

# GRIMES COUNTY, TEXAS



## **PERSONNEL POLICY MANUAL**

Original Policy Adopted March 24, 2025

**GRIMES COUNTY EMPLOYEE HANDBOOK**

**Contents**

**SECTION 1: GENERAL POLICIES ..... 10**

**A. COUNTY EMPLOYMENT ..... 11**

    1A-1 EMPLOYMENT AT-WILL ..... 11

    1A-2 EMPLOYEE STATUS POLICY..... 11

    1A-3 EQUAL EMPLOYMENT OPPORTUNITY..... 13

    1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT ..... 14

    1A-5 PERSONNEL FILES ..... 14

    1A-6 NEPOTISM ..... 14

**B. WORK RULES AND EMPLOYEE RESPONSIBILITY ..... 17**

    1B-1 ATTENDANCE..... 17

    1B-2 DRESS CODE ..... 17

    1B-3 CHILDREN AT WORKPLACE ..... 17

    1B-4 TOBACCO/SMOKE FREE WORKPLACE ..... 18

    1B-5 WEAPONS IN THE WORKPLACE ..... 18

    1B-6 CONFLICT OF INTEREST ..... 18

    1B-7 ANTI-HARASSMENT ..... 18

    1B-8 SEXUAL HARASSMENT ..... 19

    1B-9 GRIEVANCES ..... 20

    1B-10 POLITICAL ACTIVITY ..... 21

    1B-11 OUTSIDE EMPLOYMENT ..... 21

    1B-12 BREAKS ..... 21

    1B-14 LICENSE AND CERTIFICATIONS ..... 22

    1B-15 WEATHER CLOSINGS AND EMERGENCIES ..... 23

    1B-16 CONFIDENTIALITY ..... 24

    1B-17 WHISTLEBLOWER..... 24

**C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY ..... 24**

    1C-1 COUNTY PROPERTY USAGE..... 24

    1C-2 TELEPHONE AND CELL PHONE USAGE ..... 26

    1C-3 COMPUTER AND INTERNET USAGE ..... 26

1C-4 SOCIAL MEDIA .....	27
<b>D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY .....</b>	<b>27</b>
1D-1 WORKERS COMPENSATION .....	27
1D-2 EMPLOYEE SAFETY .....	30
1D-2 DRUGS AND ALCOHOL-ALL EMPLOYEES .....	30
1D-4 DRUG AND ALCOHOL- CDL EMPLOYEES.....	33
1D-5 WORKPLACE VIOLENCE .....	33
<b>SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS .....</b>	<b>35</b>
<b>A. EMPLOYEE PAYROLL .....</b>	<b>36</b>
2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR .....	36
2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS .....	37
2A-3 COMPENSATION .....	37
2A-4 PAYROLL DEDUCTIONS .....	39
2A-5 WORK WEEKS AND WORK PERIODS .....	40
2A-6 TIMESHEETS .....	40
2A-7 PAY PERIODS .....	40
2A-8 WORK SCHEDULES .....	40
2A-9 HOURS WORKED .....	40
2A-10 LAW ENFORCEMENT PAY AND OVERTIME .....	40
2A-11 OVERTIME CALCULATIONS AND RULES .....	41
2A-12 DEMOTIONS .....	42
2A-13 TRANSFERS .....	42
2A-14 PROMOTIONS .....	42
2A-15 SEPARATIONS.....	42
2A-16 RETIREE REHIRES.....	43
<b>B. EMPLOYEE BENEFITS .....</b>	<b>44</b>
2B-1 HEALTH, DENTAL and LIFE INSURANCE PLANS .....	44
2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL .....	44
2B-3 VACATION .....	45
2B-4 SICK.....	46
2B-5 Sick Pool .....	47
2B-6 HOLIDAY .....	48
2B-7 JURY DUTY.....	49

