# WISE COUNTY, TEXAS

## EMPLOYEE HANDBOOK

## &

## POLICY MANUAL

## ADOPTED 09/14/2020

# EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

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

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

I understand that this employee handbook is intended to provide guidance in understanding Wise County's policies, practices and benefits. I understand that Wise County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as a Wise County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers; to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I may be required to take earned compensatory time off at the County's discretion.

I understand that I may be subject to post-accident drug and alcohol testing. If I am required to have Commercial Driver's License (CDL) for my county position, I will be subject to random and post-accident drug and alcohol testing.

I have read these policies and understand these policies and I agree to abide and adhere to these policies.

_____ _____

Signature of Employee Date

_____

Printed Name of Employee

**COUNTY OF WISE**

**COMMISSIONERS COURT ORDER**

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

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

THEREFORE, BE IT RESOLVED that the Wise County Commissioners Court hereby approve, and adopt, the WISE COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS _____DAY OF _____, 20__

_____

County Judge

_____ _____

Commissioner Pct. 1 Commissioner Pct. 2

_____ _____

Commissioner Pct. 3 Commission Pct. 4

Witnessed and Attested By:

_____

County Clerk

**RESOLUTION FOR WISE COUNTY**

I, the undersigned have read the Wise County Employee Handbook that the Wise County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Wise County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Wise County employees and it reflects my commitment to conform to appropriate state and federal laws. I agree to be bound by the terms and conditions of the Wise County Employee Handbook, as witnessed by my signature below.

_____

Elected Official Signature

_____

Title of Elected Official

_____

Date

**WISE COUNTY EMPLOYEE HANDBOOK**

Welcome to Wise County!

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

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

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

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

Welcome Aboard!!

Sincerely,

_____

County Judge

_____ _____

Commissioner Pct. 1 Commissioner Pct. 2

_____ _____

Commission Pct. 3 Commissioner Pct. 4

## DEFINITIONS

The 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 Chapter 49.01(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 (4) 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 half times the number of hours worked over the basic workweek. The basic workweek is 40 hours for all employees except Sheriff's deputies and jailers where the basic workweek is 43 hours in a 7-day work period.

CONTROLLED SUBSTANCE

Any substance listed in the schedules of Title 21 Part 1308 of the Code of Federal Regulations Schedule of Controlled Substance.

COUNTY

Wise County

## 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 is the head of 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 Texas Commission on Law Enforcement. (TCOLE)

DRUG

A substance or medicine which has a physiological effect when ingested or otherwise introduced into the body, 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 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 administrative skills such as typing, filing, 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 Texas Department of State Health Services. This definition does not include the Emergency Services Administration.

EMPLOYEE, EXEMPT

An employee working in a position that, because of job duties that comply with exemptions granted by the FLSA are exempt from minimum wage and overtime pay and must be paid a weekly salary of at least $684.00 per week. Detailed explanations of these classifications can be obtained directly from FLSA, a copy 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 and catastrophic illness leaves. These employees are **REQUIRED** record vacation, sick, compensatory and emergency time used in the county time keeping system.

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 less than 30 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

Employee is in physical, mental and emotional state which enables them to perform the essential duties of their position, which does not threaten the safety or health of oneself, co-workers, property or the public at large.

FLSA

Fair Labor Standards Act

**G**

**H**

**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 their 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 obligations.

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 recuperations, the keeping of doctor's appointments, getting prescriptions filled, etc.;

**M**

**N**

NEGATIVE TEST RESULTS

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

**O**

**P**

PAY DAY

The day the paychecks are issued.

PHYSICAL

Physical examination performed by Occupational Health Department of the County's choosing on post offer applicants.

POSITION, PART-TIME

A part-time position, the job description of which encompasses work for less than 30 hours per week **WITHOUT** regard to a specific project or a specified period of time. Any employee filling this position **WILL** be enrolled in the County's retirement plan, but will **NOT** be afforded any form of compensatory time, annual, sick, emergency or citizenship leave, paid holidays, group health or life insurance programs. These employee's 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 and vehicles, lockers, desks, closets, etc.

**Q**

**R**

REASONABLE CAUSE/REASONABLE SUSPICION

Cause and/or suspicion supported by evidence strong enough to establish that 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).

**S**

**T**

TESTING

Generally defined as a urine, blood or breath test to determine alcohol, 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 used 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 0.02 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 operated a commercial vehicle the BAC level is 0.02 percent as regulated by the Department of Transportation for drivers who possess a Commercial Driver's License.

## 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 for which the individual is paid.

## X

## Y

## Z

**WISE COUNTY**

**EMPLOYEE HANDBOOK**

**CONTENTS**

Employee Acknowledgement…….

County Resolution Pages…….

Introduction…….

Définitions…….

Table of Contents……

**SECTION 1 : GENERAL POLICIES**

**A. COUNTY EMPLOYMENT**

1A-1 Employment at Will

1A-2 Equal Employment Opportunity

1A-3 Americans with Disabilities

1A-4 Personnel Files

1A-5 Nepotism

1A-6 Physicals

1A-7 Anniversary

1A-8 Position Advancement

**B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

1B-1 Attendance

1B-2 Dress Code

1B-3 Smoke Free Workplace

1B-4 Conflict of Interest

1B-5 Harassment

1B-6 Sexual Harassment

1B-7 Political Activity

1B-8 Outside Employment

1B-9 Breaks

1B-10 Grievances

1B-11 Discipline

1B-12 Suspension

1B-13 Licenses and Certifications

1B-14 Possession of Guns on County Premises/Worksites

1B-15 Weather Closings and Emergencies

1B-16 Confidentiality

1B-17 Whistleblower

1B-18 Accident Reporting

1B-19 Travel Reimbursement Policy

1B-20 Personal Expense & Reimbursement Policy

1B-21 Department/Employee Meeting Policy

1B-22 Credit Purchase Policy

## C. COUNTY PROPERTY & EMPLOYEE RESPONSIBILITY

1C-1 County Property Usage

1C-2 County Vehicle Usage

1C-3 Cell Phone Usage

1C-4 Computer and Internet Usage

## D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 Worker's Compensation

1D-2 Employee Safety

1D-3 Drug and Alcohol—All Employees

1D-4 Drug and Alcohol—CDL Employees

1D-5 Workplace Violence

1D-6 Social Media

## SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

### A. EMPLOYEE PAYROLL

2A-1 FLSA Safe Harbor

2A-2 IRS Fringe Benefits

2A-3 Compensation

2A-4 Payroll Deductions

2A-5 Work Weeks and Work Periods

2A-6 Time Keeping System

2A-7 Pay Periods

2A-8 Work Schedules

2A-9 Hours Worked

2A-10 Law Enforcement Pay and Overtime

2A-11 Overtime Calculations and Rules

2A-12 Longevity

2A-13 Demotions

2A-14 Transfers

2A-15 Promotions

2A-16 Separations

2A-17 Retiree Rehires

**EMPLOYEE BENEFITS**

2B-1 Health and Dental Plans

2B-2 Other Plans
2B-3 Vacation
2B-4 Sick
2B-5 Sick Leave Pool (SLP)
2B-6 Holiday
2B-7 Citizenship Leave
2B-8 Emergency Leave
2B-9 Military Leave
2B-10 Retirement
2B-11 Social Security/Medicare
2B-12 Family Medical Leave Act/Military Family Leave
2B-13 Leave of Absence

# SECTION 1:

# GENERAL POLICIES

## 1A-1 EMPLOYMENT AT WILL

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

Wise County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice.

