interactive process of consultation.

## **1A-6 PERSONNEL FILES**

The Gillespie County Human Resources department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, emergency contact information, privacy statement as well as records concerning performance, discipline and compensation.

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

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether the employee has family members confidential. Employees may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after their first day of employment.

## **1A-7 EMPLOYEE MEDICAL EXAMINATIONS**

Medical examinations may be required depending on the position being filled. Any offer of employment is contingent upon satisfactory completion of a background investigation. Personnel requiring a physical or psychological examination and drug tests will not be allowed to start work until their exam results are received, showing they have been cleared for duty by an approved medical authority. All information of an employee's medical condition or history will be kept

separate from other employee information and maintained confidentially by Human Resources, in compliance with the "Health Insurance Portability and Accountability Act" (HIPAA) requirements. Access to this information will be limited to those who have a legitimate and/or legal need to know.

Exception: Law Enforcement Agencies Department Heads will keep their employee's medical condition or history in compliance with the "Health Insurance Portability Accountability Act" (HIPAA) requirements. Access to this information will be limited to those who have a legitimate and legal need to know.

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

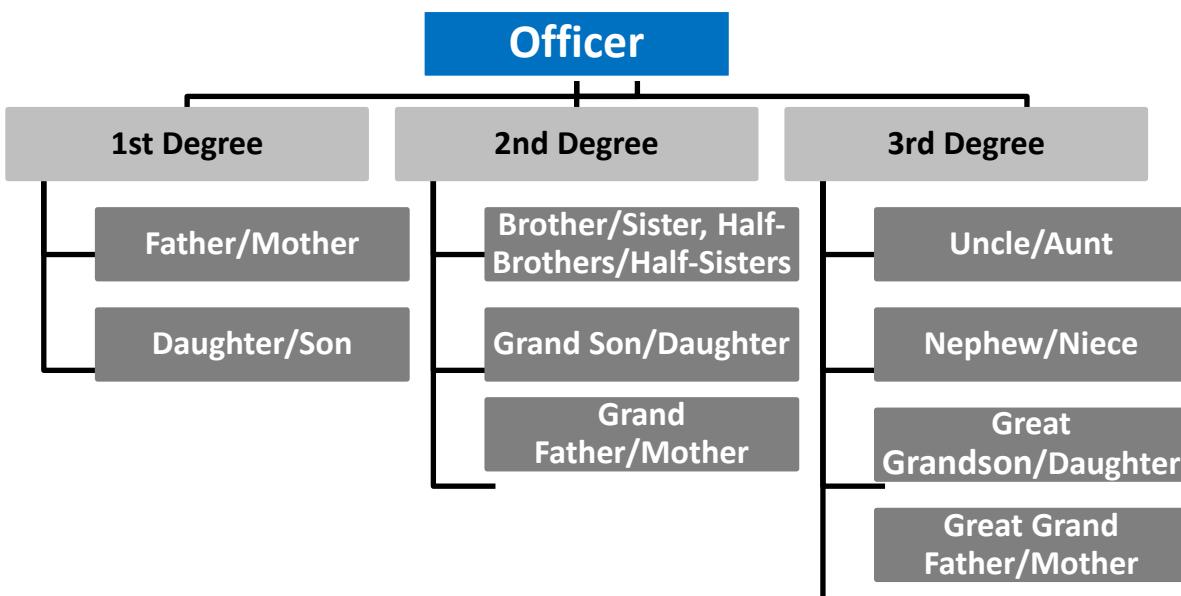
In accordance with Texas Government Code Chapter 573, a Public Official of Gillespie County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over. Note: Step relationships are considered to be the same as blood relationships.

The Commissioners Court shall not appoint or hire any person to whom any member(s) of the Court is related within the prohibited degree(s).

