

# **Wise County, Texas**

**Employee Handbook  
&  
Policy Manual**

**Adopted March 11, 2011**

## ACKNOWLEDGMENT

I have received my copy of the Wise County Employee Handbook and Policy Manual, which defines my privileges and obligations as an employee and/or Department Head and also includes a summary of my benefits.

I acknowledge that the provisions of these policies are part of the terms and conditions of my employment and that I agree to abide by them.

I accept responsibility for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County.

If I need clarification on any of the information in this manual, I will contact my supervisor or the County Treasurer's Office.

Since this information is necessarily subject to change, it is understood that my supervisor will communicate, through official notices or bulletin boards in various locations in County buildings, any changes to me.

I further understand that my employment is terminable at will so that both the County and I remain free to choose to end our relationship at any time for any or no reason.

I also acknowledge that as a County employee, I have a personal responsibility to provide quality service to the public, to achieve the highest degree of safety possible for me and my fellow workers, to continually make suggestions for improvement and to demonstrate a spirit of teamwork and cooperation.

I further understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Type or Printed Name of Employee

\_\_\_\_\_  
Date Signed

Last Adopted March 21, 2011



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Last Adopted March 21, 2011

## **Introduction**

## INTRODUCTION

To preserve the ability to meet needs under changing conditions, Wise County's Commissioners' Court has adopted this Employee Handbook as its official guide for employment with the County.

However, the County may modify, augment, delete and/or revoke any and all policies, procedures, practices and or statements contained in this handbook at any time without notice.

These changes will be effective immediately upon approval by the Commissioners' Court unless otherwise stated.

These changes will be communicated to County employees by the employees' supervisors, official notices or bulletin boards in various locations in County buildings.

At the end of each section of the handbook is a date showing the last date that section was modified and adopted by the Court.

When any section is changed in any way that date will be changed to reflect the date the Court adopted the modified section.

The policies and procedures in this handbook are not intended to be contractual commitments by Wise County, but rather, are intended to be guides to management and, as such, are merely descriptive of the suggested procedures to be followed.

Wise County reserves the right to revoke, change and/or supplement guidelines at any time without notice.

No policy is intended as a guarantee of continuity of benefits or rights.

No full-time employee or employment for any term is intended or can be implied by statements in this handbook.

Last Adopted March 21, 2011

**Section 1**  
**Definitions**



## Definitions

Following is a list of definitions that will be used throughout this handbook. Except as noted, these definitions will remain static throughout.

### A

#### ALCOHOL CONCENTRATION

The meaning assigned the term in the Texas Penal Code 41.01(1).

### B

#### BUILDINGS, OFFICE

This term means any County-owned, rented or leased building containing at least one County office.

It does NOT mean any of the four County road & bridge barns, or the County's Public Works barn.

### C

#### COBRA

Consolidated Omnibus Budget Reconciliation Act of 1985

#### COMPENSATORY TIME

Compensatory time is leave time taken in lieu of paid overtime. This time is computed and taken at the rate of one and a half times the number of hours worked over the basic workweek time of 40 hours for all employees except Sheriff's deputies and jailers and 43 hours for those employees.

#### CONTROLLED SUBSTANCE

Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. s812) as amended. Personnel and Health Services maintain copies for employee review.

#### COUNTY

Wise County

## Definitions – Continued

### D

#### DEPARTMENT

Any of the various groups of employees performing tasks at the direction of an elected or appointed official.

#### DEPARTMENT HEADS

Those elected or appointed officials whose responsibility it is to head up the various County offices.

#### DEPUTY

An employee that serves some Department Head as a worker.

#### DEPUTY, SHERIFF

An employee working for the Sheriff's Office, other than clerical employees, that **must** be certified by the State of Texas as peace officer.

#### DRUG

Any chemical substance that produces physical, mental, emotional or behavioral change in the user.

#### DRUG PARAPHERNALIA

Any equipment, product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance.

### E

#### EEOC

Equal Employment Opportunity Commission

#### EMPLOYEE, CLERICAL

An employee working in a position that requires secretarial skills such as typing, shorthand, 10-key, computer data entry, etc.

#### EMPLOYEE, EMERGENCY SERVICES

An Emergency Medical Technician (EMT) or Paramedic working for the County's ambulance service that **must** be certified by the State of Texas. This definition does not include the Emergency Services Administration.

## Definitions – Continued

### EMPLOYEE, EXEMPT

An employee working in a position that, because of job duties that comply with exemptions granted by the FLSA, are exempt from hours worked record keeping. Detailed explanations of these classifications can be obtained directly from the FLSA, a copy of which is maintained by the County.

Only by letter to the County Treasurer's Office from the employee's Department Head can this exemption be granted any employee.

These employees continue to accrue sick, vacation, emergency & catastrophic illness leaves. These employees are **required** to submit a letter to the County Treasurer's Office prior to time off to reduce the time that will be consumed by the employee when the employee does not full fill a 40 hour work week.

### EMPLOYEE, FULL-TIME

An employee whose job description and/or placement contemplates a job requiring at least 40 hours of work each week under ordinary circumstances.

### EMPLOYEE, PART-TIME

An employee whose job description and/or placement contemplates a position that will require no more than 32 hours of work per week under ordinary circumstances or an employee who becomes a member of a temporary pool on call for temporary assignments.

### EMPLOYEE, SPECIAL

A full-time employee that does not fall into any other category.

## F

### FITNESS FOR DUTY

To work in a manner suitable for the job. To determine fitness, a medical evaluation may include drug and/or alcohol testing.

### FLSA

Fair Labor Standards Act

## G

## H

## Definitions – Continued

### I

#### ILLEGAL DRUG

Any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage is illegal or regulated under any federal, state or local law or regulation and any other drug, including, but not limited to, a prescription drug used for any reason other than a legitimate medical reason and inhalants used illegally. Marijuana or cannabis in any form is included.

#### IMMEDIATE FAMILY

Members of the employee's or employee's spouse's family living in his or her home, plus parents and parents-in-law, siblings and their spouses, children and their spouses and grandparents and grandchildren living outside the employee's home.

### J

### K

### L

#### LEAVE OF ABSENCE

Unpaid leave for attending to the employee's personal needs of any type.

#### LEAVE, ANNUAL

Paid vacation leave.

#### LEAVE, CITIZENSHIP

Paid leave for citizenship obligations such as witness duty, jury duty, voting, naturalization, military service and/or any other similar obligation.

#### LEAVE, EMERGENCY

Paid leave for attending to the medical needs or attending funerals of members of the employee's immediate family.

#### LEAVE, SICK

Paid leave for attending to the employee's personal medical needs including home or hospital recuperation, the keeping of doctor's appointments, getting prescriptions filled, etc.

### M

## Definitions – Continued

N

### NEGATIVE TEST RESULTS

Results of testing that indicate that no alcohol or drugs are in the employee's system other than properly-used prescriptions or over-the-counter medications.

O

P

### PAY DAY

The day the paychecks are issued.

### PHYSICAL

Physical examination performed by a doctor of the County's choosing on County employees.

### POSITION, PART-TIME

A part-time position, the job description of which encompasses work for no more than 32 hours per week without regard to a specific project or a specified period of time. Any employee filling this position will not be afforded any form of compensatory time, annual, sick, emergency or citizenship leave, paid holidays, group health or life insurance programs. Any employee filling this position will be paid strictly on an hourly basis.

### PREMISES

All County property including vehicles, lockers and parking lots.

### PROPERTY

All County-owned, rented or leased property used by employees such as vehicles, lockers, desks, closets, etc.

Q

R

### REASONABLE CAUSE/REASONABLE SUSPICION

Cause and/or suspicion supported by evidence strong enough to establish that a policy violation has occurred.

### ROADHAND

An employee working for any of the four road and bridge precincts, the public works department (other than clerical employees).

## Definitions – Continued

S

T

### TESTING

Generally defined as a urine, blood or breath test to determine chemical or drug content. Testing occurs in the pre-employment process, routine physical examinations as required by the County, situations involving reasonable cause to suspect drug or alcohol use, situations involving injury to one or more employees where there is reasonable cause to believe that drug or alcohol use caused or contributed to the injury and situations where an on-the-job accident has occurred. Testing results will remain confidential.

### TOBACCO

Any product made of tobacco, its byproducts or fillers that can be smoked in any fashion, chewed, dipped or snorted into the nostrils.

U

### UNDER THE INFLUENCE

For County employees who are **over 21 years of age** and **do not** operate commercial vehicles this is a state of having a blood alcohol concentration (BAC) of 0.08 percent or more or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

If the employee is under the age of 21 the BAC level is 0.00 percent.

If the employee operates a commercial vehicle the BAC level is 0.04, as regulated by the Department of Transportation for drivers who possess a Commercial Driver's License.

V

W

**WORKDAY**

Daily period of time during which the employee works. For full-time non-emergency services personnel, these periods will usually range from (8) eight to (10) ten hours a day. For Emergency services personnel only, these periods are (24) twenty-four hours long.

**WORKWEEK**

Seven-day period of time during which the individual is working for the County and for which the individual is paid.

X

Y

Z

Last Adopted March 21, 2011

**Section 2**  
**Fairness Standards**



## **Equal Employment Opportunity**

All job applicants will receive courteous attention and consideration.

Any applicant who meets the educational and physical requirements of any available job with the County will be considered an eligible applicant. An eligible applicant will then be considered for employment without regard to race, creed, color, religion, sex, national origin, ancestry or age.

No Department Head or employee of the County will discriminate against any applicant or other Department Head or employee because of physical or mental disability, veteran status, race, creed, color, religion, sex, national origin, ancestry or age.

In accordance with the Americans with Disabilities Act, the County will make reasonable accommodations for a qualified applicant or employee. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. If accommodations cannot be made for a current employee, the employee will be given the opportunity to be reassigned to an open position for which they are qualified and capable of performing the essential job functions.

All employees will have equal opportunity for promotion, equal pay and compensation, demotion, layoff and termination and all County-sponsored social programs.

The County, as an equal opportunity employer, considers any type of sexual harassment of one Department Head or employee by another Department Head or employee as sex discrimination.

This type of behavior is egregious, most unprofessional and strictly prohibited.

It is the responsibility of the individual Department Heads to enforce this policy.

This policy applies to all employment practices and personnel actions.

More information about this policy can be found in the "Sexual Harassment" section of the handbook.

The County has an "Open Door" policy and welcomes the opportunity to enter into mediation with any employee or applicant if a problem covered under this policy arises.

Last Adopted March 21, 2011

**Page 2.1.1**  
**Fair Labor Standards Act**

The County complies with all applicable Federal and State employment laws including the Fair Labor Standards Act (FLSA).

This policy applies to all employment practices and personnel actions.

More information about the FLSA and its application can be found in the “Workweek” section of this handbook.

Last Adopted March 21, 2011

## **Employee 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 during the first year following the birth of a child.