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

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

## 1A-2 EQUAL EMPLOYMENT OPPORTUNITY

Wise County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, age, genetic information, pregnancy, veteran status, LGBTQ+ and disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, terminations, training, discipline, use of employee facilities or programs, or any other benefit, condition where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official or department head.

## 1A-3 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

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

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

## 1A-4 PERSONNEL FILES

The Wise County Treasurer's department will retain employee information in an individual personnel file. This file will include all pertinent employment documents such as resume and application as well as, records concerning performance, discipline and compensation.

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

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

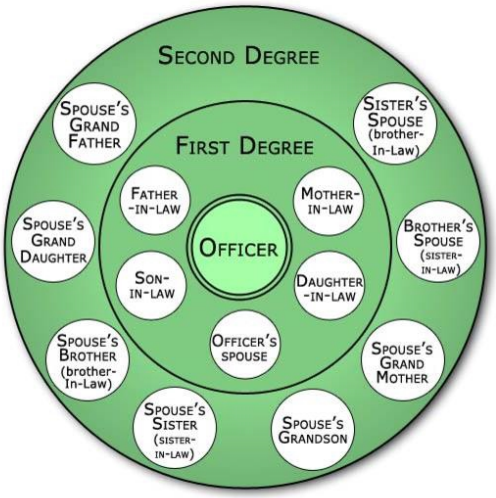
## 1A-5 NEPOTISM

Texas Government Code Chapter 573, a Public Official of Wise County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercises control over. A degree of relationship is determined under Texas Government Code Chapter 573.
(See the Charts on Next Page)

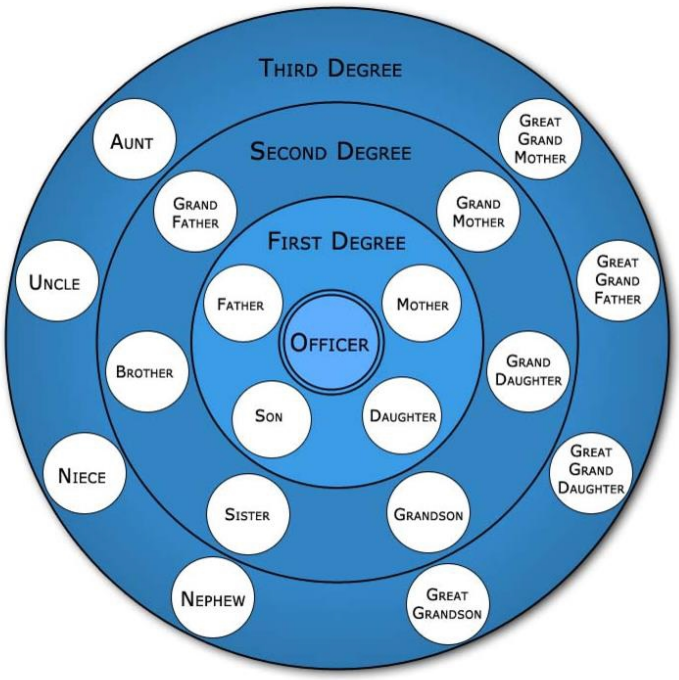
**NEPOTISM CHART**

The chart below shows

- **Affinity Kinship** (relationship by marriage)
- **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021 - .025




**AFFINITY KINSHIP**
Relationship by Marriage




**CONSANGUINITY KINSHIP**
Relationship by Blood

## 1A-6 PHYSICALS

All full-time applicants must submit to a post offer physical and drug screen at the county's expense and to the Occupational Health Department approved by the Commissioner's Court.

Sheriff's office employees full and part time must be certified by the Texas Commission on Law Enforcement Officer Standards and Education which requires the submission to a physical exam, drug screen and a psychological exam at the County's expense and to an Occupational Health Department approved by the Commissioner's Court. All Sheriff's office employees 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 approved by Commissioner's Court. Sheriff's Office reserve deputies will only have to submit to a psychological and eye examination at the County's expense and to a doctor approved by the Commissioner's Court.

Part-time Sheriff's office employees whose status changes to full-time will not be required to undergo another physical and drug screen.

The reports must be returned to the County Treasurer's office BEFORE the employee may start work for the County.

If a prospective employee fails to pass 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 applicate will be eligible to reapply for a position with the County after 6 months from the date of original screening.

Refusal to take the physical and/or drug screening will be grounds for denial of employment.

## 1A-7 ANNIVERSARY

All full-time employee's anniversary dates are on the first day of the month.

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

For instance, if Employee A started to work on March 1, 2018 their anniversary date would be March 1. If Employee B started to work on April 3, 2018, their anniversary date would be May 1.

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

The anniversary date of a part-time to full-time employee will be the first day of the month if they actually started full time on the first or on the first day of the following month.

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

For instance, if any employee whose anniversary date was February 1, 2018 left the County's employ on June 30, 2018 and returned November 1, 2018 that employees new anniversary date would be June 1, 2018, which correctly reflects the employee's loss of the four months not employed by the County.

## 1A-8 POSITION ADVANCEMENT

All Wise County employees are in one of categories that follow:

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

Department Heads:

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

All other employees with the exception of part-time and temporary are eligible for advancement at the Department Heads discretion as long as the advancement has been budgeted.

Clerical Employees:

Clerical employees are employees working in a position that requires basic administrative skills such as filing, typing, 10 key, computer data entry, etc. The hiring and termination of these employees is at the discretion of the Department Head.

All clerical employees are hired at a rate of pay based on the budget of the department, provided there is an available position that is in the department budget.

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

1) In order for a department to have an Office 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.
2) All of the other positions may have any number of people in grade as long as the total employees does not exceed the total number of employees authorized by Commissioner's Court.

Road Hands:

Road Hands are those employees that work for the four road and bridge precincts and the public works department. The hiring and termination of these employees is at the discretion of the Department Head.

The three-step advancement, listed in order for road hands are:

1) Road hand
2) Lead man
3) 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 there is a budgeted position available.

The Department Head may at their discretion promote the road hand employee to any of the higher levels subject to the following criteria:

1) No department may have more than four Lead Men
2) No department may have more than one Foreman

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

Sheriff's Deputies:

Sheriff's deputies are those employees that work for the Sheriff's office, other than clerical employees. These individuals, whether Sheriff's deputies, jailers, communication officers, etc. are hired and terminated at the discretion of the Sheriff.

A jailer is defined as an individual certified by Texas Commission of Law Enforcement (TCOLE) 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.

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 by the Sheriff at a rate of pay based on the budget of the department, provided there is an available position in the department's budget.