2B-8 BEREAVEMENT LEAVE.....	49
2B-9 MILITARY LEAVE.....	49
2B-10 RETIREMENT.....	50
2B-11 SOCIAL SECURITY/MEDICARE.....	50
2B-12 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL).....	50
2B-13 LEAVE OF ABSENCE - OTHER.....	55
<b>SECTION 3: ADDENDUM.....</b>	<b>56</b>
<b>A. TRAVEL.....</b>	<b>57</b>
A-1 PURPOSE.....	57
A-2 OVERVIEW.....	57
A-3 ALLOWABLE TRAVEL EXPENSES.....	57
A-4 ALLOWABLE TRAVEL EXPENSES.....	58
A-5 OVERNIGHT ACCOMMODATIONS.....	58
A-6 AIRFARE.....	58
A-7 RENTAL CARS AND RIDE-SHARE.....	58
A-8 MEALS.....	58
A-9 USE OF PERSONAL VEHICLES.....	59
A-10 EXAMPLES OF EXPENSES NOT REIMBURSED.....	59
A-12 OUT-OF-STATE TRAVEL.....	59
<b>B. COUNTY CREDIT CARDS.....</b>	<b>60</b>
B-1 ISSUANCE.....	60
B-2 USAGE.....	60
B-3 MEALS.....	60
B-4 PERSONAL USE.....	60
B-6 DAMAGED.....	61
<b>C. FRAUD.....</b>	<b>62</b>
C-1 OVERVIEW.....	62
C-2 PURPOSE.....	62
C-3 SCOPE.....	62
C-4 GOAL.....	62
C-5 DEFINITIONS.....	62
C-6 DETERRENCE.....	63
C-7 REPORTING FRAUD.....	63

**C-8 AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD ..... 64**  
**C-9 RETALIATION ..... 64**  
**C-10 REPORTING UNETHICAL BEHAVIOR..... 64**  
**C-11 DUTY TO REPORT ..... 64**  
**C-12 NO COERCION ..... 64**  
**C-13 CONSEQUENCES ..... 64**

**EMPLOYEE ACKNOWLEDGEMENT**

I, the undersigned below, agree that I have reviewed **ALL** Grimes County policies and procedures that outlines my benefits and obligations as a county employee. I understand that I am responsible for reading and familiarizing myself with the information in these policies and any revisions made to it throughout my employment. If I need clarification on any of the information in the policies, I will contact my immediate supervisor or a Grimes County HR representative

I further understand that I am an at-will employee and that my employment may be terminated by either myself or Grimes County, at any time, with or without cause, and with or without notice.

I understand that Grimes County retains the right to change any policies or procedures 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 Grimes County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for myself and my fellow workers'; to continually make suggestions for improvements; and to display a spirit of teamwork and cooperation.

I understand that Grimes County does not offer compensatory time off in lieu of payment of overtime.

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

By signing below, I acknowledge that I have read and understand the Grimes County policies and procedures and I agree to abide by and adhere to such policies and procedures.

\_\_\_\_\_  
Printed Name of Employee

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

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

**ORDER ACCEPTING THE GRIMES COUNTY EMPLOYEE HANDBOOK  
GRIMES COUNTY, TEXAS**

STATE OF TEXAS           §  
  §  
COUNTY OF GRIMES §

**KNOWN ALL MEN BY THESE PRESENTS:**

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


WHEREAS the Grimes County Commissioners Court desires to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Grimes County Commissioners Court does hereby approve, and adopt, the GRIMES COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 24 DAY OF March, 2025

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

  
\_\_\_\_\_  
Commissioner Pct. 1

  
\_\_\_\_\_  
Commissioner Pct. 2

  
\_\_\_\_\_  
Commissioner Pct. 3

  
\_\_\_\_\_  
Commissioner Pct. 4

Witnessed and Attested By:  
  
\_\_\_\_\_  
County Clerk

## RESOLUTION FOR GRIMES COUNTY

I the undersigned have read the Grimes County Employee Handbook that the Grimes County Commissioner’s Court has adopted. As a DEPARTMENT HEAD of Grimes County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Grimes 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 Grimes County Employee Handbook, as witnessed by my signature below.

\_\_\_\_\_  
Printed Name of Department Head

\_\_\_\_\_  
Department

\_\_\_\_\_  
Signature of Department Head

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

# Grimes County Employee Handbook

Welcome to Grimes County!

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

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

This employee handbook contains policies, benefits, and expectations of Grimes County, and other information you will need. Each elected or appointed official may have detailed policy and procedures 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 Grimes County employee. You should use this handbook as a ready reference as you pursue your career with Grimes County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this employee handbook.

Welcome aboard!