Wise County will provide nursing mothers with unpaid reasonable breaks, as frequent as required by the mother, to express breast milk. The mother will be given a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis by the Department Head.

Wise County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for one year following the birth of their child.

All other employee breaks are determined by each Department Head and are not required to be given. If your department provides you with a break, they may not be accumulated or used for time off.

The Fair Labor Standards Act does not require any breaks other than for nursing mothers, however if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

Last Adopted March 21, 2011

## **Section 3**

### **Conduct**

## **Harassment, Sexual Harassment, and Hostility Policy**

Unwelcome sexual advances, requests for sexual favors or any other verbal, written or physical conduct of a sexual nature constitutes sexual harassment when submission to the conduct is made either explicitly or implicitly as a term or condition of employment, submission to or rejection of the conduct by an individual is used as the basis for personnel-related decisions affecting the individual and/or the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Normal, courteous, mutually respectful interactions between employees that are acceptable to both parties are not considered to be sexual harassment.

No employee should be subject to harassment or hostility of any kind due to their physical or mental disability, veteran status, race, creed, color, religion, sex, national origin, ancestry or age.

Any employee found to have acted in violation of any of the foregoing points will be subject to appropriate disciplinary action up to and including termination of employment.

Any employee who believes he or she is a victim of any type of harassment or hostility on the job should immediately report the matter to his or her Department Head, the Human Resource Officer, the County Attorney or the District Attorney. The choice of whom to report the harassment is the employee's alone to make.

Last Adopted March 21, 2011

## **Drug and Alcohol Policy**

The objective of this policy is to develop a drug and alcohol free workplace, which will help ensure a safe and productive workplace.

The County has a ZERO TOLERANCE position on the possession of, use of, or being under the influence of illegal drugs and/or alcohol in the workplace. In order to further this objective, the following rules regarding illegal drugs and alcohol in the workplace have been established.

### **POLICY**

1. Drug addiction and alcoholism are recognized as diseases responsive to proper treatment. This will be an option as long as the employee cooperates and volunteers prior to testing positive for illegal drugs and/or alcohol. An employee assistance program (EAP) will be made available to assist employees.
2. The manufacture, distribution, dispensing, possession, sale, purchase or use of a controlled substance on County property is prohibited.
3. Being under the influence of illegal drugs or alcohol on County property is prohibited. The unauthorized use or possession of prescription or over-the-counter drugs on County property is prohibited.
4. Employees who violate this policy are subject to termination.
5. This policy applies to all employees of the County regardless of rank or position and includes part-time and temporary employees.

### **GENERAL POLICY PROVISIONS**

Any of the following actions constitutes a violation of the policy and will be grounds for immediate termination.

1. Using, selling, purchasing, transferring, possession, manufacturing or storing an illegal drug or drug paraphernalia or attempting or assisting another to do so while in the course of employment or engaged in a County-sponsored activity, on County premises, in County-owned, leased or rented vehicles or on County business. The County will cooperate fully in the prosecution and/or conviction of any employee violating drug and alcohol laws.
2. Switching, adulterating or attempting to tamper with any sample submitted for medical testing or otherwise interfering or attempting to interfere with the testing process.

## **Drug and Alcohol Policy – Continued**

### **PREVENTATIVE ACTS**

Employees taking drugs prescribed by an attending physician must advise their direct supervisor in writing of the possible effects of the medication regarding their job performance and physical/mental capabilities.

This written information must be kept confidential and communicated to the employee's direct supervisor prior to the employee commencing work.

All medical information will be kept confidential and the County, without exception, will punish any breach of privacy and confidentiality in this regard.

All prescription drugs must be kept in their original container.

### **CORRECTIVE ACT**

Any employee who requires a Commercial Driver's License will be subject to random drug and alcohol testing in accordance with the regulations of the Department of Transportation. Although all other employees will not be subjected to random fitness-for-duty examinations as a result of this policy, any employee involved in a work-related accident where drugs and/or alcohol are believed to be a contributing factor will be subject to urine and/or breath testing. If the test results prove positive the employee will be terminated.

### **SEARCHES**

The County reserves the right to conduct searches and inspections of an employee's person or personal effects including, without limitation, purses, briefcases and motor vehicles located on County property based on reasonable cause as well as County property used by an employee, including, without limitation, lockers, desks and offices whether secured, unsecured or secured by a lock or locking device provided by the employee based on reasonable suspicion.

Searches of the person shall include the emptying of pockets and the production of other items concealed in clothing. It shall not include a pat-down search. A member of the Sheriff's Office will conduct all searches.

The County, may with the aid of one or more trained drug –detection dogs, conduct random, unannounced searches of County property and employee personal property located on County premises to include, without limitation, lockers, desks, personal vehicles, purses and briefcases.

## **Drug and Alcohol Policy – Continued**

Any item found during a search believed to be an illegal drug or drug paraphernalia will be confiscated by the Sheriff's Office.

The individual from whom the item of substance has been confiscated will be given a written receipt listing the items or substances seized.

In the administration of these searches, personal privacy will be considered to the maximum extent practicable.

### **APPLICANT TESTING**

Each new prospective full-time employee must submit to a drug screening test at the county's expense and to a doctor of the Commissioner's Court choosing **BEFORE** starting to work.

All new prospective part-time Sheriff's Office employees will also be required to submit to a drug screening test at the County's expense and to a doctor of the County's choosing **BEFORE** starting to work.

Further, the drug screening test results for any employee must be returned to the County Treasurer's Office **BEFORE** the employee can start to work.

This policy will **not** apply to Department Heads, as defined in the "Definitions" section of this handbook, as these are all elected or appointed officials.

Part-time Sheriff's Office employees originally exempted from this standard will be required to undergo the drug screening test if the employee's status is changed to full-time.

Since part-time Sheriff's Office employees will have already had a drug screening test, they will not be required to undergo another screening if their status is later changed to full-time.

Refusal to give written consent for a drug screening test will disqualify the candidate from consideration for employment.

To maintain the high professional standards of the County workforce, it is imperative that individuals who use illegal drugs be screened out during the initial employment process before they are placed on the employment rolls of the County.

This procedure will have a positive effect by reducing instances of illegal drug use by employees working within the County and will provide a safer work environment.



## **Drug and Alcohol Policy – Continued**

Every vacancy announcement for positions will be designated “Any applicant tentatively selected for this position will be required to submit to testing to screen for illegal drug use prior to employment.”

In addition, each applicant will be notified that employment in the position will be contingent upon a negative drug test result.

Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided to applicants in some other manner.

If an employee should leave the County’s employ for **any** reason before the employee’s first anniversary, the cost of the drug screening will be withheld from that employee’s final paycheck.

The Auditor’s Office retains the right to specify the adequacy of any and all receipts.

The County will decline to extend a final offer of employment to any applicant with a verified positive test result and the County will not consider the applicant for employment for a period of one year.

The personnel officer working on the applicant’s file will be directed to object to the applicant on the basis of failure to pass the physical, a lack of personal characteristics necessary to relate to public employment or failure to support the goals of the County.

The County will inform the applicant that a confirmed presence of an illegal drug in the applicant’s urine or blood precludes the County from hiring the applicant.

### **EMPLOYEE TESTING**

Refusal by an employee to submit to screen testing will be considered cause for termination.

Since it is the County’s objective to provide a safe, drug-free environment for employees, testing may be required during routine examinations such as return-to-work physicals.

An employee suspected of having caused or contributed to an on-the-job accident will be tested.

Individual testing will be required when there is a reasonable suspicion that drugs and/or alcohol might be affecting job performance and conduct in the workplace.

## **Drug and Alcohol Policy – Continued**

When, as determined by the immediate supervisor and the next highest level of management, if applicable, reasonable grounds exist to believe that an employee is impaired or if an employee's unsatisfactory behavior or job performance reasonably suggests to management that substance abuse may be a contributing factor, the County reserves the right to require an immediate fitness-for-duty examination such as a medical evaluation which may include drug and/or alcohol testing.

Refusal to participate in such an evaluation will be considered equivalent to a positive result and will result in immediate termination.

A positive result will mean either the presence of a drug and/or alcohol.

Sample testing procedures will conform to scientifically accepted analytical methods and procedures and will include confirmation of any positive test result by gas chromatography, mass spectroscopy or other comparably reliable analytical methods before the results of any test may be used as a basis for any action.

Both screen and confirmatory urine and/or blood testing will follow the guidelines adopted by the United States Department of Health and Human Services.

If there is reasonable suspicion of the use of drugs and/or alcohol or if there is evidence of drug or alcohol use on the job, the employee will be immediately sent for a fitness-for-duty exam at the County's expense. The physician or facility will be selected by the County and the employee will be escorted by the employee's supervisor or another County Official as assigned by the Human Resource office. The employee will not be allowed to return to duty until results are received. While waiting for test results, the employee may choose to use their personal time, if available, but will otherwise be on an unpaid status. If the results prove negative, any personal time used will be reimbursed to employee's leave bank. If the results prove positive the employee will be terminated and will not be eligible for rehire.

For confidentiality, only County managers who have a need to know will be informed of positive results of fitness-for-duty examinations. The employee's privacy will be protected and the County, without exception, will punish any breach of the worker's privacy and confidentiality.

The County will use only laboratories that are certified under appropriate federal, state and/or local laws and regulations. The laboratories should follow the guidelines adopted by the United States Department of Health and Human Services for workplace blood tests and urinalyses.

Only conclusive results are to be reported to the County.

## **Drug and Alcohol Policy – Continued**

A positive urinalysis test will be confirmed by a second test using gas chromatography or mass spectroscopy.

Both tests must be positive or the results are considered inconclusive, thereby causing a negative presence of substances to be reported to the County.

### **DISCIPLINARY ACTION**

Any employee suspected of violating this policy may be immediately suspended without pay pending completion of an investigation.

During the course of an investigation, the suspended employee will have the opportunity to provide an explanation.

In the event that the County makes a determination that the employee has violated this policy, the employee will be terminated.

Should the determination be made that no violation occurred, the employee will be reinstated without penalty and will be paid any lost wages.

### **EMPLOYEE ASSISTANCE PROGRAM**

The County will provide employees and their families with confidential referral assistance in resolving or accessing treatment for addiction to, dependence on or problems with alcohol, drugs or other personal problems adversely affecting their job performance.

An employee who refers themselves for an alcohol and/or drug problem (**prior to testing positive**) and who wishes to seek counseling, rehabilitation, or other assistance will not be terminated.

Confidential referral services will be provided without cost to the employee or the employee's family member.

The cost of treatment, counseling or rehabilitation resulting from an EAP referral will be the responsibility of the employee. The employee will be in a paid status to the extent they have sick leave or choose to use their accrued vacation or comp time.

### **RESERVATION OF RIGHTS**

The County reserves the rights to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of this policy or procedures or benefits discussed herein.

## **Drug and Alcohol Policy – Continued**

Employees will be notified before the implementation of any change.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and will not constitute nor be deemed a contract or promise of employment.