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

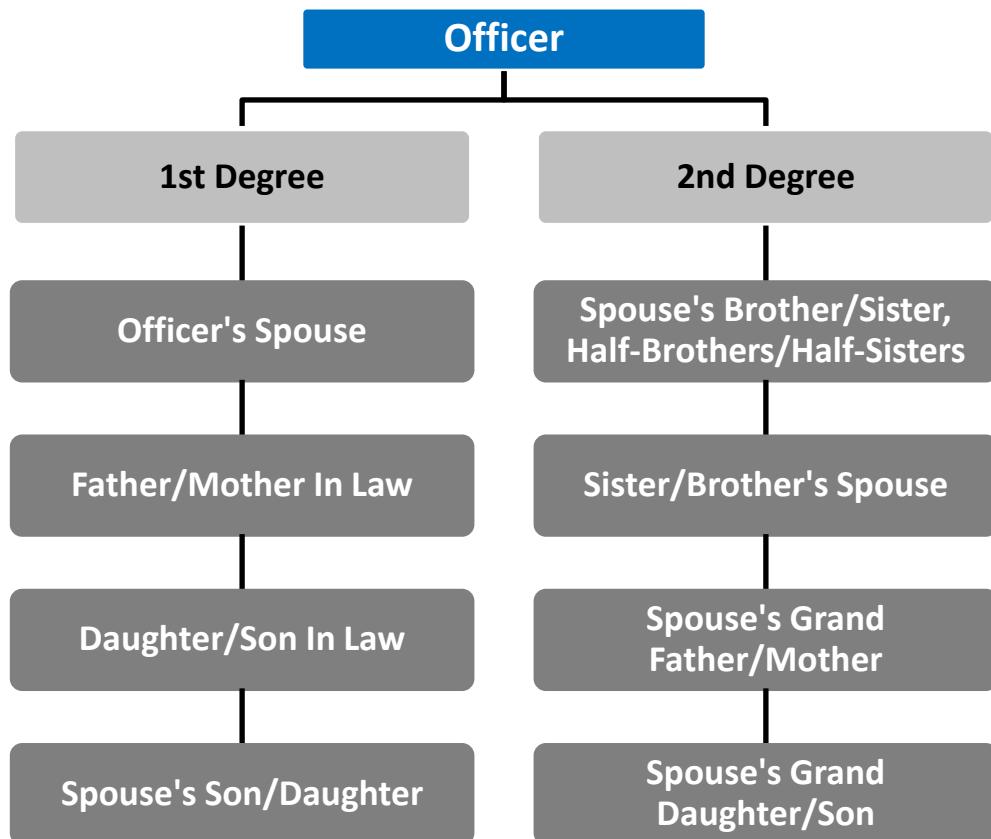
### **CONSANGUINITY KINSHIP CHART**

**(Relationship by Blood)**



## **AFFINITY KINSHIP CHART**

**(Relationship by Marriage)**



## **WORK RULES AND EMPLOYEE RESPONSIBILITY**

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

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

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

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

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

An employee who does not report for work for three (3) consecutive scheduled workdays, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment. Abandonment of position status may be waived if failure to notify was caused by circumstances beyond the control of the employee.

### **1B-2 DRESS CODE**

Gillespie County expects all employees to be well groomed, clean, and neat at all times. Elected Officials and or Department Head will determine the type of attire that is acceptable for their specific offices. Departments issued county uniforms are prohibited from wearing them outside of scheduled working hours, when wearing a uniform might discredit the County. Brief stops after scheduled working hours are allowed to pick up essential items; however, it is strongly encouraged to change out of county uniforms for any activity outside of scheduled working hours. Employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

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

Gillespie County endeavors to provide a healthy environment. Therefore, any form of tobacco products and/or vaping products consumed in county buildings and county owned / leased vehicles

is strictly prohibited. Additionally, no smoking is allowed within twenty (20) feet of the exterior entrance ways.

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

Employees of Gillespie 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 regarding their work and responsibility as a Gillespie County employee.

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

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

1. Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance.
2. Accepting employment, compensation, gifts of more than \$20 per occasion, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties.
3. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County.
4. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and their duties for the County; or
5. Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

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

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

Harassment is strictly prohibited by Gillespie 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 official, appointed official or department head who is responsible for the department in which they

work. If, for any reason, the employee feels that reporting the harassment to the official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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

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

Corrective 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 Gillespie County, whether committed by an elected official, an appointed official, a department head, a co-worker, or a non-employee the County does business with. It is the policy of Gillespie 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. 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 official, appointed official or department head responsible for the department in which

they work. If, for any reason, the employee feels that reporting the harassment to the official or department head may not be the best course of action, the report should be made to the Human Resources Department, 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 may be resolved quickly and fairly:

1. When practical, confront the harasser and ask them to stop the unwanted behavior.
2. Record the time, place, and specifics of each incident, including any witnesses.
3. Report continuing sexual harassment to the Elected Official, Appointed Official, or Department Head who is responsible for your department or to the County Judge or the County Attorney.
4. If a thorough investigation reveals that unlawful sexual harassment has occurred, Gillespie County will take effective corrective 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 retaliation should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the Human Resources department, 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 regarding sexual harassment charges.

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

Employees of Gillespie 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**

Gillespie County employees are expected to give their full and undivided attention to their job duties. They should not use Gillespie County facilities or equipment or their association with Gillespie 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 Gillespie County that interferes with the employee's assigned duties with Gillespie County.

## **1B-9 BREAKS**

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

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

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

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

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

## **1B-10 GRIEVANCES**

Any employee having a grievance related to their job should discuss the grievance with their 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 and the Human Resources Department.

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

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

Each supervisor shall have the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior, or any other behavior or activity which the supervisor feels violates good order and discipline or is not acceptable as it relates to the employee's job or the morale and welfare 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 disciplinary actions should be documented.

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

Gillespie 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 LICENSES AND CERTIFICATIONS**

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

Employees of the County required to hold a Commercial Driver's License (CDL) for County business may file a certification of physical exemption with the Texas Department of Public Safety which would remove the medical certification requirement.

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

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

The County Judge and/or Emergency Management Coordinator will notify the following entities for a public announcement: Gillespie County IT Director to post on County Website, Local Radio Station

announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

All essential and non-essential employees not required to report for duty will receive 8 hours of Administrative Leave for each full day of closure or 4 hours of Administrative Leave for half day closures.

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

Essential Personnel refers to the group of employees who are critical to the continuation of key operations and services that directly relate to the health, safety, and welfare of the county. Employees as designated by the elected official, or department head, working in the Sheriff's Office, County Jail, Road and Bridge and Maintenance are essential for the continuation of county services. Employees in these departments that work during the emergency will be paid 8 hours of Administrative Leave for each day of closure in addition to their regular hourly rate of pay for hours worked during county closure emergencies. Essential personnel working more than 40 hours, not including administrative time, between the period of Sunday through the following Saturday, will receive overtime at a rate of 1.5 per every hour worked over 40.

Other personnel required to work during county closings will be identified as essential by Commissioners Court on a case-by-case basis and will be paid for approved time worked during county closures on the payroll following Commissioners Court approval.

#### **1B-14 PARTICIPATION AS MEMBERS OF VOLUNTEER FIRE DEPARTMENT WITHIN GILLESPIE COUNTY**

Full time county employees, who are members of a Volunteer Fire Department within Gillespie County, subject to his/her department head's approval, may respond to an emergency fire situation during his/her regular working schedule. The employee will be compensated by the County his/her regular wages for time volunteered up to the number of regularly scheduled hours per work day, counting hours worked for the County. This emergency response time will not count towards overtime.