The Sheriff may, at their discretion, promote the employee to any of the higher levels subject to the following criteria:

1) There must not be more than one Chief Deputy
2) There must not be more than one Jail Administrator
3) There must not be more than one Shop Supervisor
4) There must not be more than one Communications Supervisor or Assistant Communications Supervisor

All of the other positions may have any number of people in grade as long as the total employees does 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 exam.

These individuals are NOT considered County employees, they are unpaid volunteers and are not eligible for any type of remunerations, benefits and/or any other considerations that may accrue to the employees of Wise County.

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 at the discretion of the Emergency Services Director.

An EMT or paramedic will be chosen as Site Supervisor per ambulance location.

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

All emergency services personnel are hired by the EMS Director at a rate of pay based on the budget of the department, provided there is an available position in the department's budget.

The EMS Director, at their discretion, promote the employee to any of the higher levels subject to the following criteria:

1) No site may have more than one Site Supervisor
2) 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.

Janitorial Employees:

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

All janitorial employees are hired at a rate of pay set by the County Judge, provided the position is available and in the department's budget.

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

Part Time Employees:

Part time employees are paid on an hourly basis and must participate in the County's Retirement System.

Part time employees are not eligible for paid holidays, vacation leave, sick leave, emergency leave, citizenship leave, group medical insurance, life insurance and other benefits allowed to full time employees.

If an employee should desire to change their status from full time to part time, then the employee desires to return to a full-time status, they may be reinstated to the pay level to which they were last promoted as long as they were never off the payroll for as long as one pay period. This means the employee must have worked during each pay period during their part time tenure in order to return to the same level before the status change. If an employee does not meet these criteria, upon returning to full time status, that employee is deemed a new

employee and must start at the entry level position for their department, observing all requirements for advancement in that department.

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

Temporary Employees:

Temporary employees are employed for a defined period of time and are not eligible for the benefits allowed to full time employees.

## 1B-1 ATTENDANCE

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

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor prior to the scheduled start time of their shift or as soon as reasonably practicable in the case of an emergency.

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

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

Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

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

## 1B-2 DRESS CODE

Wise County expects all employees to be well groomed, clean and neat at all times. Each department head will determine the type of attire that is acceptable.

You are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

## 1B-3 SMOKE FREE WORKPLACE

Wise County endeavors to provide a healthy environment. Therefore, any form of tobacco or vape products is prohibited from any county office building or county owned vehicle or equipment.

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

Tobacco or vape products may only be consumed during the normal breaks given to all employees of the department. All breaks are given at the Department Heads discretion; therefore, they are not guaranteed and may be changed or discontinued at any time.

This policy does not guarantee the right to use tobacco or vape products in or on County property. If the Department Head observes abuse of this policy, they may choose to completely ban the use of tobacco or vape products in or on the County property in which they supervise.

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

## 1B-4 CONFLICT OF INTEREST

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

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

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

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

## 1B-5 HARASSMENT

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

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

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

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

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

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

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

## 1B-6 SEXUAL HARASSMENT

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

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

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

Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If for any reason, the employee feels that reporting the harassment to the department head

may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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

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

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

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

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

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

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

## 1B-7 POLITICAL ACTIVITY

Wise County employees may and are encouraged, as individual citizens, to participate in all public elections. There are however, some specific restrictions concerning political participation which Wise County employees should be aware 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. Wise 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 Wise 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 of absence from duty. They shall also elect to take this type leave without pay.

## 1B-8 OUTSIDE EMPLOYMENT

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

## 1B-9 BREAKS

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

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

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

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

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

## 1B-10 GRIEVANCES

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

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

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

## 1B-11 DISCIPLINE

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

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

## 1B-12 SUSPENSION

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 the employee will not be allowed to use any type of accrued paid leave.

## 1B-13 LICENSE AND CERTIFICATIONS

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

## 1B-14 POSSESSION OF GUNS ON COUNTY PREMISES/WORKSITES

A Wise County employee, who holds a License to Carry (LTC) or Concealed Handgun License (CHL) issued by the State of Texas, may possess a gun in accordance with the laws of the State of Texas. Any employee who wishes to carry a weapon on Wise County property (with the exception of the Wise County Courts and Law Enforcement) must provide the Elected Official/Department Head for which the employee works with a copy of the LTC or CHL. In addition, it is the employee's responsibility to notify the Department Head in the event the employee is involved in a gun-related incident or if the employee no longer possesses a Texas LTC or CHL.

Employees are not permitted to carry a weapon, whether the handgun is concealed or openly carried in any court of Wise County, regardless if they possess a Texas LTC or CHL. Only Prosecutors and Judges, who possess a Texas LTC of CHL, licensed peace officers, and persons authorized by a Judge to carry a weapon on the premises of a court or court offices, are permitted to possess a gun in the Wise County Courts.

Any violations of this policy shall result in disciplinary action, up to and including termination.

## 1B-15 WEATHER CLOSINGS AND EMERGENCIES

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

The County Judge will inform each Department Head and any public media he deems necessary. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. 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.

Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans. 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 number of hours that are given to employees who are not required to work in addition to the hours that they physically work during inclement weather.

## 1B-16 CONFIDENTIALITY

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

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

## 1B-17 WHISTLEBLOWER

An employee may, in good faith, report an alleged violation of a Wise County Policy or federal or state law to their supervisor or department head, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to County Attorney or the Sheriff. The county will investigate the reported activity.

An official, supervisor, department head, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

An employee who intentionally makes a false report or wrongdoing may be subject to discipline up to and including termination.

An employee who, in good faith, believes they have been subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources or the County Judge.

## 1B-18 ACCIDENT REPORTING

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 an accident report. This report must be filed within two business days in triplicate, to their Department Head, the County Treasurer's Office for filing in the employees personnel file and the County Asset Control office for insurance purposes. If by reason of injury, the employee is unable to complete the report, it must be completed as soon as practicable.

## 1B-19 TRAVEL REIMBURSEMENT POLICY

The objective of this policy is to define under what circumstances and on what basis County Elected Officials, Appointed Officials, Department Heads and employees are to be reimbursed for travel expenses.

No reimbursement will be paid by the Auditor's Office for any travel without prior written approval from the Department Head for which the employee works.

If an employee seeks reimbursement for travel expenses incurred in connection with an approved seminar or other training, the request for reimbursement shall include:

Agenda, Registration, Schedule, Hotel confirmation and/or attendance verification forms signed by the Department Head of the employee. If such forms are unavailable, employee must submit a letter from the Department Head. Please submit all paperwork to the Auditor's Office. ALLOW 14 DAYS FOR PROCESSING

Daily per diem rates are established by the State of Texas and adopted by Wise County Commissioner's Court. If an employee incurs greater than the per diem for lodging, a copy of the hotel invoice and reimbursement form signed by the department head will need to be submitted for payment. In the event the employee's lodging bill is paid by the County, and the employees hotel stay is shortened, the employee shall promptly turn over any refunds received by the employee to the County Treasurer's Office or have the hotel reimburse the County.