Employees remain free to resign their employment at any time for any or no reason, without notice, and the County retains the right to terminate any employee at any time for any or no reason, without notice.

### **OTHER LAWS AND REGULATIONS**

The provisions of this policy will apply in addition to, and will be subordinated to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions.

Unenforceable provisions of this policy will be deemed to be deleted.

Last Adopted March 21, 2011

## **Tobacco Policy**

Wise County has opted to prohibit the use of any tobacco product, as defined in the “Definitions” section of this handbook, in any of its office buildings as defined in the “Definitions” section of this handbook. There will also be no use of tobacco inside any County owned vehicle, or equipment.

This includes both smoked and smokeless tobacco and applies to any person within the confines of any of the affected buildings, vehicles, or equipment.

Each Department Head will designate an area at the County property that they supervise where employees may partake of tobacco products. This will be an area that is at least 50 feet away from any entrance or exit of the facility. Department Heads will provide a receptacle for each area. All employees are expected to properly dispose of their tobacco products in the receptacle provided.

If tobacco is to be consumed in any form, it may be done only during the normal breaks given to all employees of their department. Breaks are not guaranteed. All breaks are given at the Department Head’s discretion and may be changed or discontinued at anytime.

In no way does this policy guarantee the right to use tobacco in or on County property. In the event the Department Head observes abuse of this policy they may chose to completely ban the use of tobacco products in or on the County property they supervise.

Employees who abuse this policy may be disciplined up to and including termination.

Last Adopted March 21, 2011

## **Suspension Policy**

In the event a Department Head determines that an employee will be suspended as a disciplinary action, the Department Head shall notify the Treasurer's office in writing of the suspension. All disciplinary suspensions will be on an unpaid basis and, therefore, nor will the employee be allowed to use any type of accrued paid leave.

If a Department Head determines that there is just cause to warrant an investigation into alleged, but not yet confirmed, actions of an employee, the Department Head may determine that it is in the best interest of the department, and/or the employee, to place the employee on a paid suspension pending the investigation. Again, the Department Head must notify the Treasurer's office in writing of the suspension. A paid suspension is not a disciplinary action.

Last Adopted March 21, 2011

## **Section 4**

### **General Employment Standards**

## Physicals

Each new employee, except for part-time employees hired, must submit to a physical examination at the county's expense and to a doctor of the Commissioner's Court choosing BEFORE starting to work.

Since both full and part-time Sheriff's Office employees must be certified by the Texas Commission on Law Enforcement Officer Standards and Education and since such certification includes the submission to a physical examination, each new part-time employee hired by the Sheriff's Office must submit to a physical examination at the County's expense and to a doctor of the County's choosing BEFORE starting to work.

Further, the physical report for any employee must be returned to the County Treasurer's Office BEFORE the employee can start to work.

Refusal to take the physical will be grounds for denial of employment.

This policy will not apply to Department Heads, as defined in the "Definitions" section of this handbook, as these are all elected or appointed officials.

Part-time Sheriff's Office employees originally exempted from this standard will be required to undergo the physical if the employee's status is changed to full-time.

Since part-time Sheriff's Office employees will have already had a physical, they will not be required to undergo another physical if their status is later changed to full-time.

Prospective Sheriff's Office employees, both full and part-time, must also submit to a psychological examination, at the County's expense and to a doctor of the County's choosing. All prospective employees of the Sheriff's Office who will be operating a County vehicle will also be required to submit to an eye examination, at the County's expense and to a doctor of the County's choosing.

Sheriff's Office reserve deputies will only have to submit to a psychological and eye examinations, for which the County will select the examiners and absorb the costs.

Successfully passing the psychological examination is a statutory prerequisite for employment as a Sheriff's Office employee or utilization as a Sheriff's Office reserve deputy in addition to successfully passing the physical and eye examinations.

If a person is hired by the County after having passed a physical, drug screening and, if applicable, a psychological and eye examinations, should leave the County's employ for **any** reason before the employee's first anniversary, the cost of the physical, drug screening, and/or psychological and eye examinations will be withheld from that employee's final paycheck.



## **Physicals - Continued**

If a prospective employee fails to pass a pre-employment physical and there is no reasonable accommodation available, the applicant will be eligible to reapply for that same position after thirty days from the date of the original physical. The applicant is eligible to apply for any other positions within the County immediately.

If the prospective employee fails to pass the pre-employment drug and/or alcohol screening the applicant will be eligible to reapply for a position with the County after six months from the date of the original screening.

The Auditor's Office retains the right to specify the adequacy of any and all receipts.

Last Adopted March 10, 2014

## **Anniversary**

Since many aspects of timing revolve around the employee's anniversary, it is of the utmost importance to clearly establish this date.

An employee's anniversary is either the first day of the month, if he or she actually started work on the first of that month, or the first of the following month, if he or she actually started work on any day after the first.

Under no circumstances can the employee's hire date be on a holiday.

For instance, if Employee A started to work on March 1, 1986, his or her anniversary date would be March the 1<sup>st</sup>.

However, if Employee B started to work on April 3, 1985, his or her anniversary date would be May 1<sup>st</sup>.

All employees' anniversary dates are on the first of the month.

Anniversary dates only apply to full-time employees.

Part-time employees will have no anniversary date.

The anniversary date of a part-time employee that becomes a full-time employee will be either the first day of the month that he or she began their full-time employment, if he or she actually started full-time work on the first of that month, or the first of the following month, if he or she actually started full-time work on any day after the first.

If a full-time employee who is participating in the County's retirement system should leave the County's employ for any reason and then return as a full-time employee participating in the County's retirement system that employee's anniversary date will be as computed by the County's retirement system administrator. The employee must have left their retirement benefits in place with the County's retirement system for this to apply.

For instance, if an employee whose anniversary date was January 1, 1901, left the County's employ on June 30, 1902, and returned November 1, 1902, that employee's new anniversary date would be May 1, 1901, which would correctly reflect the employee's loss of the four months he or she was not in the County's employ.

Last Adopted March 21, 2011

## Position Advancement

All Wise County employees fall into one of seven categories. They are as follows:

- Department Heads
- Clerical Employees
- Road hands
- Sheriff's Office Employees
- Emergency Service Personnel
- Janitorial Employees
- Part-time Employees

### 1. DEPARTMENT HEADS

Department Heads are those individuals ultimately responsible for the operations of their department. These are both elected and appointed officials. Advancement does not apply to these individuals since they have reached the highest position of their department.

Other employees, with the exception of part-time employees, are eligible for advancement at the Department Head's discretion if such advancement has been budgeted for.

### 2. CLERICAL EMPLOYEES

Clerical employees are employees working in a position that requires basic secretarial skills-typing, shorthand, 10-key, computer data entry, etc. These individuals are hired and terminated by their office's Department Head.

All clerical employees are hired at a rate of pay based on the budget of that Department Head, provided the position has been budgeted for and there is a position available.

Any employee promoted is strictly done at the Department Head's discretion based on the budget available and if any position is available. The Department Head may, at the Department Head's discretion, promote the clerical employee to any of the higher levels subject to the following criteria:

- In order for a department to have an Officer Manager Position, the person that fills this position **MUST** be over two (2) or more full-time employees. For those offices that have less than two (2) full-time employees the highest step will be the Chief Deputy position. No office will have both positions.
- All of the other positions may have any number of people in grade as long as the total employees do not exceed the total number of employees authorized by Commissioner's Court.

## **Position Advancement - Continued**

### **3. ROAD HANDS**

Road hands are those employees that work for the four road and bridge precincts and the public works department.

These individuals are hired and terminated by their department's Department Head.

The three steps of advancement, listed in order, for road hands are:

- Road hand
- Lead man
- Foreman

All road hands are hired at the First Step Road hand level unless otherwise directed by Department Head to the Treasurer's Office to hire the new employee at a higher pay rate, provided this has been budgeted for and there is a position available.

Employees are eligible for advancement strictly at Department Head's discretion based on the budget available and if any position available.

The Department Head may, at the Department Head's discretion, promote the road hand employee to any of the higher levels within the following criterion:

- No department may have more than four Lead men
- No department may have more than one Foreman.

All of the other positions may have any number of people in grade as long as the total employees do not exceed the total number of employees authorized by the Commissioner's Court.

### **4. SHERIFF'S DEPUTIES**

Sheriff's deputies are those employees that work for the Sheriff's Office, other than clerical employees. These individuals, whether in the Sheriff's deputies, jailers, dispatchers and etc., are hired and terminated by the Sheriff.

A jailer is defined as an individual certified by the State as a jailer or peace officer whose major responsibility is to handle prisoners, including, but not limited to, in-booking, out-booking, body searches, movement from area to area within the jail, transportation to and from court, jails, prisons and other facilities, etc.

## **Position Advancement - Continued**

Individuals that are performing multiple tasks will be grouped by the Department Head in the employee classification in which they are spending at least 51 percent of their time.

All Sheriff's employees are hired at a rate of pay decided by the Sheriff, provided this has been budgeted for and there is a position available.

Employees are eligible for advancement strictly at the Department Head's discretion based on budget available and if any position available.

The Sheriff may, at the Sheriff's discretion, promote the employee to any of the higher levels subject to the following criteria.

- There must not be more than one Chief Deputy
- There must not be more than one Jail Administrator
- There must not be more than one Shop Supervisor
- There must not be more than one Dispatch Supervisor or Assistant Dispatch Supervisor

All of the other positions may have any number of people in grade as long as the total employees do not exceed the total number of employees authorized by the Commissioner's Court.

The Sheriff's Office may also utilize the services of reserve deputies. These are unpaid volunteers that have to be approved by the necessary entities to serve as reserve officers.

These individuals will incur no costs to the County, save the statutorily-required pre-service psychological examination.

These individuals are not considered County employees in any shape, form or fashion and, as such, are not eligible for any type of remuneration, benefits and/or any other considerations that may accrue to the employees of Wise County.

### **5. EMERGENCY SERVICE PERSONNEL**

Emergency Service personnel are those employees that work as either emergency medical technicians (EMT) or paramedics for the County's ambulance service. These individuals are hired and terminated by the Emergency Services Administrator.

In addition to EMT's and Paramedics, a single EMT or paramedic per ambulance location will be chosen to be Site Supervisor.

## **Position Advancement - Continued**

It will be the Site Supervisor's responsibility, in addition to basic duties, to set the schedules for all the employees at that site, provide for substitute EMTs and paramedics when needed at that site, oversee, collect and maintain the paperwork generated by that particular ambulance, make sure that timesheets for all employees at that location are properly filled out, etc.

All emergency services personnel are hired at a rate of pay set by the EMS Director, provided this has been budgeted for and there is a position available.

Employees are eligible for advancement strictly at the Department Head's discretion based on budget available and any positions available.

The Department Head may, at the Department Head's discretion, promote the employee to any of the higher levels subject to the following criteria.