#### **1B-15 CONFIDENTIALITY**

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

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

#### **1B-16 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Gillespie County Policy or federal or state law to his or her supervisor, department head, or elected official unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to Human Resources who may in turn include County Attorney, District Attorney, or Sheriff. 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, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact the Human Resources Department who will notify the County Attorney and County Judge. An employee with any questions regarding this policy should contact Gillespie County Human Resources.

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

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

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

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

All Gillespie County vehicles are to be operated only in accordance with all applicable traffic and safety laws. 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 these vehicles. Employees may not allow other individuals to operate the vehicles they have been assigned without consent from the appropriate Elected Official or Department Head to which the vehicle has been assigned.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in the 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.

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 the supervisor and Gillespie County Human Resources Department.

### **1C-3 CELL PHONE USAGE**

Gillespie County determines on a case-by-case basis the need for county provided cell phones. County cell phones are to be used for business purposes only.

Gillespie County does not allow any employee to use a cell phone while operating any Gillespie County vehicle or equipment. (Law Enforcement-Gillespie County Sheriff's Office should follow Gillespie County Sheriff's Policy) Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

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

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

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

### **1C-4 COMPUTER AND INTERNET USAGE**

The use of Gillespie County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Gillespie 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 Gillespie County computers, networks, and Internet access is a privilege granted by officials or department heads and may be revoked at any time for inappropriate conduct carried out on such

systems. County employees shall have no expectation of privacy when using county computers, networks, or other county owned equipment. Improper use may result in discipline up to and including termination.

Gillespie County owns the rights to all data and files in any computer, network, or other information system used in the county. Gillespie 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. Gillespie 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. Gillespie 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 Gillespie County electronic systems, unless expressly permitted to do so by their supervisor and the IT department. Violation of this policy may result in disciplinary action, up to and including termination of employment.

## **1C-5 VEHICLE ACCIDENT REPORTING**

All Gillespie County employees who operate a county-owned vehicle shall be responsible for verifying that the vehicle has an Automobile Physical Damage Auto Liability Loss Report and current insurance card in the glove box.

In the event of an accident:

1. The appropriate law enforcement agency shall be notified as soon as possible by the employee who was operating the vehicle. The individual shall fill out the Automobile Physical Damage Auto Liability Loss Report and return it to the County Human Resources Office no later than the next business day after the accident. If the operator is unable to notify the law enforcement agency someone at the accident scene or the employee's supervisor shall make the necessary contact.
2. In the event of an accident that does not require contacting a law enforcement agency, the employee shall fill out the Automobile Physical Damage Auto Liability Loss Report and return it to the County Human Resources Office no later than the next business day after the accident.
3. The Gillespie County employee shall be responsible for immediately notifying their elected official, department head or supervisor.
4. The Gillespie County employee, elected official, department head or supervisor shall immediately notify the Human Resources Office of the accident. The phone numbers are located on the Vehicle Accident Report located in each vehicle. In the event the accident occurs after normal business hours, notify the Human Recourses Office as soon as possible

the next business day. Do NOT wait for the law enforcement accident report to notify the County Human Resources Office of the accident.

5. In the event of injury to a Gillespie County Employee, that employee must contact Gillespie County Human Resources Department so a claim may be filed with Worker's Compensation.
6. The employee shall be responsible for obtaining an accident report from the law enforcement agency called to the accident. A copy of the employees' detailed statement concerning the accident and the accident report shall be sent to the County Human Resources Office by the employee, supervisor, elected official, or department head.
7. It is the responsibility of the department involved in the accident to obtain a quote for repair if the vehicle is drivable and submit it to the County Human Resources Office.

## **1C-6 ACCIDENT REPORTING - VEHICLE OR EQUIPMENT**

Any employee involved in an accident while driving or riding in a county vehicle or on County business in a personal vehicle, no matter how minor, shall report it to the appropriate supervisor and law enforcement authorities so that an official accident report can be filed. In no instance should the driver leave the scene of an accident before Law Enforcement have made their investigation and cleared the driver to leave unless required to report. The Department Head shall notify Human Resources of the accident on the same day the accident occurred, or on the first business day following the accident if it occurred after hours or on a non-workday. The Department Head shall forward a copy of any accident report involving county equipment or vehicles to Human Resources. It is also the responsibility of the Department Head, Elected Official, to submit any additional reports such as law enforcement reports, and statements which pertain to the accident of any equipment or vehicles. Gillespie County follows Federal Motor Carrier Safety Administration Guidelines (FMCSA) and Department of Transportation (DOT) regarding Post-Accident Alcohol and Drug Testing (CFR 49 Part 40).

<http://www.fmcsa.dot.gov/rules-regulations/topics/drug/engtesting.htm>

[http://www.dot.gov/ost/dapc/NEW\\_DOCS/part40.html?proc](http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html?proc)

## **1C-7 USE OF EQUIPMENT AND VEHICLES**

County property, materials, supplies, tools, vehicles, and equipment are only to be used for public purposes. Uses that provide private benefit to employees or officials are prohibited. If an employee is in doubt about a circumstance, they must check with the appropriate department head before proceeding. Violations of this guidance may result in separation and possible prosecution. Employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. In addition, all employees who operate a vehicle in the conduct of county business are required to possess a valid Texas driver's license and be listed on the County's insurance. Notify your supervisor of any equipment, machines, tools, or vehicles that appear to be damaged, defective, or in need of repair.

- Gillespie County vehicles are not to be used for personal business.
- Only Gillespie County employees are permitted to operate county vehicles.
- Non-employees are permitted to ride in a county vehicle being operated by a county employee for the purposes of county business.
- Vehicles should be inspected prior to use to help ensure meeting safety standards (lights,

horn, wipers, etc. are in service).