Sincerely,

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County Judge

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Commissioner Pct. 1

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Commissioner Pct. 2

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Commissioner Pct. 3

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Commissioner Pct. 4

# SECTION 1: GENERAL POLICIES

## A. COUNTY EMPLOYMENT

### 1A-1 EMPLOYMENT AT-WILL

All employment with Grimes County shall be considered “at will” employment. Employees have no employment tenure. No contract of employment shall exist between any individual and Grimes County for any duration, either specified or unspecified. The policies and procedures contained herein do not constitute any employment contracts or a guarantee of continued employment. No provision of this employee handbook shall be construed as modifying your employment at will status.

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

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

### 1A-2 EMPLOYEE STATUS POLICY

#### (a) APPLICATION

Before an individual can be considered to be an applicant for employment with Grimes County, they shall be required to complete a Grimes County Application for Employment for every office and department, excluding only the Grimes County Sheriff’s Office.

The Grimes County Sheriff’s Office has its own employment application, which requires information specific to law enforcement applicants. The Grimes County Sheriff’s Office will not accept the Grimes County Application for employment. Grimes County Sheriff’s Office applications are available at the Sheriff’s Office or via the department’s website.

Copies of the applications are available on the county website or may be picked up at the Human Resources Department during the normal working hours for that office.

Applicants must be at least 18 years old to be employed with Grimes County and provide valid documentation of such unless the applicant is in a school-approved program.

All potential job applicants may be subject to a pre-employment drug screening and a criminal background check.

#### (b) JOB POSTING

Job openings that occur through resignations, transfers, promotions, newly-created positions, retirements, death, or vacancies that have been previously budgeted but not filled may be posted internally for filling of such vacancies by eligible county employees first for three (3) working days, and then if the position is not filled by an internal candidate, it will be posted for a minimum of five (5) working days for the general public to apply. The openings will be posted as agreed upon between Elected Official/Department Head and Human Resource . Grimes County reserves the right to send out job postings to the general public at any point, even in the event there is an internal applicant.

#### (c) SELECTION

Each elected official, appointed official, department head, or their designee shall be responsible

(d) DISQUALIFICATION

An applicant shall be disqualified from consideration for employment if:

- a. is less than 18 years old and not in a school approved program.
- b. does not meet the minimum qualifications necessary to perform the duties of the position for which they are applying.
- c. has made a false statement on the application form, or any other document related to, or which has a bearing on the selection process.
- d. has committed or attempted to commit a fraudulent act at any stage of the application process.
- e. has a pre-employment drug screen which indicates the presence of illegal drugs in the applicant's specimen.
- f. has a criminal history that, in the discretion of the elected or appointed official, department head, or designee, indicates an applicant would be inappropriate for the position sought; or
- g. is not legally permitted to hold the position

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

Regular Full Time: A full-time employee shall be any employee in a position who has a normal work schedule of at least 30 hours per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Grimes County makes exempt status determination based on the Fair Labor Standards Act.

Regular Part Time: A part time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. All regular part time employees must be placed on Texas County District Retirement System "TCDRS" retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

Temporary Seasonal: A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. (The County must define and document the season that the employee is being hired for.) Seasonal employees can be either part time or full time, and they may qualify for health insurance through the county under the Affordable Care Act depending on the number of hours worked per week, and the length of employment. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other County policies will dictate eligibility for other benefits.

Regular Variable Hour: A variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee's start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through

the county under the Affordable Care Act. If an employee's schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

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

Temporary Regular Variable Hour: A temporary variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee's start date. This position will be expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into either a Regular Full-Time position or a Regular Part Time position. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee's schedule becomes regular, then the employee shall be reclassified as temporary full time or temporary part time depending on the hours worked. Temporary variable hour employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

Grimes County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, genetic information, pregnancy, veteran status, disability, or any other protected class in accordance with applicable federal and state laws. No Department Head, elected official, appointed official or employee may fail or refuse to hire or discharge any individual or discriminate against any individual with respect to the terms, conditions, or privileges of employment, including hiring, placement, promotion, termination, layoff, transfer, leaves of absence, and compensation. Religious discrimination includes failing to provide a reasonable accommodation for an employee's religious practices when the accommodation does not impose an undue hardship. Nor may any Department Head, elected official, appointed official or employee limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect their status as employees, because of their race, color, religion, sex, sexual orientation, gender identity, national origin, age, pregnancy, disability, genetic information, or any other protected class in accordance with applicable federal and state laws. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or the county attorney.

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

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

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

The Grimes County Human Resource department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, emergency contact, retirement, acknowledgement forms, as well as records concerning performance, discipline and compensation.