- No site may have more than one Site Supervisor
- All of the other positions may have any number of people in grade as long as the total employees do not exceed the total number of employees authorized by the Commissioner's Court.

### **6. JANITORIAL EMPLOYEES**

Janitorial employees are employees that are responsible for the cleaning and care of the County's buildings. These employees are hired and terminated by the County Judge.

All Janitorial employees are hired at a rate of pay set by the Judge, provided this has been budgeted for and there is a position available.

Employees are eligible for advancement strictly at the Department Head's discretion based on budget available and any positions available.

### **7. PART-TIME EMPLOYEES**

Part-time employees are those employees that are not classified as full-time employees. These employees will be paid on an hourly basis because of their part-time status. Further, part-time employees are not eligible for paid holidays, annual leave, sick leave, emergency leave, citizenship leave, group hospitalization insurance, life insurance and other benefits only allowed full-time employees.

### **Position Advancement - Continued**

If an employee should desire to change his or her status from full to part-time and the Department Head agrees and then decide to return to a full-time status and the Department Head agrees, he or she may be reinstated to the pay level to which he or she was last promoted as long as he or she was never off the payroll for as long as one pay period.

This means the employee must have worked during each pay period during his or her part-time tenure in order to return to the level he or she enjoyed before his or her status changed.

If an employee does not meet this criteria, upon returning to full-time status, that employee is deemed a new employee and must start at the entry level position for his or her department, observing all the requirements for advancement in that department.

No employee can be reinstated to a position that is not available.

That is, if the position to which the employee is to be reinstated is limited in the number of employees that can serve at that level, the returning employee can only be reinstated to the highest available level.

All employees hired to any position that requires driving a County-owned or operated vehicle will be subject to having his or her driving record scrutinized at the employee's hiring and periodically during his or her tenure as a County employee.

If the County's insurance company decides that the employee's driving record is not compatible with their coverage, the employee will either be denied employment or terminated, if the employee cannot be reassigned to a non-driving position in his or her own department.

All reassignment decisions will be at the discretion of the Department Head.

Also, each individual that will be driving County-owned or operated will be required to provide a current Texas driver's license attesting to his or her eligibility to drive the vehicle that he or she is to drive.

A copy will be maintained in the employee's personnel file.

Any changes in an employee's rate of pay or his or her steps of advancement will become effective only on the beginning of a pay period of the date of advancement or pay rate change.

All full-time employees will be recognized for their extended service to the County.

### **Position Advancement - Continued**

Longevity recognition will be given at the completion of five or more years of service. This increase is \$100 per year, based on complete years (12 consecutive months) of service through September 30. This pay will be given in one lump sum on the first pay period in December.

Any employee that is not employed by the County on the first pay period of December will **not** be eligible to receive this pay. The only exception will be if the employee should retire with the County and begin receiving a monthly retirement benefit upon their departure during the previous year and that longevity will be paid on a prorated basis at the time of retirement.

Each individual that is to be paid from the County's payroll system must provide documentation attesting to his or her right Service Employment Eligibility Verification Form (I-9). The documents will be copied and maintained in the employee's file.

Each individual that is to be paid from the County's payroll system must also provide a Social Security card, a copy of which will be maintained in the employee's personnel file.

Last Adopted March 21, 2011



## **Workweek**

This policy will apply to all full-time County employees with the exception of Department Heads and exempt employees as defined in the “Definitions” section of this handbook.

All full-time County employees will work a minimum of 40 hours per week.

County employees, even those working 40 or more hours per week, who maintain employment with some other entity must designate in writing which employer they consider their primary employer.

Those employees who designate Wise County as their secondary employer will be considered part-time employees with Wise County.

Part-time employees will work, at the Department Head’s discretion, on an hourly basis and will be paid on the same basis.

Part-time employees will be paid **ONLY** for the time worked. Under no circumstances will part-time employees be paid for leave of **any** type.

County buildings will normally be open from 8:00 a.m. until 5:00 p.m., Monday through Friday. The operational hours of each office will be determined by that office’s Department Head in order to best serve the public.

The Department Head will regulate all coffee breaks, lunch hours and the keeping of the office open during the noon hour.

No office will be left unattended during office hours or during coffee breaks unless it is totally unavoidable.

At his or her discretion, the Department Head may opt to allow some or all of the department’s employees to work four 10-hour days or shifts rather than five 8-hour days or shifts.

The Department Head may implement a program of working 10-hour days on a permanent basis or may use it seasonally as he or she sees fit.

Each Department Head will determine the hours to be worked by each employee, provided each full-time employee is scheduled to work a minimum of 40 hours per week during each pay period.

Any full-time employee that works fewer than 40 hours per week during any pay period will have the deficiency charged to accrued compensatory time or annual leave in that order or have his salary reduced for that pay period. While this option will rest with the employee,

## Workweek - Continued

under no circumstances will the deficiency be charged to sick or emergency leaves unless an illness or covered emergency actually occurred.

**If a full-time employee works less than 40 hours in a given work week, the Department Head may require the employee to charge the deficient time to accrued compensatory time or annual leave, when available.**

For departments that use hand written time sheets, each employee must daily record that day's time worked on a time sheet provided by the County.

For departments that use time clocks, any and all types of personal leave that the employee will be using must be submitted on a Personal Time Off sheet. Also, any failure to clock in or out must be recorded on a Personal Time Off sheet.

For departments that use time clocks, any and all types of personal leave that the employee will be using must be submitted on a Personal Time Off sheet. Also, any failure to clock in or out must be recorded on a Personal Time Off sheet.

Upon its completion, the employee and the employee's Department Head must sign all Personal Time Off sheets and hand written time sheets. Time sheets are due in the County Treasurer's office by **4:00 p.m.** on the following **Monday** after each week is completed. It is the responsibility of each employee and their Department Head to turn in their Personal Time Off sheets and hand written time sheets before this deadline. **Failure to timely submit these documents to the County Treasurer's Office will result in paycheck shortages.**

All work periods start at 12:00 a.m. Sunday morning and end 12:00 p.m. midnight Saturday seven days later. Emergency services personnel will work on 24-hour shifts with each shift starting 8:00 a.m. one day and ending 8:00 a.m. the next day. Each work period stands alone for the purposes of computing overtime and compensatory hours.

Any Department Head so desiring may require the employee to work overtime. Any overtime incurred by the employee will be compensated, as allowed by the Fair Labor Standards Act (FLSA), with compensatory time at the rate one and a half hours for every overtime hour worked or with overtime pay, if it has been budgeted.

Employees working in the public safety sector of County Government (Sheriffs Office Deputies and Jailers only) are on a seven day, 43 hour work period and may accrue a maximum of 480 hours of compensatory time. All other employees, including emergency services employees, are on a seven day, 40 hour work period and may accrue a maximum of 240 hours of compensatory time. This is referred to as the "cap". The Commissioner's Court has asked all Department Heads to try to keep their employees below 60 hours of compensatory time for budget purposes.

### **Workweek - Continued (Continued)**

The employee may consume accrued compensatory time at any time; however, it must be consumed on a schedule agreed upon by the employee's Department Head. Department Heads should encourage all employees having compensatory time accrued to expend that time on a regular basis. Department Heads are encouraged to let employees use Compensatory time to prevent rising above the level of 60 hours.

Absence during inclement weather will be charged against the employee's compensatory time or annual leave in that order unless all County employees are excused from work on that day. The final decision on whether or not to close County offices during inclement weather and, therefore, excuse all County employees from work will be left solely up to the County Judge, who will so inform each Department Head and any public media he deems necessary.

Because of the nature of their job, some employees such as EMS, Jailers, Deputies, and, when necessary, Road Hands and Payroll Clerks, have duties that require them to be at work during inclement weather. These employees will be compensated with the same amount of hours that are given to employees that are not required to work during inclement weather. These hours will be in addition to the hours that they physically work.

Any employee, if they wish, may donate any part of their accrued annual leave or compensatory time to another employee that is in need of time off. In order for this to be done the employee wishing to donate needs to write a letter to the County Treasurer's Office stating the amount to transfer and who the transfer is to be made for. Compensatory time and annual leave are the only types of leave that are eligible for transfer to another employee by Commissioner's Court.

Last Adopted March 21, 2011

## **Payday**

All Wise County employees will be paid on a bi-weekly basis.

All new employees must have a checking account available for direct deposit of payroll proceeds.

The official pay dates began Friday, November 2, 1990, and will continue on an every-other-Friday-basis from that point.

The time for disbursement of payroll checks is after 8:00 a.m. on the standard Friday paydays.

If a holiday falls on the standard Friday payday, the time for disbursement of payroll checks is after 8:00 a.m. on the Thursday immediately preceding that Friday.

Payroll checks will not be issued to any employee except on the designated payroll dates.

Payroll checks will be issued to employees working 10-hour days after 3:00 p.m. on the Thursday immediately preceding the standard Friday paydays.

Payroll checks can only be issued to the specified employee.

If any employee desires his or her check to be picked up by any other individual, that employee **must** have a signed authorization in the County Treasurer's Office stating the date or dates he or she wishes some other individual to pick up his or her check as well as naming the individual who will pick up the check.

Periodically, the County Treasurer's Office will actually disburse the checks to the individual employees rather than having the Department Heads disburse them.

This procedure will require a face-to-face transaction between someone from the Treasurer's Office and the employee as well as requiring the employee to sign a receipt for his or her paycheck.

This allows personal verification of all employees on the payroll.

Last Adopted March 21, 2011

## **Section 5**

### **Leaves**

## Holidays

Following is a list of the holidays currently observed by Wise County:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Last Thursday & Friday in November
Christmas Eve (1/2 day) ****	December 24
Christmas Day	December 25

\*\*\*\* The Christmas Eve holiday will **only** be observed if it falls on a weekday.

Any holiday that falls on a Saturday will be observed on the preceding Friday, while a holiday falling on a Sunday will be observed on the following Monday.

Under no circumstances will a holiday be an employee's hire date.

Any employee other than as emergency services and sheriffs employee who has to work on any of these holidays will be given some other day off at the discretion of the Department Head. This day off must be taken within one year or it will be lost.

Emergency services personnel work 24-hour, rather than eight hour, days as all other employees do. Therefore, any leave taken by emergency services personnel will be paid at the regular hourly rate rather than the overtime rate.

Sheriff's Office and Emergency Service full-time employees that work the holiday or the holiday is their regular day off will be paid 8 hours of regular time in addition to the regular pay-rate of that employee. This does not include Christmas Eve. The said employees will be paid 4 hours of regular time in addition to the regular pay-rate of that employee.

Last Adopted March 21, 2011

## **Annual Leave**

This policy will apply to all full-time County employees with the exception of Department Heads as Department Heads as defined in the “Definitions” section of this handbook.

All full-time County employees will be entitled to annual leave (vacation) with pay.

No part-time employee will receive any paid leave of ANY kind.