- Any vehicle accident, damage, or malfunction should be documented and reported to your Department Head immediately. If a vehicle is involved in an accident, it must also be reported to local law enforcement.
- Vehicles shall be kept clean inside and out.
- Vehicles should receive quarterly preventative maintenance (Checking or changing oil, air filters, power steering and transmission fluid, tires, etc.)

Employees required to maintain a valid Driver's License may be subject to loss of county vehicle privileges, transfer, or demotion upon a suspended or revoked license. All new hires undergo a driver record check prior to employment.

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

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

All Gillespie County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses, with the exception of Law Enforcement employees who receive salary continuation.

Employees may use 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. Gillespie County runs FMLA and Worker's Compensation concurrently.

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

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

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

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

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

Each county employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures may differ in each

county department. Your supervisor will provide you with specific information pertaining to your position.

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

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

The safety of our employees and the general public is of utmost importance to Gillespie County. We train our people to avoid injury to themselves and others in all stages of their work. We do not tolerate unsafe work practices and encourage the participation of all employees in safety awareness and activities. Gillespie County is committed to developing the most effective safe practices in all areas of our work.

Keep Safety in mind and follow these basic guidelines:

- You MUST report any accident, injury, or illness immediately to your Department Head, regardless of its severity.
- Inspect equipment, tools, and protective equipment before using.
- Report any defective, malfunctioning, or broken machinery/equipment or protective equipment (and do not use until it is fixed or replaced).
- Protective equipment must be worn when the work merits (e.g., protective eyewear, footwear, gloves, etc.).
- When using tools and machinery, follow the instructions.
- Walk – Do not run.
- Keep your work area neat and aisles clear and free of tripping hazards (i.e., wires, cords, boxes, etc.).
- Ask questions about anything that you do not understand BEFORE you attempt or use it.
- Be alert to possible risks, or things that “do not seem quite right”.
- Be aware that loose clothing, dangling jewelry, improper footwear, or other loose or hanging items are a safety hazard and should be arranged (fixed) to reduce your hazard.
- Bring any unsafe practice or condition to the attention of your Department Head, Elected Official and Human Resources.

Gillespie County is very serious about eliminating accidents, injuries, and work-related illnesses and we expect all employees to take safety seriously as well. For everyone's safety, unsafe acts by employees will not be tolerated. Employees engaging in unsafe acts in the workplace will be subject to disciplinary action up to and including separation.

## **1D-3 ID BADGES**

In a continuing effort to provide a safe and secure workplace and to allow for the identification of

County employees, it is the policy of the Gillespie County Commissioners Court that all employees **possess** a valid and current identification badge issued and authorized by Gillespie County.

1. Issuing office shall be the Gillespie County IT Department. The Commissioners Court may add other authorized locations after approval of this policy.
2. Employee refers to full-time and part-time employees.
3. An ID badge will be issued to all employees, other than those hired for a specific short-time period such as election workers who do not work in a county building. *The only exception is the issuance of ID badges to licensed peace officers. Those badges will be issued in accordance with Section 1, Chapter 614, Subchapter H, Government Code, regarding Peace Officer Identification Cards through the Gillespie County Sheriff's Office.*
4. A Gillespie County ID badge should not be considered a method to bypass security checks or stations. All employees are expected to observe and participate in established security measures.
5. Identification badges shall not be loaned to other employees or individuals for any purpose.
6. Current employees of the County will have an ID badge made as soon as possible. Newly hired employees will have a badge made when they are processed into the County through the IT Department.
7. Elected Officials and department heads are charged with the responsibility to ensure that all employees possess an ID badge. It is the employee's responsibility, along with the elected official and department head, to ensure that their ID badge is valid and contains accurate information. An elected official or department head may temporarily seize an employee's ID badge as a result of a disciplinary action including time off with or without pay.

If an employee transfers to another department or legally changes their name, the old badge will be surrendered and a replacement badge will be issued. The department involved in the transferring of the employee is responsible for coordinating the collection of the old badge and returning it to the issuing office. The issuing office is responsible for ensuring old badges are returned to them and destroyed.

1. Employees must report lost or stolen ID badges immediately to their elected official or department head. Elected officials and department heads must report lost or stolen ID badges to the issuing office within 48 hours of notification by employee.
2. ID badges shall not have other symbols or ornaments attached to them in any form or fashion.
3. ID badges are and will remain the property of Gillespie County and will be surrendered to the issuing office by the employee upon termination of employment.
4. The Gillespie County Commissioners Court shall supervise the implementation of this policy.
5. ID badges shall contain the following information: picture of employee, first and last name of employee, department, and employee title.

The issuing office should provide a secure area for identification badge software, hardware, and supplies. The issuing office should maintain a record of all ID badges that have been issued, returned, and destroyed.

An elected official or department head may require ID badges to be visibly worn by the employees while on County business, so they are easily identifiable as county employees. It is not the intent of this policy to compromise the safety of its employees; therefore, elected officials and department

heads have the discretion to determine if visibly wearing and/or possessing an ID badge is a detriment to their employees.

#### **1D-4 SEATBELT**

All county-owned vehicles will be equipped with seat belts. This includes the vehicle cab or operator's compartment, passenger seating area and jump seats.

Operators of tractors or other off-road vehicles equipped with "Roll-Over Protection Structures" (ROPS) will use seat belts.

Vehicle passengers will be permitted to ride only in areas of the vehicle designed for that purpose. Seat belts are to be used in accordance with the law by all individuals riding in the vehicle while the vehicle is in motion. There are no vehicle exemptions to this policy.

Violation of this policy will result in disciplinary action by the department head. Employees who have a medical condition which may preclude wearing a seat belt may carry a physician's note indicating a waiver for medical reasons.