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 allowed as a deduction under the Internal Revenue Mileage Rate and adopted by Commissioner's Court. Documentation of the reason for travel and amount of mileage is required. The Mileage Affidavit form and Event Attendance Calculation and Reimbursement Form may be obtained from the Auditor's Office.

Employees seeking any kind of reimbursement should submit the proper forms to the Auditor's Office by the end of the month during which the travel occurred.

Reimbursements made after an event, shall be submitted to Auditor's Office with all receipts. If food receipts are not retained the amount requested for reimbursement will be presented to the Commissioner's Court for approval.

No reimbursement shall be made for the purchase of alcoholic beverages. No reimbursement shall be made for any food purchased with the boundaries of Wise County, Texas.

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 to be made through the payroll department.

No reimbursement shall be paid without a receipt with exception of mileage or certain travel expenditures. Reimbursement without receipts shall be presented to Commissioner's Court.

## 1B-20 PERSONAL EXPENSE & REIMBURSEMENT POLICY

The following rules are hereby established regarding attending to the employee's personal affairs and related matters at work. Taking care of personal affairs and making or receiving personal telephone calls during the workday are discouraged.

1) Employees shall promptly reimburse the County for any personal long-distance telephone calls.
2) 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.

## 1B-21 DEPARTMENT/EMPLOYEE MEETING POLICY

To promote efficiency and save expense it 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.

## 1B-22 CREDIT PURCHASE POLICY

Only the Department Heads of the following County departments are authorized to charge goods or services to the account of Wise County or any department of Wise County:

911 mapping

Ag Extension Office

Asset Control

Attorney to Commissioner's Court

County Treasurer

District Attorney

District Clerk

District Court

Commissioner Precinct 1

Commissioner Precinct 2

Commissioner Precinct 3

Commissioner Precinct 4

Constable Precinct 1

Constable Precinct 2

Constable Precinct 3

Constable Precinct 4

County Attorney

County Auditor

County Clerk

County Court at Law

County Engineer

County Judge

County Tax Assessor/Collector

DPS Highway Patrol

DPS CVE

Elections Administrator

EMS

Fire Marshal

Indigent Health Care

Justice of the Peace 1

Justice of the Peace 2

Justice of the Peace 3

Justice of the Peace 4

Juvenile Probation

Public Works

Sheriff's Office

Texas Ranger

Veterans Services

No employee other than those Department Heads listed above shall charge goods or services to the account of Wise County unless the employee has (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 County Auditor's Office. Any employee who violates this policy shall be solely responsible for paying for those goods and services out of the employees' pocket. Any employee who violates this policy may be subject to discipline, up to and including termination of employment.

## 1C-1 COUNTY PROPERTY USAGE

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

## 1C-2 COUNTY VEHICLE USAGE

Some employees may be required to use county vehicles as part of their job. Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

If personal use of a county vehicle permitted, the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations.

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

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

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to their supervisor and to the proper law enforcement or other authority immediately. Any employee involved in an accident while operating County equipment will be required to submit to a drug and alcohol test. A copy of all accident and incident reports prepared by the employee shall be sent to the Department Head, Treasurer's Office and Asset Control.

## 1C-3 CELL PHONE USAGE

Wise County determines on a case-by-case basis the need for county provided cell phones and/or allowance for use of personal cell phones.

Wise County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

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

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

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

## 1C-4 COMPUTER AND INTERNET USAGE

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

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

Use of Wise County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination.

Wise County owns the rights to all data and files in any computer, network, or other information system used in the county. Wise County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer

equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Wise County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. Wise County monitors its entire information systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

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

## 1D-1 WORKERS COMPENSATION

All Wise County employees are covered by worker's compensation coverage while on duty for the County. Workers' compensations coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job.

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

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

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

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

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

Any employee who is eligible for Worker's Compensation benefits will continue to receive a county paycheck for up to 6 weeks at full pay. At the end of the six weeks the employee will begin receiving their paycheck directly from the County's Workers Compensation carrier.

## 1D-2 EMPLOYEE SAFETY

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

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

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

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

## 1D-3 DRUG AND ALCOHOL-ALL EMPLOYEES

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

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

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

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

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

An employee may not possess or use unauthorized prescription or over-the counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County in a manner other than that intended by the manufacturer or prescribed by a physician.

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

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

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

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

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

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

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from drug or alcohol abuse problem will be given protections required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as 2 years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

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

Pre-employment drug testing:

Wise County has a pre-employment drug testing requirement for prospective full-time employees that must be passed post offer before an employee starts their first day of work. All full-time offers of employment are conditional upon passing a drug test. The employee will sign a consent waiver.

Post-Accident Testing:

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

Suspicion-based drug testing:

Under the Influence shall be defined as having a blood alcohol concentration of .02 or more.

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

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

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

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

Testing Procedures:

The employee will be escorted and driven to the designated facility for specimen collection and/or testing.

1. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
2. If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Wise County.
3. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make

arrangements to ensure that the employee is safely returned to their residence.

4. Under no circumstance, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

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

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

## 1D-4 Wise County CDL Drug and Alcohol Testing Policy and Procedures

Introduction

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

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these regulations and is committed to maintaining a drug-free work place. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Wise County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. "FMCSA" stated

that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

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

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

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

# Policy Statement

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

This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of Wise County, as follows:

- The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, Wise County prohibits

the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.

- Use of controlled substances by CDL employees covered by the Policy is prohibited and is in accordance with the regulations issued by the U.S. Department of Transportation.
- A CDL employee is performing a safety-sensitive function at the following times:
    - All time on county property, public property, or other property waiting to be dispatched to drive,
    - All time inspecting, servicing or conditioning any CMV at any time,
    - All CMV driving time,
    - All time other than driving time in or upon any CMV,
    - All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded,
    - All time spent performing driver requirements relating to accidents, and
    - All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

# Definitions

**Accident:** An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene.

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**Alcohol concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

**Breath Alcohol Technician (BAT):** A person who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

**Collection site** means a place where individuals present themselves for the purpose of providing breath, body fluid to be analyzed for alcohol or specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation of shipment of the samples to a laboratory.

**Commercial Driver's License (CDL):** A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- Meets or exceeds 26,001 lbs. gross vehicle weight; or
- Transports 16 or more passengers, including the driver; or
- Transports hazardous materials as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Commercial Motor Vehicle (CMV):** Any self-propelled or towed vehicle used on a highway, any roadway or passage which may be available to public transportation at any time, whether on private or public property, in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as determined by the Hazardous Materials Transportation Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Confirmation Test:** For alcohol testing, a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test in order to ensure reliability and accuracy.

**Controlled substance** has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308).

**Designated Employer Representative (DER):** An employee authorized by Wise County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County, consistent with the requirements of 40.3.

**Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers: casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or

with the consent of Wise County. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying for a position with Wise County, which requires a CDL to drive a commercial motor vehicle.

**Drug** means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 CFR Part 40.

**Evidential Breath Testing device (EBT):** A device approved by the National Highway Traffic Safety Administration ("NHTSA") for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" ("CPL"), and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

**Medical Review Officer (MRO):** A licensed physician responsible for receiving and reviewing laboratory results generated by the county's drug testing and for evaluating medical explanations for certain drug test results.