Emergency services personnel (EMT & Paramedics) work 24-hour, rather than 8-hour, days as all other employees do. Therefore, any leave taken by emergency services personnel (EMT & Paramedics) will be paid at the regular hourly rate rather than the overtime rate.

For any non-emergency services employee who has worked for the County for less than 10 years, which will be calculated from his or her anniversary date as defined in the “Anniversary” section of this handbook, annual leave will accumulate at the rate of 6.67 hours per month or 10 working days per year.

For any non-emergency services employee who has worked for the County for 10 to 15 years, annual leave will accumulate at the rate of 10 hours per month or 15 working days per year. For employees with 15 to 20 years, annual leave will accumulate at the rate of 13.33 hours per month or 20 working days per year. For employees with 20 or more years, annual leave will accumulate at the rate of 16.67 hours per month or 25 working days per year.

For emergency services employees, this leave will accumulate at the rate of 20 hours per month or 10 working days per year from his or her anniversary date. For emergency services employees who have worked for the County for 10 to 15 years, annual leave will accumulate at the rate of 30 hours per month or 15 working days per year. For employees with 15 to 20 years, annual leave will accumulate at the rate of 40 hours per month or 20 working days per year. For employees with 20 or more years, annual leave will accumulate at the rate of 50 hours per month or 25 working days per year.

A new year begins with the employee’s anniversary date as outlined in the “Anniversary” section of this handbook.

### **For all full-time employees other than EMS employees the following will apply:**

Any annual leave that has not been expended by the employee’s anniversary date may be accumulated in an amount not to exceed 20 working days, or 160 hours, for employees with under 10 years of employment with the County. Employees with over 10 years of service may accumulate annual leave in an amount not exceed 25 working days, or 200 hours. Employees with over 15 years of service may accumulate annual leave in an amount not to exceed 30 working days, or 240 hours.

## Annual Leave – Continued

**For all full-time EMS employees who work a 56 hour average week the following will apply:**

Any annual leave that has not been expended by the employee's anniversary date may be accumulated in an amount not to exceed 20 working days, or 480 hours, for employees with fewer than 10 years of employment with the County. Employees with over 10 years of service may accumulate annual leave in an amount not exceed 25 working days, or 600 hours. Employees with over 15 years of service may accumulate annual leave in an amount not to exceed 30 working days, or 720 hours.

Any leave time over the levels as defined in the above paragraph will be permanently lost.

Accordingly, at no time shall an employee of less than 10 years' tenure have more than 30 working days available for annual leave – the 20 days they accumulated plus the 10 days they earn in a given year. For employees with over 10 years' tenure this would be no more than 35 working days and for employees with over 15 years of service this would be no more than 40 working days.

The employee may use their earned annual leave hours in any increment on a schedule agreed upon by the Department Head and the employee.

Accrued annual leave starts from the employee's anniversary date as defined in the "Anniversary" section of this handbook.

Should any employee with accrued and earned annual leave terminate employment with County for any reason, that employee shall be paid for all unexpended annual leave in his or her final check.

No employee will be entitled to take unearned annual leave nor will any employee take annual leave in advance of earning said leave.

Last Adopted March 29, 2016



## Sick Leave

The sick leave policy will apply to all full-time County employees with exception of Department Heads as defined in the “Definitions” section of this handbook.

Sick leave will accrue at the rate of 8 hours per month while the employee is actually employed by the County on a full-time basis.

A new year begins with the employee’s anniversary date as outlined in the “Anniversary” section of this handbook.

A part-time employee shall not receive the benefits of sick leave.

A new full-time employee shall be eligible for sick leave from his or her anniversary date.

Emergency services personnel work 24-hour, rather than 8-hour, days as all other employees do.

Therefore, any leave time taken by emergency services personnel will be paid at the regular hourly rate rather than the overtime rate.

The maximum number of days, which shall accrue to the individual, shall not exceed 60 days at any one time.

Loss of work due to accident or injury received in the performance of the employee’s duty is NOT to be charged against sick leave or any other type of leave of that employee.

If the employee has expended all available sick leave and needs additional time, this time will be charged to available accrued compensatory time and annual leave, in the order so listed.

After all compensatory time and leave are expended; the employee will go on a time-off-without-pay status.

The County will **NOT** pay the employee for unused sick leave accumulated at any time.

If the Department Head feels any employee is abusing sick leave privileges at any time, the Department Head may require a doctor’s certificate attesting to the authenticity of his or her illness.

Any employee absent from work on a sick or catastrophic leave status who is found to be working the same day for another employer will be subject to termination.

## Sick Leave – Continued

Any illness lasting three or more consecutive days will, at the Department Head's discretion, require a doctor's certificate.

If an employee refuses to provide a doctor's certificate when it is requested, the attendant absences will be charged to his or her compensatory time and annual leave in the order so listed.

If the employee has no accrued compensatory time and/or annual leave, he or she will not be paid for those days, which the doctor's certificate was requested and not furnished.

A serious or prolonged catastrophic illness is defined as any illness or incapacitation requiring 10 or more continuous workdays away from work. Pregnancy will be handled as any other illness.

In the case of a serious or a prolonged catastrophic illness by an employee, he or she will receive extended pay equal to full salary for a period of one month and one-half salary for a period of one month.

This extended pay will only be granted after the employee has expended **ALL** sick leave, annual leave and compensatory time and has been a full-time employee for one year.

The employee will be automatically placed on Family Medical Leave Act, if available, and all requirements have been met with the enactment. This will run concurrent with the extended medical leave.

Once the employee returns to work for any portion of any workday, his or her serious or prolonged catastrophic illness will be deemed to be over.

This serious or prolonged catastrophic illness provision **CANNOT** be used any more frequently than one every 12 months. This 12-month period begins the day the employee returns to work for any portion of any workday and ends exactly one year later.

Time lost from serious or prolonged catastrophic illness and not covered by any other type of leave will **not** be charged against future sick leave or any other type of leave not already earned.

Sick leave consumed for doctor's office visits, short outpatient procedures, etc., will be charged on an hourly basis rather than on a daily basis, thereby allowing the employee to return to work on the day in question without having to forfeit an entire day to sick leave.

Last Adopted May 16, 2016

## **Sick Leave (SLP) – Continued**

### **SICK LEAVE POOL (SLP)**

#### **PURPOSE**

To establish a voluntary program, which authorizes Commissioners Court to create a Sick Leave Pool Program (SLP) for County employees. The Sick Leave Pool (SLP) provides additional sick leave time to Wise County (County) Employee Members in the event of a non-work related Catastrophic Illness or Injury that prevents an employee from performing their essential job functions during active employment. Time may be granted from the SLP only after the employee has used ALL leave time and has met all other requirements.

#### **DEFINITIONS**

- 1. CATASTROPHIC ILLNESS or INJURY** is defined as an illness, injury, impairment or physical or mental condition of an Employee which is certified by a licensed physician:

that may result in death within 12 months or less; or

that greatly impairs the employee's ability to perform essential job functions for a minimum of six (6) weeks; or

that is expected to disable an employee for at least six (6) weeks;

#### **AND at a minimum, requires one of the following:**

- **Hospital Care**

Inpatient care in a hospital, hospice, or residential medical care facility. Inpatient care is at least one overnight stay.

- **Permanent/Long-term Conditions Requiring Supervision**

A period of incapacity which is long term or permanent. The employee must be under the continuing supervision of a Licensed Health Practitioner.

- **Multiple Treatments (Non-Chronic Conditions)**

Any period of absence to receive multiple treatments by a Licensed Health Practitioner.

#### **Examples of Catastrophic Illnesses or Injuries Which Meet One of the Three Criteria:**

- Back conditions requiring extensive therapy or surgery
- Heart conditions
- Most types of cancers

## **Sick Leave (SLP) – Continued**

- Severe respiratory conditions
- Severe nervous disorders
- Injuries caused by serious accidents
- Kidney disease
- Terminal stage of disease
- Alzheimer's
- Surgery
- Pneumonia
- Severe stroke

### **Conditions Which Normally Do Not Meet One of the Three Criteria and Are Not Normally Considered Catastrophic Illnesses or Injuries**

- Migraines/Headaches
- Common Cold/Allergies
- Flu
- Earaches
- Upset Stomach
- Minor Ulcers
- Childbirth/ Normal Recovery/Miscarriage (without complications)
- Elective Surgeries
- Routine dental or orthodontic problems
- Absence due to substance abuse
- Stress

**2.EMPLOYEE** is a "Full-time" County employee with 12 or more months of continuous full-time employment who is paid from the County.

**3.FMLA** is The Family and Medical Leave Act. Leave under FMLA is normally an unpaid, job protection leave for up to 12 work weeks. In order to be eligible for leave under the FMLA, an Employee must have worked at least 12 months (does not have to be consecutive) with the County and have worked at least 1,250 hours as of the date of the qualifying event (vacation & sick leave hours do not count as hours worked).

**4.INCAPACITY** is the inability to perform essential job functions or perform other regular daily activities due to a catastrophic illness or injury.

**5.LICENSED HEALTH PRACTITIONER** is a licensed doctor of medicine or osteopathy, or any licensed professional determined by the SLP Administrator to be a legitimate provider.

## **Sick Leave (SLP) – Continued**

**6. ENROLLMENT PERIOD** for the SLP will be September 1 through September 30 each year during the regular annual open enrollment period, and will be effective from October 1 through September 30.

**7. IMMEDIATE FAMILY MEMBER** is a parent, spouse/domestic partner, or child/custodial child.

### **ADMINISTRATION**

#### **PROGRAM ADMINISTRATOR**

The HR Administrator will serve as the Program Administrator for the Wise County SLP Program. The County Treasurer will be the back-up Administrator.

#### **POOL MEMBERSHIP**

1. Each regular full-time employee will be eligible to join the SLP program if the Employee meets the following requirements, and the employee must also have a remaining sick leave balance of at least twenty-four (24) hours after making their contribution to the SLP.
2. Each employee may contribute a minimum of eight (8) hours but no more than forty (40) hours of accrued sick leave into the SLP each fiscal year. Employees may only donate sick leave hours for themselves. They may NOT donate hours for another person's membership.
3. Employees (current and new hires) will only be able to join the SLP during each Open Enrollment Period.
4. An employee must submit a SLP Enrollment Form in order to become a member. The SLP Enrollment Form is available at the Treasurer's Office. The membership will be twelve (12) months from October 1 through September 30 of each year.
5. In order to remain a member from year to year, each employee must renew the membership by contributing at least eight (8) hours but no more than forty (40) hours of accrued sick leave during the Open Enrollment Period each fiscal year. Only one donation per fiscal year is required to maintain membership. If an employee does not enroll or re-enroll during an Open Enrollment Period, they terminate their membership in the SLP.
6. Each hour that an employee donates to the SLP will be permanently removed from their accrued sick leave balance. No advances on sick leave accruals will be granted.