#### **1D-5 DRUG AND ALCOHOL- ALL EMPLOYEES**

Gillespie 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 their 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 Gillespie 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 shall not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on/in County property (including equipment or vehicles) or while conducting county business not on county property.

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

An employee shall not possess or use unauthorized prescription drugs or abuse 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 to the employee.

An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription to the employee if the use will not impair the employee's ability to do

their 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 their 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 use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).

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 Human Resources Office.

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

An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program, including refusing the volunteer testing program shall result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive or refuses the volunteer drug test during this post rehabilitative program the employee shall be terminated.

Gillespie County will drug test employees who ARE NOT CDL license holders under the following conditions:

***Reasonable Suspicion*** – If an employee is having work performance problems or displaying behavior that may be alcohol or drug related or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to alcohol or drug test. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face

- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e., paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated and that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and specific violations of county policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted with signatures of either the elected official or supervisor as well as the employee.
4. The elected official or supervisor will **remove** the employee from the county workstation and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Human Resources Office for filing.

#### **Post-Accident Reporting and Testing:**

All reports of an on-the-job accident or injury, as required by this paragraph, shall be made as soon as is practicable following the injury or accident. All employees shall be required to report an on-the-job accident or injury to their department head/elected official. All department heads involved

in an on-the-job accident or injury shall report an accident or injury to their Commissioners Court approved liaison. Elected Officials involved in an on-the-job accident or injury are requested to report the accident to the County Judge or the Judge Pro Tem.

All employees directly involved in an on-the-job accident or injury resulting in property damage or personal injuries shall be required to submit to a drug and alcohol test under the following circumstances:

- Drug testing is required by Texas Workers' Compensation laws or by applicable Federal laws; or
- There is a reasonable suspicion that drug or alcohol use caused the work-related injury or workplace accident. Reasonable suspicion refers to a belief based on articulable facts and reasonable inferences drawn from those facts that an employee was or is under the influence of drugs or alcohol, including:
  - Direct observation of drug or alcohol use; or
  - Abnormal conduct while at work commonly associated with being under the influence of drugs or alcohol, or a significant deterioration in work performance; or
  - Evidence of drug or alcohol use or possession in the workplace; or
  - Evidence that the employee has tampered with a previously administered drug or alcohol test; or
- The work-related injury or workplace accident results in:
  - human fatality; or
  - Bodily injury to any person that requires immediate medical treatment away from the scene; or
- Disabling damage to one or more vehicles or motor driven equipment that requires said vehicle or motor driven equipment to be removed from the scene by a tow truck or another vehicle.

Employee shall submit to drug and alcohol testing, as required by this section, as soon as practicable following the injury or accident. Specifically, alcohol tests must be completed within eight hours, and drug tests must be completed within 32 hours of the injury or accident.

#### Testing Procedures:

- The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
- The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
- If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Gillespie County.
- The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to their residence.
- Under no circumstances, unless required or authorized by law, will alcohol or drug testing

information be released without written consent from the employee.

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

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

## **1D-6 DRUG AND ALCOHOL- CDL EMPLOYEES**

CDL Drivers are an extremely valuable resource for Gillespie County's business. Their health and safety are a serious county concern. Drug or alcohol use may pose a serious threat to drivers' 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 Gillespie 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. Gillespie County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

It is the policy of Gillespie 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. Gillespie County will conduct electronic queries 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.

## **1D-7 WORKPLACE VIOLENCE**

Gillespie County is committed to providing a workplace free of violence. Gillespie County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be always aware of their surroundings and report any suspicious behavior from the public, former

employees or current employees to their immediate supervisor or the sheriff's office.

## **1D-8 SOCIAL MEDIA**

For purposes of this policy "social media" includes any social networking sites. Gillespie 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 and/or position in the county; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Gillespie County among the community at large. Gillespie 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.

Gillespie County prohibits the installation or use of the social media service TikTok, or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or a social media application or service specified by proclamation of the governor on any device owned or leased by Gillespie County and requires the removal of covered applications from those devices.

The installation and use of a covered application may be acceptable to the extent necessary for providing law enforcement; or developing or implementing information security measures. In order for the installation to be approved Gillespie County must require the use of measures to mitigate risks posed to this state during the use of the covered application, and the documentation of those measures.

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 Elected Official or Department Head.

- If your posts on social media mention Gillespie County make clear that you are an employee of Gillespie County and that the views posted are yours alone and do not represent the views of Gillespie County.
- Do not mention Gillespie County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Gillespie 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 Gillespie County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. Gillespie 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 Gillespie County's website or post Gillespie County material on a social media site without written permission from your Elected Official or Department Head.
- All Gillespie 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 Gillespie County must be kept confidential and should not be discussed in social media forums.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

It is the policy of Gillespie 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**

Gillespie 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, Gillespie 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 entry is correct. Your time entry must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Do not submit your time entry if it is not accurate. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt 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 in time entry. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report in time entry. 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 the time worked, you must inform the Human Resources Office.

It is a violation of Gillespie County policy for any employee to falsify their time entry, or to alter another employee's time entry record. 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 entry record 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 Human Resources Office at 830.307.6223, 101 W. Main St., Room B102.

Employees classified as exempt salaried employees will receive a salary intended to be compensation for all hours worked for the County. The salary will be established at the time of hire or when employee becomes classified as an exempt employee. While it may be subject to review and modification, 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 performed.