**On duty time** means all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. "On duty time" shall include:

1. All time on the County's premises, at a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty by the County.
2. All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Performing a Safety-Sensitive Function:** Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

**Safety-Sensitive Function:** Any of the seven on-duty functions set forth in 395.2, On-duty time, listed below:

- All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatch, unless the driver has been relieved from duty by the employer.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle.
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Screening test:**

- In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in their system.
- In controlled substance testing it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**Substance Abuse Professional (SAP):** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning evaluation, treatment, follow-up testing, and after-care.

# Responsibilities

**Treasurer's Office:** is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by Treasurer's Office pursuant to county policy.
- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle

requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)

**Supervisor/Department:** The duties of the driver's supervisor or their department include:

- Active participation in the hiring process for employees who drive CMVs, which includes:
  - Ensuring all offers of employment shall be contingent upon successful conformation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers.
  - Ensuring the post-offer applicant obtains their CDL drug testing.
- Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and County policy, and
  - Contact Treasurer's Office as soon as possible following the incident, and
  - Complete the Supervisors Reasonable Suspicion Form.
- Compliance with DOT regulations

**Driver:** The responsibilities of a driver include:

- Avoid the use of non-prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with county policy.
- Submit a sample for drug or alcohol testing when called upon to do so by their supervisor, including random testing for CDL drivers, pursuant to county policy (see "Refusal to Submit Form").

**SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS**

A. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.

B. **Controlled Substance**: In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

Marijuana
Cocaine

Opiates
Amphetamines
Phencyclidine (PCP)

C. **Prescription Medications**: Drivers taking legally prescribed medication issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform their tasks.

In the sole discretion of the Alcohol and Drug Program Administrator, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

**PROHIBITIONS**

A. **Alcohol Prohibitions:**

The new alcohol rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.

2. Use during the 4 hours before performing safety-sensitive functions.

3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.

4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines which contain alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

5. Use during 8 hours following an accident or until they undergo a post-accident test.

6. Refusal to take a required test.

- **NOTE**: A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning

that County policy has been violated, and could result in disqualification of a driver and disciplinary action, up to an including termination under Wise County policy.

B. **Drug Prohibitions:**

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV;

2. Testing positive for drugs; and

3. Refusing to take a required test.

All drivers will inform the Alcohol and Drug Program Administrator of any therapeutic drug use prior to performing a safety-sensitive function.

# Procedures

**Types of Tests:** To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991 and drug testing guidelines and regulations issued by the Department of Transportation. The following tests are required:

- **Pre-employment**. All applicants for employment in CDL positions, or candidates for transfer or promotion to such positions are subject to screening for improper use of controlled substances**.** (Pre-employment alcohol testing is optional) **Note:** A pre-employment drug test may be required for an existing employee who was removed from the random testing program for more than 30 days.
- **Post-Accident**. Conducted after accidents on CDL employees in County vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation.
    - Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours, after the accident.
    - CDL employees must refrain from all alcohol use until the test is complete.
    - Post-accident drug tests must be conducted within 32 hours.

- **Reasonable Suspicion**. Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse.
    - If a CDL employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
    - If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours.
    - Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties.
    - Testing for substance abuse may occur at any time upon suspicion.

    **The following conditions are signs of possible alcohol or drug use (not all-inclusive):**

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

- **Random**: Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.

- Each year, the number of random alcohol tests conducted by the County must equal at least *10% of all the safety-sensitive CDL employees.
- Random drug tests conducted by the County must equal at least *25% of all CDL employees.

  *Note: These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled substances testing will be applicable starting January 1 of the calendar year following publication in the **Federal Register.**

- **Return to Duty and Follow-up**. Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in or for employee to return to duty.
  - Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
  - Follow-up testing may be extended for up to sixty (60) months following the return to duty.

**Conducting Tests**

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
  - Two breath tests are required to determine if a person has a prohibited alcohol concentration.
  - A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted

- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility.
  - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
  - DOT rules require a split specimen procedure.
    - Each urine specimen is subdivided into two bottles labeled as primary and split.
    - Both bottles are sent to the laboratory.
    - Only the primary specimen is opened and used for the urinalysis.
    - The split specimen remains sealed at the laboratory.

        - If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
    - All urine specimens are currently analyzed for the following drugs:
        - Marijuana (THC metabolite)
        - Cocaine
        - Amphetamines
        - Opiates (including heroin), and
        - Phencyclidine (PCP)
    - Testing is conducted using a two-stage process.
        - First, a screening test is performed.
        - If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
        - Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
    - All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
        - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
        - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. The MRO will take into consideration when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
        - If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

**Refusal to Submit to an Alcohol or Drug Test and the Consequences**

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
    - Fails to provide adequate breath for testing without a valid medical explanation after they have received notice of the requirement for breath testing in accordance with the provisions of this policy,
    - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after they have received notice of the requirement for urine testing in accordance with the provisions of this policy,

    - Refuses to wash their hands after being directed to do so during collection of a urine sample,
    - Admits to the collector of a urine sample that they have altered or substituted their specimen,
    - An observed collection of a urine sample, fails to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if they have any type of prosthetic or other device that could be used to interfere with the collection process,
    - Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or
    - Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

**Consequences of Alcohol/Drug Misuse**

- CDL employees who have any alcohol concentration, defined as 0.02 or greater, who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.
    - Disciplinary action may up to and including termination may be imposed upon an employee whose alcohol test reveals any alcohol concentration, between 0.02 and 0.04.
- CDL employees who engage in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use, must be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.
    - Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use.

NOTE BELOW ARE ONLY SOME OPTIONS TO CONSIDER:

- Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.04 or drug use, they shall receive a one (1) day unpaid suspension.
- If a CDL employee tests positive for alcohol use greater than 0.04 or drug use for a second time within the five-year period immediately following their first positive test, they will be terminated.

- A CDL employee in their introductory or training period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.
- A CDL employee who tests positive for alcohol use greater than 0.04 or drug use, but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with their alcohol or drug problem. Failure to comply will result in immediate termination.
    - The payment for any recommended treatment will be strictly at the expense of the employee (or their health insurance program, if applicable).
    - Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.
- CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- Once an employee successfully completes rehabilitation, they shall be returned to their regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

**Information/Training**

- All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse.
- All employees must receive a copy of this policy and sign the Confirmation of Receipt – see attachments.
- All personnel responsible for supervising and managing CDL employees must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
    - Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
- This policy will be posted on employee bulletin boards and will be available to all employees.
- Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.

- All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
- All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

**Record Keeping**

- Wise County will keep detailed records of its drug and alcohol program per DOT Regulations.
- These records are confidential. Test results will only be released to the county, the substance abuse professional or the MRO. Any other release will only be made with written consent of the CDL driver or in response to court order.

**APPEAL OF TEST RESULTS**

A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Wise County, but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.

B. Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.