### **Sick Leave (SLP) – Continued**

7. An employee's contribution of accrued sick leave hours will be permanent and the employee agrees to release any and all rights to the contributed sick leave hours.
8. The accrued sick leave hours that an employee contributes to the SLP will become the property of the Wise County SLP and cannot be returned for any reason.
9. The time contributed to the SLP cannot be designated to be given to any particular employee.
10. There is no guarantee that a member will receive any time that they contribute to the SLP if the employee has a need for SLP time at a later date.
11. Upon the conclusion of twelve (12) months following the Open Enrollment Period, any unused time that remains in the SLP will be carried forward for the next twelve (12) month period.
12. An employee who is terminated, resigns or retires may donate up to eighty (80) hours of their accrued sick before leaving the County.
13. If, at any time, the sick leave available through the SLP falls below the number of days equal to two times (2x) the number of members (using an 8 hour workday as a basis), each member may voluntarily contribute eight (8) additional hours of accrued sick leave time only if they have not already donated the maximum 40 hours allowed each fiscal year. This would be considered an emergency allocation needed to maintain the operation of the SLP.
14. An employee who has exceeded the maximum allowable accumulation of 480 hours may annually donate additional hours of accrued sick leave to the SLP (up to the maximum allowed of forty (40) hours each fiscal year.

### **GRANTING OF TIME FROM SLP**

1. The SLP may only be granted to and used by an employee for a catastrophic illness or injury that makes the employee unable to perform their essential job functions.
2. The Employee must have contributed at least eight (8) hours but no more than forty (40) hours in the current fiscal year.
3. Pregnancy will not be covered by the SLP, but complications due to pregnancy or delivery that qualify as a Catastrophic illness or injury will be considered.

### **Sick Leave (SLP) – Continued**

4. SLP time will not be granted to an Employee when they are receiving worker's compensation benefits under the Texas Workers Compensation Act.
5. SLP time will not be granted in cases where such time would allow the employee to have paid time past the ending date of their current FMLA leave.
6. During each twelve (12) month period following an Open Enrollment Period, the maximum amount of SLP time that may be granted to an eligible Employee will not exceed one-third (1/3) of the total amount of the SLP balance, or 6 weeks/240 hours, whichever is less at the time of the employee's application.
7. Employees using the SLP will NOT continue to accrue vacation and sick leave.
8. Requests for an extension must be applied for by the employee and will not be automatically granted.
9. An employee cannot receive time from the SLP if they are placed on temporary suspension, on a non-FMLA approved leave of absence or otherwise terminated.
10. All unused time that was granted to an employee from the SLP will be returned to the SLP.
11. The grant of time from the SLP to an employee will stop with the earliest occurrence of the following:
  - a. The date the employee returns to work; or
  - b. The employee has used all time that was granted (including any extensions), to them; or
  - c. The effective date of the employee's termination (including termination due to the employee's death), suspension, leave of absence, retirement, or resignation; or
  - d. The employee has used the maximum amount of SLP time allowable; or
  - e. The SLP Administrator determines that the employee is no longer eligible to receive time from SLP.
12. No employee may receive or use leave time from the SLP once they have been off active-duty work, for any reason, for four (4) months or more.

## **Sick Leave (SLP) – Continued**

### **PROCEDURE**

1. An eligible employee must apply for time from the SLP by submitting a SLP Withdrawal Request Form to the SLP Administrator. The SLP Withdrawal Request Forms will be available at the Wise County Treasurer's Office. Each SLP Withdrawal Request Form must be completely filled out and include the following:
  - a. The date the Catastrophic illness or injury began;
  - b. The probable length of the Catastrophic illness or injury;
  - c. The Physician Statement Form and/or FMLA medical certification from the Licensed Health Practitioner that is treating the condition stating that the employee is unable to perform the functions of their position and the anticipated date the employee will be eligible to return to work;
  - d. Any other information that the Administrator deems necessary.
2. The completed SLP Withdrawal Request Form, along with all of the required documentation and information must be submitted no more than ten (10) days prior to the usage of all of the employee's leave time to avoid a gap in compensation.

The obligation to submit this form and required documentation and information will be the employee's responsibility. The employee's failure to complete the form and provide the required documentation and information may result in the denial or delay of any time granted. If an employee is critically ill and unable to file all required documentation and information, the employee's immediate family may submit the request on the employee's behalf. The employee's Department Head may also submit an application at the request of the employee's family if the employee is unable to file.

3. The SLP Administrator will review all required documentation and make a decision based on the terms and conditions of this policy to approve, deny or modify the amount of time that an Employee is requesting. The Administrator's decision will be recorded. The employee or a member of his or her family may be required to meet with the Administrator to substantiate the request. The Administrator may require that the reporting supervisor, department head and/or elected official provide any information the Administrator finds necessary for their review Employee's request. The Administrator will notify the employee of their decision within seven (7) working days from the receipt of the request.



### **Sick Leave (SLP) – Continued**

4. If the SLP Administrator decides to grant time to the Employee, the Administrator will then approve the transfer of that amount of time to the employee. The amount of time will be credited to the employee and will be used in the same way as accrued sick leave. The Employee is treated as if they were absent on earned sick leave.
5. The SLP Administrator may require an employee, who has been granted time, to make return visits to their Licensed Health Practitioner to evaluate their progress and provide continuing reports to the Administrator. If the Administrator determines that the employee is no longer eligible to receive time from the SLP, the Administrator can withdraw its existing grant and discontinue any further time.
6. Sick leave granted from the SLP will only be used to pay approved work hours. The employee's department will be charged for SLP time as any other sick leave.
7. Employees must show all leave taken for SLP on their timesheet as *sick leave pool*.
8. Each employee that receives a grant of time from the SLP must return to work after they have been released by their Licensed Health Practitioner. A Fitness for Duty Form must be completed by the treating Licensed Health Practitioner and returned to the Wise County Treasurer's Office before an Employee may return to work. The Fitness for Duty Form must indicate if the employee may return to work and list any and all restrictions relating to the employee's return to work and must indicate the time frame for any applicable restrictions. If the employee is released WITH restrictions, an accommodation must be agreed upon by the employee and Department Head. Both parties must sign a *Bona Fide Offer of Employment* letter for the temporary work assignment.
9. FMLA leave will run concurrently with leave granted from the SLP.
10. Any unused balance of SLP time will be returned to the Pool. The estate of a deceased employee will not be entitled to payment for unused sick leave acquired by the employee from the SLP.
11. The use of time from the SLP will only be granted for one (1) occurrence in a rolling twelve (12) month period. This includes any extensions granted to a single (1) occurrence.

### **ABUSE OF BENEFIT**

Any employee found abusing this policy, e.g., reporting that they are sick when they are not, or not returning to work when they are able, is subject to discipline, up to and including termination. If evidence is brought to the attention of the Administrator that the employee is engaging in activities (1) outside the recommendations of the licensed practitioner or (2) different than the limitations of the catastrophic illness or injury, it will be brought to the

## **Sick Leave (SLP) – Continued**

attention of the Department head of that employee for possible disciplinary action.

### **MISCELLANEOUS PROVISIONS**

1. Membership in the SLP is voluntary and members agree that Wise County and its employees are not subject to liability based upon the decisions of the SLP Administrator.
2. The County may discontinue and/or terminate the SLP program without cause or legal repercussions or ramifications upon sixty (60) days written notice to all employees that are participating in the SLP program as of the date of its termination.
3. If any provision of this SLP is determined to be invalid or unenforceable by any court of competent jurisdiction, only the specific provision(s) will be interpreted as invalid or unenforceable. It is the desire and intention of the County that the provision will be changed in such a manner that it will result in the intent of this SLP.
4. The guidelines, terms and conditions of this SLP program may be amended at any time upon the recommendation of the Administrator. Any recommended amendments must be approved by the Commissioners Court.

### **SLP REQUIRED FORMS**

- A. SLP Membership Enrollment Form
- B. SLP Withdrawal Request Form (Employee)
- C. Treating Physician Statement (Employee)

Return to Work form(s):

- A. Fitness for Duty Form (Employee)

**NOTE:** The above referenced forms may be revised periodically. It is the Employee's obligation and responsibility to check with the Wise County Treasurer's Office to ensure the proper forms are used.

Last Adopted April 25, 2016

## **Family and Medical Leave Act (FMLA) Policy**

The County will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The County posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act in the County Treasurer's Office. This poster is also found on page 5.4.8 of this policy. The County also posts the DOL supplementary information concerning Military Family Leave at the same location.

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

If you have any questions, concerns, or disputes with this policy, you must contact the County Treasurer's Office in writing.

### **A. General Provisions**

Under this policy, the County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. An employee who is off duty under this policy may not work part-time for any other employer. Being caught working a part-time job will be grounds for termination.

### **B. Eligibility**

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

- 1) The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the County's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

## **Family and Medical Leave Act Policy – Continued**

3) The employee must work in a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

### **C. Type of Leave Covered**

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

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

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

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

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what this FMLA policy or under the County's sick leave policy should consult with the County Treasurer's Office.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications. Sick leave may be taken only in situations when such leave would normally be permitted.

- 5) *Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.*

## **Family and Medical Leave Act Policy (Continued)**

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the County and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

*6) Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.*

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

### **D. Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

## **Family and Medical Leave Act Policy (Continued)**

### **E. Employee Status and Benefits During Leave**

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

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

Under current County policy, the employee pays a portion of the health care premium. While on paid leave, the County will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the 1<sup>st</sup> day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The County will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the County may discontinue coverage during the leave.

### **F. Employee Status After Leave**

An employee who takes leave under this policy will be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the County's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

### **G. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, compensatory, or sick leave prior to being eligible for unpaid leave. These leaves will be run concurrently with FMLA leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and compensatory leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation and compensatory leave prior to being eligible for unpaid leave.

## **Family and Medical Leave Act Policy (Continued)**

### **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### **I. Certification for the Employee's Serious Health Condition**

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>).

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

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

## **Family and Medical Leave Act Policy (Continued)**

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

### **J. Certification for the Family Member's Serious Health Condition**

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition which can be found at the following website: (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf> ).

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

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

### **K. Certification of Qualifying Exigency for Military Family Leave**

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

### **L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a



## **Family and Medical Leave Act Policy (Continued)**

reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member which can found at the following website: (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

### **M. Recertification**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

### **N. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the County Treasurer's office. Within five business days after the employee has provided this notice, the County Treasurer's office will complete and provide the employee with the DOL Notice of Eligibility and Rights which can found at the following website: (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>).

When the need for the leave is foreseeable, the employee must provide the County with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

### **O. Designation of FMLA Leave**

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

### **P. Intent to Return to Work From FMLA Leave**

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

## **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

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

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1420 Revised January 2009

## **Emergency Leave**

An employee shall be granted leave with pay for a maximum of three days each year for emergency leave for the purpose of attending to the medical needs or attending funerals of members of his or her immediate family.

Emergency services personnel work 24 hour, rather than 8 hour, days as all other employees do.

Therefore, any leave time taken by emergency services personnel will be paid at the regular hourly rate rather than the overtime rate.