Exempt employee's salary may also be reduced for certain types of deductions such as the employee portion of health, dental or life premiums, state, federal or local taxes, social security, retirement, or voluntary contributions to a deferred compensation plan. Workweeks in which any work is performed, wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full days 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 Human Resources Director, (830.307.6223, 101 W. Main St., Room 102). 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 investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

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

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

## **2A-3 COMPENSATION**

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

Gillespie County complies with the Fair Labor Standards Act as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair

Labor Standards Act. The Commissioners' Court has adopted this exemption. (*See Policy Below in Section 2A-5, 2A-10 and 2A-11*)

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.

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

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

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

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

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

No optional deductions shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Human Resources Office.

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

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Gillespie County shall begin at 12:01 a.m. on each Sunday 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 14 days and 86 hours as established by the Gillespie County Commissioners' Court.

## **2A-6 TIME ENTRY**

Each employee must fill out a time sheet to be submitted to their supervisor on the day specified on the approved pay schedule. Original timesheets must be submitted to the Payroll Clerk and copies of all timesheets must be submitted to Human Resources (HR). Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and submitted to 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. Employees shall only use appropriate available leave to account for their regular weekly work schedule.

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

The pay period for Gillespie County shall be a bi-weekly pay period with the pay period dates established by Commissioners Court. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

The Texas Payday Law does not apply to political subdivisions of Texas (Counties), therefore final wages will be issued on the regularly scheduled payday.

## **2A-8 WORK SCHEDULES**

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. Each elected official or department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

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

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later. Elected officials and department heads are expected to manage staff to a 40-hour work week to minimize overtime.

## **2A-10 LAW ENFORCEMENT PAY AND OVERTIME**

The Gillespie County Commissioners' Court has adopted the extended work period for law enforcement personnel (deputies and jailers) authorized by the Fair Labor Standards Act §207(k). The work period is based on 14 consecutive calendar days beginning on Sunday, at 12 a.m. A law enforcement employee will be paid a salary based on a minimum of 84 hours reported plus overtime for any authorized hours worked over 86 during a work period. An employee will be paid his or her full salary if the employee reports at least 84 hours during a work period. Overtime will not accrue in any work period during which an employee reports paid time off until the number of actual hours worked reported during the work period exceeds 86.

A law enforcement employee must account for 84 hours during each work period, by reporting actual hours worked or paid time off. Except in an emergency situation, as determined by Commissioners Court or the sheriff, an employee must obtain advanced authorization from his or her supervisor before working more than 86 hours in any work period to receive overtime compensation.

## **2A-11 OVERTIME CALCULATIONS AND RULES**

All county Employees subject to the provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. Sec. 201, et seq., (except law enforcement officers and jailers), who are required to work in excess of 40 hours per week shall receive payment at the rate of one and one-half hours for each hour worked over 40 hours. Law enforcement officers and jailers shall receive straight time for hours worked up to 86. Hours in excess of 86 are paid at one and one-half times their regular rate within the 14-day work period.

## **2A-12 "SUBJECT TO ON-CALL" WORK**

Employees of Gillespie County may be required to perform work on a "subject to on-call" work. "Subject to on-call" work is defined when an employee is called upon by their department head or supervisor to perform a task(s) outside of their normal work schedule. Employees who are expected to be on-call shall be notified of any conditions and expectations prior to being considered available for on-call work.

Only employees classified as non-exempt under the Fair Labor Standards Act are eligible for on-call compensation. "Subject to on-call" compensation will be calculated at the employee's normal hourly rate with a **two-hour minimum** for responding to on-call work. Time spent by an employee on-call shall be rounded up to the next hour as approved by the department head.

A department head may change the work schedule of an employee who performed work on a "subject to on-call" basis, so no overtime is accrued for the pay period.

The determination to which positions or personnel who shall be required to work on a "subject to on-call" basis shall be made by each department head or supervisor.

## **2A-13 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 reassign 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 downward; however, all market adjustment increases will remain with employee.

## **2A-14 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 an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners' Court.

## **2A-15 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 an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-16 SEPARATIONS**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a county employee end. All separations from Gillespie 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 their employment with Gillespie 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.

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.

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

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-17 REHIRES**

When considering an applicant who was previously employed by Gillespie County, an Elected Official or Department Head shall review the personnel file of the former employee prior to making an offer for re-employment.

## **2A-18 RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Gillespie County as long as the

following provisions are met: 1) The retiree has been retired for at least one full calendar month, 2) No prior arrangement or agreement was made between Gillespie County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of one full calendar month. A bona fide separation means there is no prior agreement or understanding between Gillespie 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.

## **B. EMPLOYEE BENEFITS**

### **2B-1 HEALTH AND DENTAL PLANS**

All full-time regular employees of Gillespie County shall be eligible for the group medical plan and dental plan benefits. Regular full-time employees will be eligible for health insurance on the first day of the month following the date of hire. Elected officials will be eligible for health insurance on the date they take office. Regular part time and temporary part time employees will not be eligible for health insurance.

Premiums for the group medical plan and dental plan benefits for eligible employees and family members shall be determined yearly by the Commissioners' Court during the budget process. Gillespie County will pay 100% of the medical premium for eligible employees.

Eligible employees may cover their qualified dependents by paying a designated portion for their dependents. Deductions for dependent coverage shall be made through payroll deductions from the employee's paycheck on 24 of the 26 employee's bi-weekly pay periods.

Details of coverage under the group medical insurance plan and dental plan are available in the County Human Resources Office and may be obtained during the normal working hours for that office.

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

Retiree coverage and premiums will be determined annually by Commissioners Court during the budget process.

Employees (and their spouses) under 65 retiring under the Texas County and District Retirement System are permitted to participate in the County group medical plan, provided, at the time of separation from the County, the employee (and spouse) is covered under the County's group medical plan and the employee elects to draw retirement benefits under TCDRS.