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

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

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

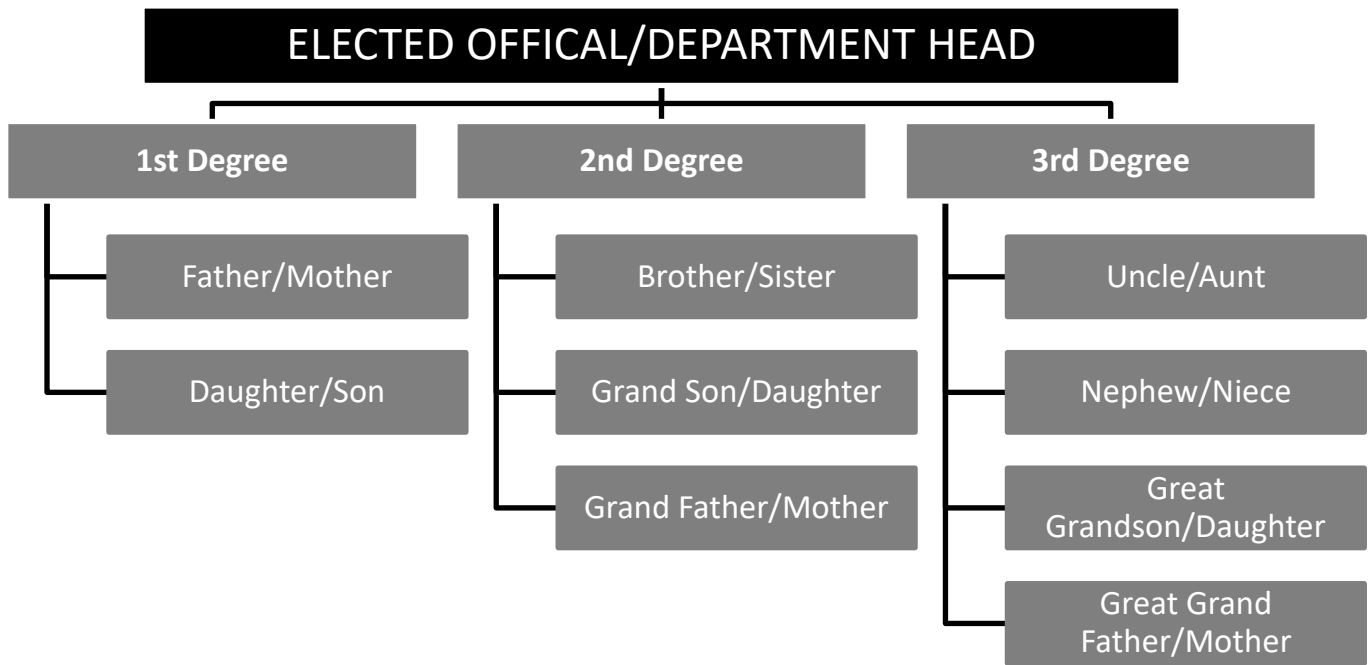
It is the County's policy to make employment decisions on the basis of individual merit and avoid any appearance of nepotism in making those decisions. Employees must immediately disclose to their manager or Human Resources department any familial relationships, not limited to those identified below, that may result in an actual or perceived conflict of interest so that the matter may be evaluated and addressed accordingly.

Under Texas Government Code Chapter 573, a Public Official of Grimes County is prohibited from appointing or hiring a person related to such Official within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over.