A new year begins with the employee's anniversary date as outlined in the "Anniversary" section of this handbook.

Should more than three days be needed for this purpose, the additional time will be charged to the employee's accrued compensatory time and/or annual leave, in the order so listed.

Last Adopted March 21, 2011

## Citizenship Leave

An employee shall be granted leave with pay when it becomes necessary for the employee to be absent from work for the purpose of citizenship obligations such as witness duty, jury duty, voting, military service, naturalization and/or other similar obligation.

However, the employee is expected to return to work after having discharged those obligations that day or those days the obligation does not take a full workday.

An employee will be granted leave with pay when it becomes necessary for him or her to be absent from work for the purpose of **mandatory** National Guard or Reserve service necessary to maintain his or her standing. The employee will be eligible for full pay for up to three months. The County will hold the employee's position until the employee is discharged.

These absences will not be charged to any other form of leave or compensatory time.

An employee will **not** be granted leave with pay for **voluntary** National Guard or Reserve service.

An employee can take this leave without number, but must notify his or her Department Head in advance of the taking of this leave.

This notification **must** include a copy of the employee's orders to report, which will be forwarded, to the Treasurer's Office for inclusion in the employee's personnel file.

Ambulance personnel work 24 hour, rather than 8 hour, days as all other employees do.

Therefore, any leave time taken by ambulance personnel will be paid at the regular hourly rate rather than the overtime rate.

Last Adopted March 21, 2011

## Leave of Absence

From time to time, it becomes necessary for an employee to take some time off from work for reasons not covered by other forms of leave.

In those instances, at the Department Head's discretion, the employee **may** be granted an unpaid leave of absence for any reason.

Employees will be eligible for the provisions of this policy after completion of one year of County employment and must have worked at least 1,250 hours over the previous 12 months.

The one-year will be completed on the employee's anniversary date as defined in the "Anniversary" section of this handbook.

If at all possible, the employee requesting leave under this policy must give his or her Department Head at least 30 days advance notice.

All leave under this policy will, **without exception**, be on an unpaid basis.

Employees **must** consume available compensatory time, annual and sick leave, in the order so listed, before unpaid leave commences in these instances.

Upon return from these leaves, employees will be reinstated to their former or an equivalent position with equivalent pay, benefits and other terms of employment.

The use of leaves of absence will not result in the loss of any employment benefits that had accrued prior to the start of an employee's leave.

Employees will **not** continue to accrue vacation and sick leave benefits while on leaves of absence.

Any employee that is on a leave of absence will **not** be eligible to receive any raise that the County issues on an across the board basis. After the employee returns to work this raise will be implemented at the Department Head discretion.

All requests for leaves under this policy **must** be requested in writing describing the specifics of the request including the expected duration of the leave and the reason for it.

## Leave of Absence – Continued

The employee will continue to be covered by health insurance during this leave with the County paying its portion of the premiums in the exact amounts outlined in the “Hospitalization Insurance” section of this handbook while the employee will be responsible for paying the monthly payments to the County Treasurer for his or her portion of the premiums in the exact amounts outlined in the abovementioned section.

The employee’s premium payments **must** be made by the 1<sup>st</sup> of each month for coverage during that month.

If the payment is not made timely, the affected coverage will be dropped, thereby necessitating reapplication for coverage as outlined in the “Hospitalization Insurance” section of this handbook.

Employees will continue to be covered by life and accidental death and dismemberment insurance during this leave with the County paying the premiums exactly as outlined in the “Life Insurance” section of this handbook.

A leave under this policy may not exceed 12 weeks within a 12-month period.

This 12-month period will be calculated from the time the first leave is used and on a continuous or rolling basis thereafter.

These leaves will **not** be calculated on a calendar or anniversary year basis.

A request for Leave of Absence must be submitted in writing to the County Treasurer’s Office. This form must state the following:

1. The date on which the leave is to commence.
2. The probable duration of the leave
3. The reason for the leave.

Intermittent leave or a reduced work schedule leave may be taken where the situation makes it appropriate.

Eligible employees may take leaves of absence in 12 consecutive weeks, may use the leave intermittently ( a day at a time as scheduled with appropriate notice given to the Department Head) or, under appropriate circumstances, may use the leave to reduce the workweek or workday, thereby resulting in a reduced hour schedule.

### **Leave of Absence – Continued**

In all cases, the leave may not exceed a total of 12 weeks in a 12-month period.

Should an employee not return to work following a leave of absence, that employee will be required to reimburse the County for the premiums paid by the County for insurance coverage during the requested leave.

In any situation where a husband and wife are eligible for leave under this policy, their total combined workweeks of leave may not exceed 12 weeks in a 12-month period.

Department Heads will coordinate with the Treasurer's Office all actions regarding leaves of absence and the Treasurer's Office will maintain records regarding these actions to assure compliance with this policy.

Last Adopted March 21, 2011

## **Section 6**

### **Benefits**



## Medical Insurance

Each full-time employee is offered Medical Insurance upon hiring. The medical insurance will become effective after the employee has completed a 90-day waiting period.

Because of the changing nature and availability of medical insurance plans, detailed information and other questions about these plans may be obtained from the County Treasurer's Office.

Each employee will receive a copy of the Medical Insurance Benefits list upon enrollment. Since this policy contains important benefit information, it is imperative that the employee read and understand the policy and its coverage in its entirety.

The employee may choose coverage for the employee only, employee plus spouse, employee plus children, or the employee and their entire family, regardless of size.

The County will pay 100% of the employee's coverage premiums as well as an established percentage of dependent premiums based on a specified benefit year. The employee will pay the remaining percentage of dependent premiums. Contact the Treasurer's Office to inquire about current rate information.

Newly hired employees have up to 30 days from their hire date to opt to take the medical insurance plan. Coverage is guaranteed to the employee and their dependents if this option is made before the expiration of this 30-day period. If a new employee decides after the 30-day period following their hire date they **must** wait until the Open Enrollment period.

The Open Enrollment period for changes to health insurance is held annually from September 1<sup>st</sup> to the 30<sup>st</sup>. Employees may make changes to their coverage during this period. Although the employee has the entire month of September to elect insurance changes, the coverage will always be effective as of October 1<sup>st</sup>. Therefore, the employee is financially responsible for the entire month's worth of premiums.

**Only changes that are considered a "Life Changing Event" are allowed at any time other than the Open Enrollment period.** Life Changing Events include marriage, divorce, birth, adoption, foster care, death, loss of coverage, and/or gaining other coverage. Any change made because of a Life Changing Event **must be made within 30 days of the event**. Proper documentation to support the event may also be required.

## **Medical Insurance – Continued**

The employee who accepts coverage, drops it and later decides to re-enroll must wait until the Open Enrollment period.

The premiums will be paid through payroll deductions from the employee's checks.

While the employee has the entire month of September to make additions to their insurance coverage, it is important to note that no matter what day they sign their paperwork, the effective date of the coverage changes will be October 1<sup>st</sup> of that year.

There will be no exception under any circumstances.

Last Adopted August 10, 2015

## **Consolidated Omnibus Budget Reconciliation Act**

Since Wise County currently offers group medical insurance to its employees, the County comes under the auspices of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985.

COBRA requires the County to allow qualified beneficiaries who would otherwise lose their medical insurance due to certain qualifying events to continue that coverage for a certain period of time at the group rate.

A qualified beneficiary is a current or former employee that is covered under the County's group health plan or a spouse of a dependent child of a covered employee.

A qualifying event for a covered employee is termination of the employee for any reason other than gross misconduct or reduction in hours of employment.

A qualifying event for a spouse of a dependent child is termination of the covered employee for any reason other than gross misconduct, reduction in covered employee's hours of employment, death of the covered employee, the spouse's divorce or legal separation from the covered employee, the covered employee's entitlement to Medicare or a dependent child's loss of dependent status under the group health care plan.

If a qualifying event should occur to a qualified beneficiary, that beneficiary must notify the Treasurer's Office within 60 days of the date of the qualifying event by completing a form provided by that office of the beneficiary's intent to continue group health coverage.

If continuation coverage is elected, the qualified beneficiary will be required to pay 102 percent of the premiums charged the County that month by its group health insurance administrator for the continuation coverage elected.

These premiums must be paid between the first and fifth business days of each month for that month's coverage.

Payment after the fifth business day of the month will be construed untimely payment of premium.

Return of checks tendered for payment of premium for any reason will be construed untimely payment of premium.

**Consolidated Omnibus Budget Reconciliation Act  
(Continued)**

Untimely payment of premium will cause the coverage to be discontinued immediately and no reinstatement of coverage will be allowed.

For a termination or a reduction of hours, continuation coverage will be afforded for a period of up to 18 months from the date of the termination or reduction of hours.

If a qualifying event other than a bankruptcy proceeding with respect to the County under Title 11, United State Code, occurs during the 18 months after a termination or a reduction of hours, continuation coverage will be afforded for a period of up to 36 months from the date of the original termination or reduction of hours.

For all other qualifying events, continuation coverage will be afforded for a period of up to 36 months from the date of the qualifying event.

These maximum continuation coverage periods will be terminated early if the qualified beneficiary fails to timely pay the premium, becomes covered under another group health plan, becomes entitled to Medicare or if the County terminates all its group health plans.

Last Adopted March 21, 2011

## **Retirement**

The County is a participant in the Texas County and District Retirement System.

All employees, including elected and appointed officials, **must** participate in the County's retirement plan, unless their employee status is temporary part-time.

The employee's effective date of enrollment shall be his or her anniversary date as outlined in the "Anniversary" section of this handbook. Each participation employee will contribute seven percent of his or her gross earnings through payroll deduction from each paycheck and the County will contribute an equal or greater amount.

An employee will be vested (eligible for full retirement benefits) when he or she has at least 8 years of credited service with the County. The employee's credited service is continuance service computed from his or her anniversary date and/or a combination of prior service to this or other recognized political subdivision.

The employee can retire and begin drawing those benefits at age 60 with 8 years of credited service and/or under the system's Optional Benefit Eligibility Plan (OBEP), when the total of his or her length of service equal 75 or more. For instance, suppose an employee, at age 55, after having worked for the County 22 years, decides to retire. Since that employee's age (55) and length of service (22) total more than 75 (77), he or she can retire and receive full retirement benefits, or by completing 20 years of service.

If requested, an employee leaving the County's employment for any reason prior to vesting will receive, within 45 to 60 days after termination, all contributions made by him or her into the retirement system, along with any accrued interest. However, the County's contribution will remain in the retirement system. The employee may elect to leave their contributions in the retirement system and it will continue to accrue interest.

An employee leaving the County's employ for any reason, subsequent to vesting, will have the option of withdrawing his or her contributions and interest exactly as outlined in the foregoing paragraph or waiting until he or she is age 60 and/or is eligible under the OBEP and receiving the full retirement benefits.

Any employee who is vested and has reached age 60 and/or is eligible under the OBEP will have the right to apply for deferred service retirement.