#### Eligibility

A Gillespie County employee retiring under the Texas County and District Retirement System ("TCDRS") with a minimum of eight years TCDRS creditable service with Gillespie County and his/her spouse is eligible to participate in the Retiree Insurance Continuation Program, **provided**, at the time of separation from the County, the employee:

1. is covered under the County's group medical plan,
2. has eight or more consecutive years of employment with the County concurrent with the date of retirement, as actively participated in TCDRS for a minimum of the eight years prior to retirement,
3. has no lapse in time between leaving County employment and drawing retirement benefits under TCDRS; and
4. elects to continue medical coverage under the County's group medical plan (if under 65 years of age) or the plan offered by the County through the Texas Association of Counties (if 65 years of age or older).

#### Participation and Cost Share Program

This plan provides a cost share program solely for retirees (not dependents or spouses) provided the retiree has met all the eligibility requirements. The County will contribute \$100.00 per month per retiree towards their current premium. The retiree shall be responsible for the remaining balance of the premium.

#### Rates

The rates for retirees under the age of 65 shall be set as those of an active employee. These rates are established annually as contracted between Gillespie County and the Texas Association of Counties.

The rates for retirees over the age of 65 shall be set according to the Texas Association of Counties Retiree Medical Program.

#### Remittance of Premiums

The retiree or spouse shall be responsible for paying the County their group insurance premium. The premium must be received in the office of the County Treasurer no later than the tenth day of the month of coverage.

Premiums not received by the due date could result in cancellation of coverage.

#### Continuation of Coverage

A retiree or spouse may discontinue coverage at any time to be effective at the end of the following month. However, once dropped that individual cannot reapply for coverage under the County's Retiree Insurance Continuation Program.

#### Policy Review

Commissioners' Court will review the policy annually during the County's budget process and upon review of the policy, shall exercise the county's option to revise or discontinue the policy. No rights or interest in the continuation of this policy shall accrue to or vest in any retiree or spouse due to Commissioners' Court implementation of this policy.

Continuation of retiree insurance elections must be made within 30 days of separation and notice must be given to the Human Resources Department of employee's intent to receive allocated coverage.

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

Gillespie County may provide a limited amount of life insurance on eligible employees as part of the group coverage. Gillespie County provides supplemental insurance coverage under various vendors. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from Human Resources Office.

## **2B-3 PAID TIME OFF POLICY**

Leave time is the time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be categorized as paid or unpaid and must be approved or designated by the Department head. Employees will go into unpaid leave status when no PTO is available. No advance of unearned leave will be given for any reason. Leave time taken must be reflected in bi-weekly payroll. Employees must secure authorization with their department head or elected official in advance. If advance notice of leave is not possible, employees must notify their department or elected official as soon as is reasonably practical. Nothing in this leave time policy is intended to conflict with the provisions of the Family and Medical Leave Act (FMLA), as more fully described in section 2B-11 below. If there is a conflict, the provisions of the FMLA prevail.

### **PAID TIME OFF**

1. Full-time employees are eligible to accrue paid time off (PTO) when they are working or on paid leave. The accrual is processed after each bi-weekly pay period and employees must have worked or have been on paid leave in order to earn the leave. There are no accruals during periods of unpaid, unauthorized or military leave. Employees are encouraged to take time away from the office at least annually.
2. Elected and Appointed Officials, part-time and temporary employees earn no PTO.
3. Re-hired employees, including retirees, shall accrue leave as a new employee with no prior service.
4. Employees are eligible to use accrued PTO as accrued/earned.
5. The maximum allowable carry forward PTO hours into a new year is 480 hours.
6. Current employees will retain any sick leave balance as of 11/30/2024. Employees are encouraged to utilize sick leave when appropriate prior to using their paid time off. Sick leave balance has no cash value upon separation from employment from Gillespie County.
7. Upon separation from County employment, an employee completing one year of employment shall be paid for up to 240 hours accrued and unused PTO leave on record. To receive this benefit, an employee must give at least two weeks' notice of resignation/retirement and work their normal schedule during the notice period. Accrued leave may not be used to extend a

separation date.

*\*Employees who retire on or before 12/31/2024 shall be paid for all accrued and unused PTO on record.*

8. PTO Accrual while in Military Service: Time spent in military service shall be considered time worked, for the purpose of determining the rate of PTO accrual under the preceding sections of this agreement, provided the employee left the employ of the county to enter military service and returned to its employ within such time as may be prescribed by law. Each employee, upon leaving their job to enter military service, will receive pay for all PTO then accrued in their favor. Upon resuming work for the county, the employee's PTO accrual rate will reflect the time spent in military service.
9. Employees with a PTO balance must utilize their leave to fulfill their regular weekly schedule and may not opt for partial hours or hours of leave without pay.
10. Current vacation accrual balances as of 11/30/2024 will be transferred to the employee's PTO balance.

PTO bi-weekly accrual rates for full-time (40 hour) employees:

- 6.16 hours service <5 years (160.16 hours per year; 20 days per year)
- 6.77 hours service  $\geq$  5- <10 years (176.02 hours per year; 22 days per year)
- 7.39 hours service  $\geq$  10- <15 years (192.14 hours per year; 24 days per year)
- 8.00 hours service  $\geq$  15- <20 years (208 hours per year; 26 days per year)
- 9.24 hours service  $\geq$  20 years (240.24 hours per year; 30 days per year)

## **2B-4 HOLIDAY**

All full-time regular employees shall be eligible for paid holidays. Employees must be actively employed on the days prior to and following a holiday to receive this benefit. The County holidays shall be determined by the Gillespie County Commissioners' Court.

If a paid holiday occurs during the paid time off leave of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's paid time off leave balance. If a designated holiday falls on an eligible employee's day off, the employee shall receive holiday pay for the number of hours worked in the employee's regular shift.