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

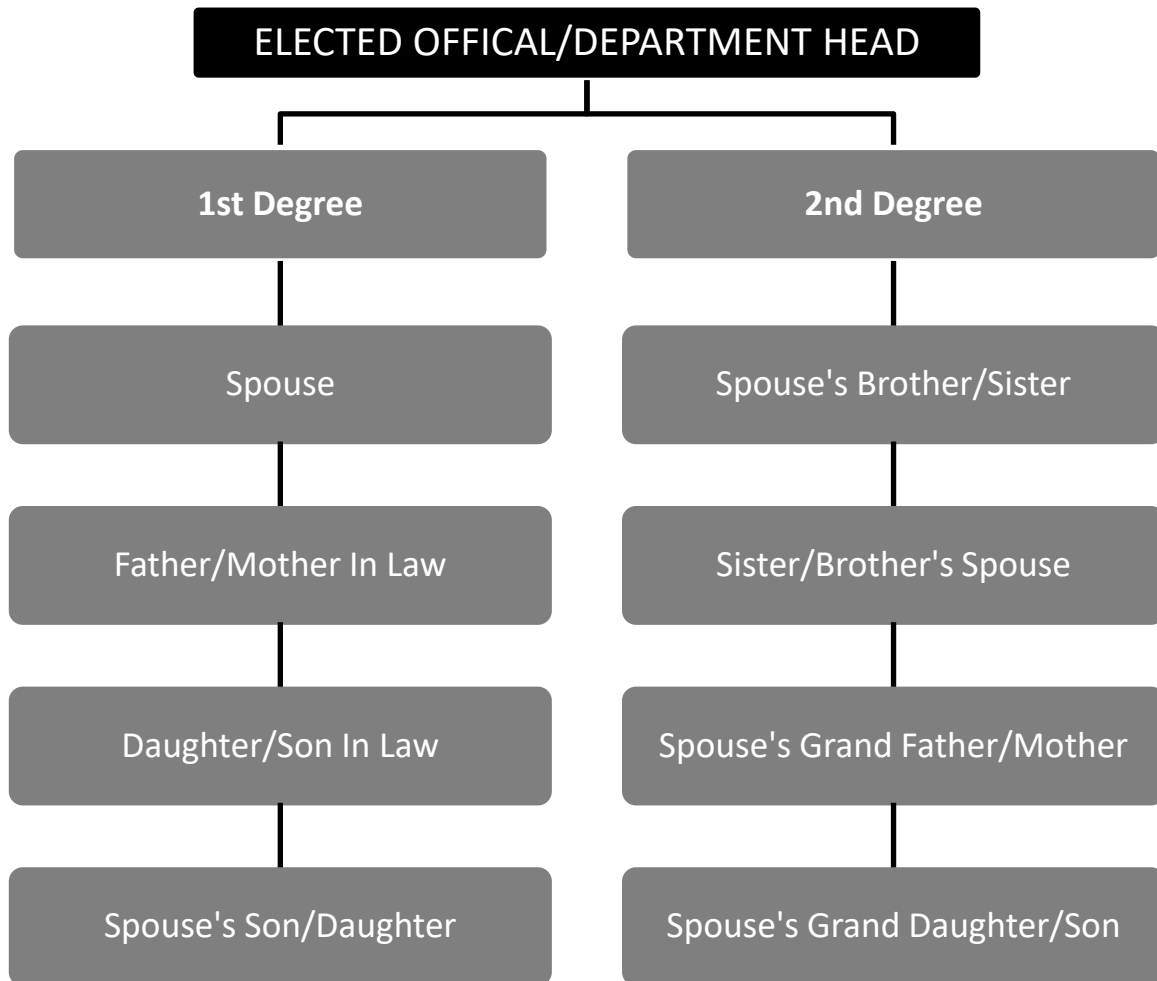
## CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



# AFFINITY KINSHIP CHART

(Relationship by Marriage)



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

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

As a Grimes 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 at least 1 hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

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

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

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

Grimes County expects all employees to be well groomed, clean, and neat at all times. Each official or department head will determine the type of attire that is acceptable for the employees that report to them. Employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service. If you require specific dress attire for religious beliefs, please consult with your elected official/department head or human resource director.

CROWN ACT: Grimes County values its employees and prohibits discrimination based on hair texture and style. This includes, but is not limited to, hair texture, hair type, or protective hairstyles such as afros, braids, locks, and twists. This does not alter the ability of Department Heads to restrict certain hairstyles due to a bona fide occupational qualification or that directly interfere with an essential job function or a safety/security precaution.

### **1B-3 CHILDREN AT WORKPLACE**

For the security and safety of the County and its employees, an employee may not bring children to the job site. The following exceptions may apply:

(a) During an emergency in which the employee cannot provide for the adequate supervision of their child/children during that emergency or

(b) The elected or appointed official, department head, or supervisor may approve other visitations as the circumstances warrant.

An employee who is permitted to bring their child/children to the job site must strictly supervise said child/children so that other employees may not be disturbed during their employment and so that the security and safety of all employees and the child/children are promoted.