C. Within 72 hours after the driver has been notified of a positive test result for drugs,

they may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

## VIII. CONFIDENTIALITY

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to their alcohol or controlled substance tests. Copies will be provided within 5 days.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to ensure that all tests can be correctly traced to the driver. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Alcohol and Drug Program Administrator.

Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program Administrator for confidential record keeping.

## 1D-5 WORKPLACE VIOLENCE

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

department. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

## 1D-6 SOCIAL MEDIA

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

Wise County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work and/or position in the county; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Wise County among the community at large. Wise County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

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

- You must comply with copyright laws, and cite or reference sources accurately.
- Do not link to Wise County's website or post Wise County material on a social media site without permission from you supervisor.
- All Wise County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.

- Any confidential information that you obtained through your position at Wise County must be kept confidential and should not be discussed through the social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

# SECTION 2:

# EMPLOYEE COMPENSATION AND BENEFITS

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

Wise County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Treasurer's Office attention, and is a mistake made by our office it will be corrected immediately. A mistake by the employee or the employee's supervisor will be corrected on the next payroll. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time is correct. Your time must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

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

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

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

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

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

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

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

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

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

## 2A-3 COMPENSATION

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

Wise County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor Policy.

Law enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioner's Court has adopted this exemption.

All non-exempt County employees shall be paid an hourly wage.

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

## 2A-4 PAYROLL DEDUCTIONS

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law. All employees with the exception of temporary employees are required to participate in the Texas County and District Retirement System and shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioner's Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's office.

## 2A-5 WORK WEEKS AND WORK PERIODS

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Wise County shall begin at 12:01 a.m., on each Sunday and end seven (7) consecutive days later. Emergency Services personnel will work 24-hour shifts with each shift starting 8:00 a.m. one day and ending 24 hours later. Law Enforcement employees who fall under the FLSA 207 (k) exemption shall have a work period of 7 days and 43 hours as established by the Wise County Commissioners Court.

## 2A-6 TIME-KEEPING SYSTEM

All Wise County employees will use the Web clock to record time worked. Any and all types of personal leave or any failure to clock in or out must be recorded on a Personal Time Off Sheet. The employee and Department Head must sign all Personal Time Off Sheets. Time should be submitted and approved by supervisor in the County time keeping system by **4:00 p.m.** on the **Monday** following each completed week. **Failure to submit timely will result in paycheck shortages. Misuse of the time keeping system will result in disciplinary action up to and including termination.**

## 2A-7 PAY PERIODS

The pay period for Wise County shall be a bi-weekly pay period with the pay period dates established by the Commissioner's Court.

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

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

If a holiday falls on the standard Friday payday, payroll will be disbursed on the preceding work day.

Any changes in an employee's rate of pay or advancement will become effective only at the beginning of a pay period.

Employees will be required to provide documentation attesting to their right to work and completing the Employment Eligibility Verification Form (I9).

## 2A-8 WORK SCHEDULES

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

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

department's employees to work four 10-hour days or shifts rather than the five 8-hour days or shifts.

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

If a full-time employee works less than 40 hours in a given work week, the deficiency will be charged to accrued compensatory time or annual leave or have his salary reduced for that pay period.

## 2A-9 HOURS WORKED

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

## 2A-10 LAW ENFORCEMENT PAY AND OVERTIME

Wise County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Law enforcement employees' salary covers all hours up to 86 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime. **Amended & Adopted 11/14/22

## 2A-11 OVERTIME CALCULATIONS AND RULES

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on "Law Enforcement Pay and Overtime").

Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked.

In the case of emergencies or disasters as declared by the County Judge, when an employee is required to work, the County Judge may allow overtime to be paid in lieu of compensatory time off, or if the department budget allows for overtime compensation.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours for regular employees and 480 hours for law enforcement. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Employees shall be allowed to used earned compensatory time within a reasonable period after it is requested, provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor approval. Department Heads are encouraged to let employees use accrued compensatory time on a regular basis to prevent rising above the level of 60 hours. Wise County shall have the right to require employees to use earned compensatory time at the convenience of the county.

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

Each employee shall be responsible for recording any compensatory time used within a pay period in the county time keeping system for that pay period. Adopted 9/11/23

## 2A-12 LONGEVITY

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

Longevity recognition will be given at the completion of 5 or more years of service. This will be paid $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 who 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 monthly Texas County and District Retirement System benefits upon their departure during the previous year and that longevity will be paid on a prorated basis at the time of retirement.

## 2A-13 DEMOTIONS

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

## 2A-14 TRANSFERS

Transfers are the lateral movement of an employee from one position or department to another within the county. Wise County permits employees to transfer to a vacant position with no loss of benefits. All transfers must be handled in accordance with the budget adopted by Commissioner's Court.

## 2A-15 PROMOTIONS

Promotions are the movement of an employee form one position to another with an increased responsibility or complexity of job duties, and to a higher salary. Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioner's Court.

## 2A-16 SEPARATIONS

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee end. All separations from Wise County shall be designated as one of the following types: 1) resignations; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

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

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify their supervisor of their

intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

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

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

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

## 2A-17 RETIREE REHIRES

Retired employees shall be eligible for open positions with Wise County as long as the following provisions are met: 1) The retiree has been retired for at least 6 calendar months, 2) No prior arrangement or agreement was made between Wise County and the retiree for re-employment and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

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

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

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

significant tax consequences for the employer, its participating members and those retired employees.

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

**Under no circumstances will the county engage in retire to rehire status with any employee.**

## 2B-1 HEALTH PLANS

All full-time regular employees of Wise County shall be eligible for the group medical plan benefits. The medical insurance will become effective after the employee has completed a 90-day waiting period. Regular variable hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health insurance after the measurement period. Regular part-time, temporary seasonal, temporary short term part-time, and regular variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance.

Premiums for the coverage for eligible employees shall be paid entirely by the County, 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 through payroll deduction.

The Open Enrollment period for changes to health insurance is held annually from September 1st through the 30th. Employees may make changes to their coverage during this period. All changes will be effective October 1.

The only changes that are allowed outside of the Open Enrollment period are considered a "Qualifying Life Event". This includes marriage, divorce, birth, adoption, covered child turning 26 years of age, foster care, death, loss of coverage, and/or gaining other coverage. Any change made due to Qualifying Life Event must be made within **30** days of the event. Proper documentation to support the event will be required.

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

Employees who leave the employment of Wise County or who lose their coverage eligibility, may be eligible for an extension of the medical plan for themselves and their eligible

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

## 2B-2 OTHER SUPPLEMENTAL PLANS

Wise County provides each full-time employee with a Life and Accidental Death and Dismemberment (AD&D) Insurance policy at NO cost to the employee, whether or not the employee chooses to participate in the County's medical insurance plan. The AD&D is 24-hour coverage and remains in force while the individual remains a full time County employee.

Dental, vision and all other supplemental coverage plan premiums are the responsibility of the employee.

## 2B-3 VACATION

All full-time employees of Wise County shall be eligible for vacation benefit. Part-time employees are not eligible for vacation benefits. All vacation time will be calculated from the employee's anniversary date. A new year begins with the employee's anniversary date.