## **Retirement – Continued**

This allows the employee to continue to work in the County's employ and file a written selection of an optional allowance for his or her beneficiaries.

Should the employee thereafter die while still in the County's employ, he or she will be considered to have retired, effective as of the last day of the calendar month next preceding the month in which his or her death occurred and his or her beneficiaries will be eligible to receive his or her retirement benefits.

Any employee who is vested and has reached age 60 and/or is eligible under the OBEP may select any one of several optional plans for retirement.

This application must be made at least 15 days before the end of the month in which the employee's planned retirement in order to maintain a steady flow of income.

The retirement system also provides a death benefit for all participation employees at no cost to the employee. The cost is borne entirely by the County.

If the employee should die while in the employment of the County, his or her beneficiaries would receive a lump sum amount equal to his or her annual salary at the time of his or her death in addition to all earned retirement amounts.

Vesting is **not** required to be eligible for this benefit.

All applications of any sort (prior service credit, deferred service retirement, change of beneficiaries, etc.) as well as all questions will be handled through the County Treasurer's Office.

If an employee should retire from the county, said employee is not eligible to rehire until 6 calendar months have passed from the retirement date of employee. Under no circumstances will the county engage in retire to rehire status with any employee.

Last Adopted March 21, 2011

## Workers' Compensation Insurance Benefits

Workers' Compensation insurance is provided for **all** employees (including Department Heads) of the County for occupational illness and/or on-the-job accidents.

This insurance covers **all** medical expenses as well as disability and death benefits provided under the Texas Worker's Compensation Act for any employee who qualifies.

The employee should not pay for any hospitalization, doctors and/or pharmaceuticals or file a claim on his or her medical insurance for these illnesses and accidents, as they will be covered by Workers' Compensation insurance.

If the employee suffers an occupational illness and/or an on-the-job accident, he or she should report it to his or her Department Head first.

Then, he or she should make arrangements to file a claim with the County Treasurer's Office within **10 days of the manifestation** of said illness and/or accident.

The filing of the claim **must** be done as soon as practicable by the employee, as many personal areas of inquiry are involved.

The employee will **not** continue to accrue sick and vacation time while off on Workers' Compensation benefits.

Any employee who qualifies for Workers' Compensation insurance benefits will continue to receive a County paycheck for up to six weeks at full pay. At the end of the six weeks the said employee will begin receiving his or her paycheck directly from the County's Workers' Compensation carrier. The said employee will begin his or her FMLA benefits which will continue for up to twelve weeks, which will run concurrent with the said employee's Workers' Compensation benefits. The employee will be responsible for making his or her medical insurance premiums to the County Treasurer's Office.

An employee who will be missing time from work for a Workers' Compensation covered illness and/or injury **must** bring a doctor's certificate to the County Treasurer's Office and to his or her Department Head as soon as possible attesting to the reason for the time missed as well as the projected length of time that will be missed from work.

## **Workers' Compensation Insurance Benefits - Continued**

An employee who has missed time from work for a Workers' Compensation covered illness and/or injury will **not** be allowed to return to work without submitting a doctor's release to return to work to the County Treasurer's Office and his or her Department Head.

Any employee that is on leave for a Workers' Compensation covered illness and/or injury will **not** be allowed to receive any raise that the County issues on an across the board basis. After the employee returns to work this raise will be implemented at the Department Head discretion.

Last Adopted March 21, 2011



## **Life Insurance**

Each full-time employee will be provided a Life and Accidental Death and Dismemberment (AD&D) Insurance policy at NO cost to the employee, which policy is provided whether or not the employee chooses to participate in the County's medical insurance plan.

Because of the changing nature of the life and AD&D insurance plans, detailed information and other questions about the plan may be obtained from the County Treasurer's Office.

The AD&D is 24-hour coverage.

The policy remains in force only while the individual remains in the County's employ.

Last Adopted March 21, 2011

## **Section 7**

### **Miscellaneous**

### **Accident Reporting and Discipline**

If an employee should have an accident in any County owned or operated vehicle in which the employee was the driver, the employee must file, in triplicate, a written accident report within two business days to be filed with his or her Department Head, the County Treasurer's Office and the County Asset Control office.

If, by reason of injury, the employee is unable to complete the form, it must be completed as soon as practicable.

The report to the Treasurer's Office will be put in the employee's permanent file and the report to the Asset Control Office will be used for insurance purposes.

Last Adopted March 21, 2011

## **Travel Reimbursement Policy**

The objective of this policy is to define under what circumstances and on what basis county employees are to be reimbursed for travel expenses incurred. The following rules in this regard are hereby established.

### **Policy**

1. No reimbursement shall be due for any travel without prior written approval of said travel having first been obtained from the head of the county department for which the employee works.
2. If an employee seeks reimbursement for travel expenses incurred in connection with an approved seminar (or other training), the request for reimbursement shall also include registration forms and/or attendance verification forms signed by the head of the employee's department.
3. Per Diem rates for overnight lodging and food are regulated by the State of Texas. The reimbursement rate for mileage is regulated by the Internal Revenue Service. These rates are subject to change each year. The County will reimburse employee's travel expenses following the rates at the time the travel expense is incurred.

If, owing to unusual circumstances, an employee incurs greater than the rate set for overnight lodging, the employee must provide the receipt and a written request explaining the circumstances for exceeding the set per diem rate. The request for additional reimbursement would then be considered by the Commissioner's Court.

In the event that an employee's lodging bill is paid for by the County, and the employee's hotel stay is shortened, then the employee shall promptly turn over any refunds received by the employee to the County Treasurer's Office.

4. When an employee uses a personal vehicle in connection with approved travel, the employee will be reimbursed for mileage based on the amount per mile allowable as a deduction for business use of a personal vehicle under the Internal Revenue Code as same exists or may be amended in the future. Documentation of the reason for travel and amount of mileage is required. Forms for such documentation, such as a "Mileage Affidavit" and an "Event Attendance Calculation and Reimbursement Form", may be obtained from the Wise County Auditor's Office. Employees seeking any type of reimbursement should submit the proper paperwork by the end of the month during which the travel occurred.
5. Notwithstanding anything herein above to the contrary, no reimbursement shall be made for the purchase of alcoholic beverages.

## **Travel Reimbursement Policy – Continued**

6. Notwithstanding anything herein above to the contrary, no reimbursement shall be made for any food purchased within the boundaries of Wise County, Texas.
7. In accordance with Internal Revenue Service regulations, under no circumstances will food purchases be paid without an overnight stay through the Accounts Payable Office. In the event an employee is out of Wise County for the day to conduct work related business they may submit receipts for their meals to the County Treasurer's Office. The reimbursement will be made through the payroll department.
8. If an employee is otherwise entitled to reimbursement from the County for an amount less than \$15.00, then that employee may obtain reimbursement in cash from the Wise County Treasurer's Office if the employee provides an original receipt for the goods or services that has been signed by the employee's Department Head stating the reason for reimbursement and approving the employee's expenditure.
9. No reimbursement shall be paid without receipt with exception of mileage or certain travel expenditures. Reimbursement without receipts shall be presented to Commissioner's Court.

Last Adopted March 21, 2011

## **Personal Expense & Reimbursement Policy**

The objective of this policy is to educate employees about the policy of the County towards attending to personal affairs at work and related matters. The following rules in this regard are hereby established:

1. Taking care of personal affairs and making or receiving personal telephone calls during the workday are discouraged.
2. Employees shall promptly reimburse the County for any personal long distance telephone calls made by an employee.
3. The use of county-owned fax machines and/or copy machines is also discouraged. Any such use shall be kept minimal, and the employee shall reimburse the County for same at the rate of ten cents per page copied or faxed.

Last Adopted March 21, 2011

## **Department/Employee Meeting Policy**

To promote efficiency and save expense, is the policy of Wise County Commissioner's Court that all meetings of County departments, Department Heads and/or employees that pertain to County business shall be held within the boundaries of Wise County, Texas, unless prior permission to hold such a meeting outside the County is obtained from the Commissioner's Court. (For additional related information in this area, please refer to paragraph six of the Travel reimbursement Policy).

Last Adopted March 21, 2011

## **Credit Purchase Policy**

The objective of this policy is to define under what limited circumstances an employee is entitled to purchase goods of services on credit on behalf of the County. The following rules in this regard are hereby established:

1. Only the Department Heads of the following County departments (hereinafter referred to as "Department Heads") are authorized to charge goods of services to the account of Wise County or any department of Wise County:

### **Department Titles**

911 Mapping	County Treasurer
Ag Extension Office	District Attorney
Asset Control	District Clerk
Attorney to Commissioner's Court	District Court
Commissioner Precinct #1	DPS Highway Patrol Decatur/Boyd
Commissioner Precinct #2	DPS CVE
Commissioner Precinct #3	Elections Administrator
Commissioner Precinct #4	EMS
Constable Precinct #1	Fire Marshal
Constable Precinct #2	Indigent Health Care
Constable Precinct #3	Justice of the Peace #1
Constable Precinct #4	Justice of the Peace #2
County Attorney	Justice of the Peace #3
County Auditor	Justice of the Peace #4
County Clerk	Juvenile Probation
County Court at Law	Public Works
County Engineer	Sheriff's Office
County Judge	Texas Ranger
County Tax Assessor/Collector	Veteran Services

2. No employee other than those Department Heads listed above shall charge goods or services to the account of Wise County unless the employee has first (1) obtained prior written authorization from that employee's Department Head and (2) the Department Head has submitted a copy of said written authorization to the Wise County Auditor's Office. Any employee who violates this policy shall be solely and individually responsible for paying for those goods and services out of the employee's pocket.

3. Any employee who violates this policy may be subject to discipline, up to and including termination of employment.

Last Adopted March 21, 2011



## **Employee Participation in Political Activities Policy**

The objective of this policy is to outline specific guidelines for employee participation in elections and appointive or elective offices of public trust.

County employees may and are encouraged, as individual citizens, to participate in all public elections. There are some specific restrictions concerning political participation which County employees should be aware of during their tenure in public employment.

Except as may be otherwise provided by law, the following restrictions on political activity shall apply to all Wise County employees:

1. Employees, while on duty as an employee of Wise County, may not actively support or solicit votes or funds for a specific candidate or party.
2. No employee shall be required to support, contribute to, or campaign for any candidate or party as a requirement for holding such an employee's employment with Wise County.
3. Employees while not on duty may be involved in any political activities in which the employee so desires without fear of retaliation.
4. County equipment shall not be used for campaign purposes.
5. Campaign materials shall not be left or distributed in any County facility (i.e. materials on desk or counters with campaign advertisement.)

Should a County employee run for and be elected to an Official position, there could be training the employee chooses to attend prior to taking office. The employee shall be granted permission by their current Department Head to attend such trainings. The employee shall use their annual or compensatory leave for this type absents from duty. They shall also elect to take this type leave without pay.

Last Adopted March 21, 2011