#### **1B-4 TOBACCO/SMOKE FREE WORKPLACE**

Grimes County endeavors to provide a healthy environment. Therefore, any form of tobacco or vaping consumed in county buildings and county vehicles is strictly prohibited. Additionally, no smoking is allowed within fifteen (15) feet of the exterior entranceways. In addition to constituting a violation of this policy, Texas Penal Code Section 48.01 provides that a person commits an offense if they smoke tobacco or is in possession of a burning tobacco product in certain public places. A violation of such statute is punishable as a Class C misdemeanor with a fine not to exceed \$500.00

#### **1B-5 WEAPONS IN THE WORKPLACE**

No employee may illegally possess a firearm or other weapon in offices and buildings owned or used by Grimes County, this also includes county owned vehicles. 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.

#### **1B-6 CONFLICT OF INTEREST**

Employees of Grimes County shall not engage in any employment, relationship, or activity which (a) could be viewed as a conflict of interest or (b) creates a real or apparent conflict of interest. Conflicts may exist in any relationship where the County's best interest may be different from an official's or an employee's best interests. Conflicts of interest may also arise in situations where an official or employee employs immediate family members or has a financial or other interest in, or a tangible personal benefit from a party considered for a contract or procurement.

Employees involved in, or 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; or
- 5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

#### **1B-7 ANTI-HARASSMENT**

Grimes County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome conduct such as words, acts or displays that is based on sex, , sexual orientation or gender

identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status, and any other protected class in accordance with applicable federal and state laws. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating, or **hostile working environment** or interferes with work performance.

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

(a) RETALIATION

Retaliation means treating employees unfavorably because they complained about discrimination or harassment on the job, filed a charge or complaint alleging discrimination or harassment, or participated in any manner in an employment discrimination proceeding. It includes mistreatment for raising discrimination that affects others. Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the Human Resource Director.

(b) REPORTING

Employees who feel they have been harassed or retaliated against should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work, and to the Human Resource Director.

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

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

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-8 SEXUAL HARASSMENT**

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

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the

submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

(a) REPORTING

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

Employees who feel they have been sexually harassed should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work and the Human Resource Director.

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

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

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

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

(b) RETALIATION

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 official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the Human Resource Director.

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-9 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.

If the grievance involves the employee's immediate supervisor, elected official, appointed official or department head the employee shall notify Human Resource, or a member of Commissioner's Court.

The grievance procedure does not apply to allegations of violation of law, harassment, discrimination based on race, color, religion, sex, national origin, age, pregnancy, disability, genetic information or any other protected class in accordance with federal and state laws, or unlawful retaliation. Discrimination allegations are handled under the County's Non-Discrimination Policy.

### **1B-10 POLITICAL ACTIVITY**

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

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

### **1B-11 OUTSIDE EMPLOYMENT**

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

### **1B-12 BREAKS**

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

Grimes County will provide two paid 15–30-minute breaks for a nursing mother to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk, however, if the break is longer than the 30 minutes in duration, the break time may be unpaid time off.

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

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

### **1B-13 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.

Examples of reasons for administering discipline shall include, **but not be limited to:**

- Performance
- Violation of policy
- Disruptive behavior
- Excess tardiness
- Excess absences

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

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

### **1B-14 LICENSE AND CERTIFICATIONS**

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

## **1B-15 WEATHER CLOSINGS AND EMERGENCIES**

As a general practice, Grimes 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.**

Whenever a Grimes County Commissioner, the County Judge or the Emergency Management Coordinator has reason to believe that an emergency exists (or is imminent) necessitating closure of County facilities, an emergency meeting of the Grimes County Commissioners Court shall be held to consider official action if time permits.

If, in the opinion of the County Judge, or, in their absence, of the senior available County Commissioner, insufficient time exists to hold an emergency meeting of the Commissioners Court, then that individual shall, based on concern for the safety of County employees and other citizens as well as interest in the availability of governmental services, determine whether to close county facilities in whole or in part.

Once a decision has been made to close any governmental facility, the County Judge or County Commissioner making the decision, or their staff shall make every attempt to notify local media to inform citizens of such closure and shall have the County website updated to reflect such closure. Affected County department heads will also be notified of the closure.

If an emergency closing is ordered by the Commissioners Court, regular full-time employees will be paid their regular wages as the day will be recorded as an official closed day. This time off is not considered time worked and will not be used to determine eligibility for overtime.

Any employee who is off or scheduled to be off on sick leave, vacation, holiday, personal leave, Family and Medical Leave Act (FMLA) or leave without pay during a period of emergency closure shall have their leave recorded as scheduled.