An eligible employee scheduled to work or called in to work on a holiday due to an emergency, or other special need of the County, shall be paid for County approved holiday hours at straight time (in addition to any regular hours worked).

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

not taken, they will not be paid at termination.

## **2B-5 JURY DUTY**

All employees of Gillespie 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 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.

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as their court attendance may require. If an employee is absent from work to appear in private litigation in which they are a principal party, the time shall be charged to PTO or leave without pay.

## **2B-6 BEREAVEMENT LEAVE**

Full-time employees shall be allowed up to 3 days of paid leave for a death in the immediate family. This policy defines immediate family (this includes step-family) as the Spouse, Mother/Father, Daughter/Son, Brother/Sister, Grand-Mother/Father, Grand-Daughter/Son by blood or marriage. Employees may be allowed time off with pay, up to a maximum of 2 hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a co-worker. If leave is needed beyond the limits set in this policy, it may be charged to available PTO.

## **2B-7 MILITARY LEAVE**

All Gillespie 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 for active duty or to attend active or inactive 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 PTO or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum.

Any Gillespie County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these provisions, the person may not be subjected to loss of time, efficiency rating, paid time off or sick leave.

An employee going on military leave shall provide their supervisor with a set of orders within two

(2) business days after receiving them.

Upon request of the employee, Gillespie County will provide a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year.

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

## **2B-8 RETIREMENT**

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

## **2B-9 SOCIAL SECURITY/MEDICARE**

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

## **2B-10 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

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

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

## **ELIGIBILITY**

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

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

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

## **QUALIFYING EVENTS:**

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

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

## **SERIOUS HEALTH CONDITION:**

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

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

1. a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - a. Treatment two or more times within 30 days of incapacity; or
  - b. Treatment by a health care provider on at least one occasion within the first seven days of incapacity resulting in a regimen of continuing treatment by health care provider.
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 that is permanent or long term due to a condition for which treatment is not effective.
5. Any period of incapacity or absence to receive multiple treatments by a health care provider.

## **QUALIFYING EXIGENCY LEAVE:**

An eligible employee may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, child of any age

or parent in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active-duty status in a foreign country.

Qualifying exigencies may include:

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SUBSTITUTION OF PAID LEAVE:**

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

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

#### **CONTINUED EMPLOYEE BENEFITS:**

While an employee is on leave under this policy, the County will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the County no later than 30 days after the date of the pay period in which the premium comes due. The County may cancel unpaid coverage by providing the employee with advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

At the end of the 12-week leave period an eligible employee will be offered COBRA if they are unable

to return to work or at the end of the 26-week leave period in a single 12-month period to care for an injured covered military member.

**INTERMITTENT LEAVE AND REDUCED SCHEDULE:**

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

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

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

**CERTIFICATION REQUIREMENTS:**

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

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

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

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

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

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

**REQUESTING LEAVE:**

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

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

**REINSTATEMENT:**

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

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

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

**REPAYMENT OF BENEFITS:**

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

**OTHER BENEFITS:**

While on leave without pay under this policy, an employee does not earn paid time off, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy, unless other employees who go on leave without pay are allowed to do so.

Employees are forbidden from working another job while on approved FMLA leave from the County.

**REGULATION:**

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

**RETURN-TO-WORK:**

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

## **ENFORCEMENT:**

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

## **2B-11 Pregnancy Workers Fairness Act (PWFA)**

The Pregnancy Workers Fairness Act (PWFA) requires employers to provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless accommodations will cause undue hardship to Gillespie County's operations.

### **Qualifications**

To qualify for accommodations, you must be a qualified employee. A qualified employee is an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the position, except under the PWFA an employee shall be considered qualified if: an inability to perform an essential function is for a temporary period; an essential function could be performed in the near future; and the inability to perform the essential function can be reasonably accommodated.

### **Requesting Accommodations**

An employee or applicant must request reasonable accommodations due to pregnancy, childbirth or a related medical condition by submitting the request in writing to Human resources (HR). The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, HR will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

### **Interactive Process**

An interactive process will be used when pregnancy workers fairness act is requested to help the employer and employee (or applicant) identify the limitation and the accommodation or change at work needed due to the limitation and potential reasonable accommodations. Documentation may be requested to confirm the physical or mental condition, confirm the physical or mental condition is related to pregnancy, childbirth, related medical conditions, and to describe the change or adjustment at work needed due to the limitation.

### **Types of Reasonable Accommodations**

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

1. Sitting/standing

2. Drink water during the workday.
3. Receive closer-in parking.
4. Have flexible hours.
5. Telework
6. Light duty
7. Making existing facilities accessible or modifying the work environment
8. Receive additional break time to use the bathroom, eat and rest.
9. Take time off to recover from childbirth.
10. Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.
11. Temporarily suspending one or more essential functions
  - a. Acquiring or modifying equipment, uniforms, or devices
  - b. Adjusting or modifying examinations or policies.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, Gillespie County will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

Gillespie County prohibits any retaliation, harassment or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## **2B-12 LEAVE OF ABSENCE - OTHER**

Employees may request a personal leave of absence for a maximum of 30 days. Personal leave of absences may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head.

Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan, but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

## **2B-13 PARTICIPATION AS MEMBERS OF VOLUNTEER FIRE DEPARTMENTS WITHIN GILLESPIE COUNTY**

Full time County employees, who are members of a Volunteer Fire Department within Gillespie County, subject to his/her department head's approval, may respond to an emergency fire situation during his/her regular working schedule. The employee will be compensated by the County his/her regular wages for time volunteered up to the number of regularly scheduled hours per work day, counting hours worked for the County. This emergency response time will not count towards overtime.