Regular full-time employees will accrue vacation time as follows:

1-5 years of service will accrue 6.67 hours per month (80 hours per year)

6-10 years of service will accrue 10 hours per month (120 hours per year)

11-15 years of service will accrue 13.33 hours per month (160 hours per year)

16-20 years of service will accrue 16.67 hours per month (200 hours per year)

21 & over years of service will accrue 20 hours per month (240 hours per year)

EMS full-time employees will accrue vacation time as follows:

1-5 years of service will accrue 20 hours per month (240 hours per year)

6-10 years of service will accrue 30 hours per month (360 hours per year)

11-15 years of service will accrue 40 hours per month (480 hours per year)

16-20 years of service will accrue 50 hours per month (600 hours per year)

21 & over years of service will accrue 60 hours per month (720 hours per year)

Any vacation time that has not been taken by the employee's anniversary date may be accumulated in an amount not to exceed the following:

Regular full-time employees:

1-10 years of service maximum of 80 hours

11-15 years of service maximum of 120 hours

16-20 years of service maximum of 160 hours

21 & over years of service maximum 160 hours

EMS full-time employees:

1-10 years of service maximum of 240 hours

11-15 years of service maximum of 360 hours

16-20 years of service maximum of 480 hours

21 & over years of service maximum of 480 hours

Any vacation time over the above levels as of the employee's anniversary date will be permanently lost.

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

Employees shall only be able to use vacation time which has already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If an employee with accrued and earned vacation time terminates employment with the County for any reason, that employee shall receive pay for all unused vacation up to the maximum allowed under this policy on their final check.

Each employee shall be responsible for accurately recording all vacation time used in the county time keeping system.

Adopted 9/11/23

## 2B-4 SICK

All full-time employees shall be eligible for the sick leave benefit; Part-time employees are not eligible for the sick leave benefit.

Eligible employees shall accrue sick leave at the rate of 8 hours per month. Sick leave time will be calculated according to the employee's anniversary date.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 60 days (480 hours).

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

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

Where sick leave is to be used for medical appointments, an employee shall be required to notify their supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where it is not practicable the employee should notify their supervisor as soon as reasonably practicable. If the employee feels that the situation causes the employee to miss more than one day of work, the employee should notify their supervisor of the anticipated length of absence. The employee will be placed on FMLA if the event and employee are eligible.

If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury

or illness. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor. If an employee refuses to provide a physician's statement when it is requested, the absences will be charged to their compensatory time and vacation time in that order. If the employee has no accrued compensatory time and or vacation time, they will not be paid for those days in which the physician's statement was requested and not furnished.

If the employee has used all available sick leave and needs additional time, this time will be charged to available accrued compensatory time and vacation time, in that order.

Catastrophic is a serious or prolonged illness that is defined as any illness or incapacitation requiring 10 or more continuous absences. This extended pay will only be granted after the employee has used all sick, compensatory and vacation time and has been a full-time employee for one year. A qualifying employee eligible for Catastrophic Pay will be granted an extension of 25 working days of full pay salary per anniversary year. An employee may use the catastrophic pay on an intermittent basis. Each time Catastrophic pay is to be used the employee must have used all of their available sick, compensatory and vacation time and furnish the Human Resources department at the Treasurer's office a physician statement, that the employee has a serious or prolonged illness and/or will be incapacitated for 10 or more days.

Any employee while out on Catastrophic pay will **NOT** accrue vacation or sick time benefits.

Adopted 8/22/22

## 2B-5 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 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
- 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 leaves 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.

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 reenroll 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.

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.

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 qualifies as a Catastrophic illness or injury will be considered.

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 or off active-duty work for four (4) months or more

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 of 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.

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 Bead 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 their 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.

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.

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

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.

## 2B-6 HOLIDAYS

All full-time employees of Wise County shall be eligible for the holiday benefit.

The County holidays shall be determined by the Wise County Commissioner’s Court each Fiscal Year.

Following is a list of the currently observed holidays:

| | |
|---|---|
| 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 day 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 Sunday will be observed on the following Monday.

All Wise County holidays are paid at 8 hours. 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.

## 2B-7 CITIZENSHIP LEAVE

All employees of Wise County 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, naturalization and/or other similar obligations. However, the employee is expected to return to work after having been discharged from those obligations that day or those days the obligation does not take a full workday.

## 2B-8 EMERGENCY LEAVE

A full-time employee shall be granted leave with pay for a maximum 24 hours and 72 hours for EMS each year for emergency leave for the purpose of attending to the medical needs or attending funerals of members of their immediate family.

A new year begins with the employee's anniversary date.

Should more than three (3) days be needed for this purpose, the additional time will be charged to the employee's accrued compensatory time and/or vacation time in that order.

## 2B-9 MILITARY LEAVE

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

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

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

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

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

Adopted 10/11/2021

## 2B-10 RETIREMENT

Wise 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 shall be their anniversary date. Each participating employee will contribute seven percent (7%) of their gross earnings through payroll deduction and the County will contribute an equal or greater amount.

An employee will be vested (eligible for full retirement benefits) when they have at least 8 years of credited service with the County. The employee's credited service is continuance service computed from their 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 their age and length of service equals 75 or more or by completing 20 years of service. For example, an employee at age 55 after having worked for the County for 22 years, decides to retire, since that employee's age (55) and length of service (22) total more than 75, they can retire and receive full retirement benefits. Any employee who is vested and reached age 60 and/or is eligible under the OBEP may select any one of several option plans for retirement.

An employee leaving the County's employ for any reason prior to vesting, will have the option of (1) withdrawing their contributions and any interest earned, however, the County's contributions will remain in the retirement system; (2) leave their contributions in the retirement system to continue to accrue interest and waiting until their age is 60 and/or is eligible under the OBEP and receive full retirement benefits.

The retirement system also provides a death benefit for a participating employee 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, their beneficiaries would receive a lump sum amount equal to their annual salary at the time of their 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.

## 2B-11 SOCIAL SECURITY/MEDICARE

All county employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be payroll deducted.

## 2B-12 FAMILY AND MEDICAL LEAVE ACT (FMLA)

## MILITARY FAMILY LEAVE (MFL)

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. An employee who is off duty under this policy, may not work for another employer, in doing so will be grounds for termination.

Eligibility:

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

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

Qualifying Events:

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

1) The birth of a child and in order to care for that child;
2) The placement of a child in the employee's home for adoption or foster care;
3) To care for a spouse, child (under the age of 18 or if over 18 in-capable of self-care due to a disability, or parent with a serious health condition;

4) The serious health condition of the employee that makes the employee unable to perform the essential functions of their job;
5) A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of impending call or order to active duty in a foreign country;
6) To care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative: of the service member; or
7) To care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (regular, Reserve or National Guard) at any time during the period 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

Serious Health Condition:

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

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

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

1) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    a) Treatment two or more times within 30 days of incapacity; or
    b) Treatment by a health care provider on at least one occasion within the first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
2) Any period of incapacity due to pregnancy or pre-natal care.

3) Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
4) Any period of incapacity that is permanent or long term due to a condition for which treatment is not effective.
5) Any period of incapacity or absence to receive multiple treatments by a health care provider.

Qualifying Exigency Leave:

Eligible employees may take FMLA/MFL exigency leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active-duty status in a foreign country. Leave may be taken to:

1) Address any issue that arises because the covered military member was give seven or fewer days' notice for active-duty deployment in support of a contingency operation. Eligible employee may take up to seven days beginning on the date the covered military member receives the call or order to active duty.
2) Attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active-duty status in a foreign country of a covered military member.
3) Attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active-duty status in a foreign country of a covered military member.
4) Arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active-duty status of a covered military member.
5) Make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active-duty status in a foreign country.
6) Act as the covered military member's representative before a governmental agency to obtain, arrange or appeal military service benefits while the covered military member is on active duty or call to active-duty status in a foreign country, for a period of 90 days following the termination of the covered members active-duty status.
7) Attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child if the need for counseling arises from the active-duty status or call to active-duty status in a foreign country of a covered military member.
8) For a maximum of 15 days each occurrence, to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment.

9) Attend post-deployment activities for the covered military member for a period of 90 days following the termination for the covered members active-duty status.'
10) Address issues that arise from the death of a covered military member while on active-duty status in a foreign country.
11) Conduct certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.
12) Address any other additional events that may arise out of the covered military member's active duty or call to active-duty status in a foreign country if the County agrees the leave qualifies as an exigency and to both the timing and duration of leave.

Length of Leave:

An employee may use up to 12 weeks leave per 12-month period under this policy. Wise County set the 12-month period used under this policy as "rolling" 12-month period measured backward from the date any employee uses FMLA Leave.

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

Military Caregiver Leave:

An eligible employee is entitled up to 26 weeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period.

1) The single 12-month period begins on the first day the eligible employee takes FMLA to care for covered service member or covered veteran and ends 12 months after that date.
2) An employee forfeits unused leave under this section if the eligible employee does not take all of their 26 weeks during this 12-month period to care for the covered service member or covered veteran.
3) Leave entitlement under this section is applied on a per injury basis. An eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service member or veteran or to care for the same covered service member or

veteran with a subsequent serious illness or injury. An employee may not take more than 26 weeks in any single 12-month period.

Work Related Injury:

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

Paid and Unpaid Leave:

If an employee has accrued leave, the employee is required to use their accrued leave as detailed below.

1) An employee taking leave because of their own serious health condition is required to first use sick, compensatory and vacation with the remainder of the 12-week leave period being unpaid leave.
2) An employee taking leave for qualifying exigency, military caregiver leaves or any other leave with the exception of employee's serious health condition must use all vacation and compensatory with the remainder of the 12-week period being unpaid leave.

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

Continued Employee Benefits:

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the county on the 1st 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 due to non-payment.

At the end of the 12 weeks leave period or the 26 weeks leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be:

1) Offered COBRA if they are unable to return to work

Intermittent Leave and Reduced Schedule:

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

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.

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

Certification Requirements:

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

The county may send a request for medical certification to an employee who has been out of work for three (3) days to determine the employee's FMLA eligibility. The employee is requested to have their physician complete and return the medical certification within 15 days of the employee's receipt of the form the be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

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

An employee is required to provide certification of their serious health condition of the employee by having the employee's treating health care provider complete and submit an FMLA for WH-380-E. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

An employee is required to provide certification of the serious health condition of an eligible family member by having the family member's treating health care provider complete and submit an FMLA for WH-380-F. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

An employee is required to provide certification for leave taken because of a qualifying exigency by having the employee complete and submit an FMLA for WH-384.

An employee is required to provide certification for leave taken for a serious injury or illness of a covered military member or veteran by having the member's or veteran's Department of Defense treating health care provider complete and submit an FMLA form WH-385. The employee may also be required to provide the county with confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or veteran.

If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduces schedule. The county may request re-certification for intermittent or reduced work leave every 6 months in connection with an eligible absence.

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

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

Requesting Leave:

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

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

Reinstatement:

An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed or the 26-week maximum leave period in a 12-month period will be returned to the same job or a job equivalent to the job the employee held before on FMLA leave.

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

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

Repayment of Benefits:

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

Other Benefits:

While on leave without pay under this policy, an employee does earn vacation or sick leave, is eligible for holiday pay, and does earn other benefits afforded to employees actively at work, except as stated in this policy.

An employee who is out on approved FMLA leave may not take trips outside of the county unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. An employee may ask their immediate supervisor for written permission to take other trips outside of the county which may be granted at the supervisor's sole discretion.

## 2B-13 LEAVE OF ABSENCE

Employees may request a personal leave of absence to take time off from work for reasons not covered by other forms of leave.

Employees will be eligible for the provisions of this policy after completion of one year of County employment and must have worked 1250 hours the previous 12 months.

Leave under this policy may not exceed 12 weeks in a 12- month period and will be calculated on a rolling basis. In a 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.

Employees will be required to use all available compensatory and vacation leave time. Sick leave time will only be used if the leave is for a medical condition.

Employees will **NOT** accrue vacation and sick leave benefits while on leave 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 Heads discretion.

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

The employee will continue to be covered by health insurance during this leave with the County paying its portion of the premiums, while the employee will be responsible for their portion of the premiums. The employee's premium payment must be made by the 1st of each month for coverage during that month. The employee is responsible for all other premiums that are payroll deducted while on unpaid leave.

Employee's will continue to be covered by life and accidental death and dismemberment insurance during this leave.

Eligible employees may take leaves of absences in 12 consecutive weeks, may use the leave intermittently or under appropriate circumstances, may use the leave to reduce the workweek or workday, thereby resulting in a reduced hour schedule.

A request for Leave of Absence must be submitted in writing to the County Treasurer's office and must include the following information:

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

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

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

**If an employee takes any type of unpaid leave, the employee will NOT accrue vacation and sick leave benefits.**

**PAID QUARANTINE LEAVE FOR PEACE OFFICERS, DETENTION OFFICERS AND EMERGENCY MEDICAL TECHNICIANS**

Wise County shall provide paid quarantine for peace officers, detention officers, and emergency medical technicians employed by Wise County and ordered by a supervisor or the health authority to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. This includes peace officers, detention officers and emergency medical technicians, as defined by this policy, who are employed by, appointed to or elected to their position.

"**Detention officer**" means an individual appointed or employed by Wise County as a county jailer or other individual responsible for the care and custody of individuals incarcerated in the Wise County Jail.

"**Emergency medical technician**" means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by Wise County.

"**Health authority**" has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body's jurisdiction. A health authority must be: a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state and is a resident of the state.

They must take an official oath and file with the department. For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to public health in the county's jurisdiction.

"**Peace officer**" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by or appointed by Wise County.

Eligible employees who are on qualifying paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical and transportation. An employee on qualifying paid quarantine leave will not have their leave balances reduced.

**Off duty exposures will not be covered under this policy.**

Adopted 7/14/21