An elected official/department head may choose to close their office at any time for a public purpose; however, until the County Judge or Commissioners Court has officially closed County operation(s), employees shall use accrued leave, admin leave or time without pay.

Full-time regular employees who have no available accrued leave and who would otherwise be required to use time without pay because of inclement weather or other emergency situations, which have not warranted an official emergency closing, may be allowed to make up that time within the same work week at the discretion of the department head.

When there is an official emergency closure of County operations, any non-exempt (as defined by the Fair Labor Standards Act as amended (FLSA)) essential personnel who are required to report to work will be compensated at 1.5 times their hourly rate at the discretion of the County Judge depending on the circumstances at that time. Essential personnel may include Sheriff's Office personnel, Road & Bridge crews, Emergency Management personnel and/or other personnel designated by the County Judge, County Commissioners, Sheriff, or other Elected Officials/Department Heads.

There may be instances where in only certain facilities are officially closed. In these instances, the affected employees will be compensated as previously stated in this policy and all unaffected employees' compensation will be the same as during regular working conditions. ***Any essential employee who fails***

***to report to work as scheduled during inclement weather or disaster shall use (1) vacation or personal leave or (2) time off without pay, at the discretion of the department head.***

### **1B-16 CONFIDENTIALITY**

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

Regarding the personnel information on employees of Grimes 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 Grimes County Policy or federal or state law to their supervisor, department head, elected official or a member of Commissioners Court, unless all these persons are the alleged perpetrators of the alleged violation of policy or law. If all the listed persons are alleged to be involved in the violation, the employee may report the allegation to the county attorney, district attorney or 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 of wrongdoing may be subject to discipline up to and including termination.

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources, County Attorney or a member of the Commissioners Court.

An employee with a question regarding this policy should contact the Human Resource Director.

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

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

This policy applies to all County property, whether tangible or intangible, including desks, lockers, filing cabinets, electronic equipment, media, services, and new technologies as they emerge, including but not limited to, computers, e-mail, telephones, cell phones, tablets, voicemail, fax machines, copiers, radios and wireless devices, wire services, and on-line services, including County Wi-Fi and the Internet, that are: (a) County property; (b) accessed using County computer equipment or your own, via County-paid access methods; and/or (c) used in a manner that identifies the individual as a County employee. The County provides each employee with the necessary equipment to perform the job assigned. Each employee shall

observe safe work practices and safe courteous operation of equipment in compliance with all applicable laws and regulations.

(a) Benefit of the County

The County's assets are intended to be used solely for the benefit of the County. Each employee and department are responsible for any assigned County Property and for the proper use and maintenance of such property or asset. No personal or political use of any county property, credit cards, electronic devices, materials, supplies, tools, or equipment is permitted. A department head or elected official may impose additional restrictions for the use of county property, materials, supplies, tools, or equipment. If an employee is in doubt about a circumstance, they should check with their department head before proceeding.

(b) No Privacy

Employees have no expectation of privacy in the workplace, in the work-related conduct, in the use of County-owned or County-provided equipment or supplies, or anything an employee creates, stores, sends, or receives on the County computer system. Assume that what every employee does while on duty or using County equipment is not private. Although searches are normally not conducted without a valid reason, all work areas and County equipment, such as desks, files, lockers (even if you provide a lock), computers, devices, and electronic media are subject to search at any time.

(c) Return of Property

County property must be returned immediately upon request from an elected official or department head. Upon termination all county property within the employee's possession must be returned within 24 hours of separation of employment. County property following termination should be given to the employee's direct supervisor or the Human Resources department. Employees who separate employment may be held responsible for the fair market value of any unreturned hardware, incomplete hardware or damaged hardware. Failure or refusal to return assets may result in deductions from final pay and/or accrued compensable leave balances.

(d) Service Weapons

Grimes County may allow law enforcement personnel, in accordance with applicable law, to purchase their service weapon upon leaving the county. This purchase requires the approval of the commissioners' court, and the exiting employee must pay cost as determined by the Commissioners' Court.

(e) Damaged Property

Property that is stolen, lost or damaged must be reported by the department head in writing to the County Auditor's office immediately after discovery.

(f) Grant Funded Property

Property purchased with State or Federal grant funds must be utilized only by the county department staff for which the funds were acquired. The equipment must be used only for the intended purpose of the grant. Once grant funds are exhausted, the equipment can continue to be used for the funded project. When the equipment is no longer needed, it may be used in other activities previously supported by a Federal or State agency. To dispose of equipment, county departments adhere to the Uniform Grants Management Standards for disposal of equipment acquired under a grant. When purchasing replacement equipment, the county department must use the equipment to be replaced as trade-in to offset the cost

of the replacement property. Approval from the awarding agency, if required, must be obtained prior to purchasing replacement equipment.

(g) County Facilities

Use of county buildings and premises by employees shall follow law and the county policies regarding authorized uses.

(h) Personal 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 TELEPHONE AND CELL PHONE USAGE**

Telephones are to be used for county business. There is no expectation for privacy while utilizing a county provided telephone and/or cell phone. The County reserves the right to monitor and access county provided telephones and/or cell phones records, within the County's sole discretion.

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

Grimes County strictly prohibits use of any telephone while operating any vehicle, except when utilizing a hands-free option through the motor vehicle. Grimes County strongly encourages all employees to plan calls prior to traveling or while on rest breaks.

Grimes County strictly prohibits 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 including loss of CDL.

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

### Reimbursement for Personal Cell phone use in disaster and recovery. (Amended 6-4-2025)

In the event of a disaster or recovery situation, a Grimes County Employee may be directed by the Emergency Management Coordinator or Direct Supervisor to use their personal cell phones for documentation in the Damage Assessment App if the Employee's County provided cell phone does not support the application. If personal cell phone use is required, the County will grant reimbursement during disaster response and recovery at a flat rate of \$4.00 per day. Disaster assessment app usage may be audited to verify reimbursement.

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

## **1C-3 COMPUTER AND INTERNET USAGE**

Use of Grimes County computers, networks, and Internet access is a privilege granted by officials or department heads and may be revoked at any time for inappropriate conduct carried out on

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

#### **1C-4 SOCIAL MEDIA**

For purposes of this policy “social media” includes, but is not limited to, online forums, blogs and social networking sites, such as X, Facebook, LinkedIn, YouTube, and Instagram, etc. Please review Grimes County’s social media policy located on the County’s website. All employees are expected to fully adhere to the Grimes County social medial policy.

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

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

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

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

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

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

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.

#### **RETURN-TO-WORK**

Grimes County strives to assist employees who are on leave due to an occupational injury or illness in returning to work as soon as their physician certifies they are fit to do so.

#### **COORDINATION WITH ATTENDING PHYSICIAN**

An employee on leave due to a work-related disability can return to work only when Grimes County receives the attending physician’s written medical release authorizing such return. Grimes County’s Human Resources Department, in conjunction with the elected official/ department head, are responsible for providing the physician with a copy of the employee’s job description, copies of job descriptions for

potential modified/light-duty assignments, and written information explaining Grimes County's return-to-work program.

#### JOB DESCRIPTIONS

Each elected official is responsible for working with supervisors to ensure that job descriptions accurately and completely describe the essential functions of each position. Each elected official works with the Human Resources Department and medical consultants to analyze any new modified/light-duty position and develop a job description describing the essential functions of that position.

#### RETURN-TO-WORK OPTIONS

Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician and/or other qualified medical professionals retained by Grimes County or its insurance carrier. The following options are explored:

##### (a) Return to prior position

An employee is offered the opportunity to return to his or her prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations. Human Resources is responsible for working with the employee's supervisor, the elected official, and attending physician (and third-party consultants, as necessary) to provide any reasonable accommodations.

##### (b) Modified duty

Any employees who are not yet able to return to their former duties are offered (subject to the restrictions set out in this policy) if applicable a temporary modified/light-duty assignment that has been approved by the employee's attending physician.

#### RESTRICTIONS ON LIGHT-DUTY ASSIGNMENTS

The following restrictions apply to modified/light-duty assignments:

**No guarantee** of work. As provided in this policy, Grimes County must endeavor to return employees to gainful employment as soon as possible by exploring possible modified/light-duty assignments. However, Grimes County does not guarantee the availability of modified/light-duty work.

##### (a) Pay rates and workers' compensation benefits

Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time they sustained their work-related injury or illness. Employees may receive temporary income benefits from workers' compensation to supplement this income to a pre-injury level. (Exception: Commissioned law enforcement officers are guaranteed 100% of salary by the State Constitution while incapacitated under worker's compensation standards whether on modified/light-duty assignment or not). The pay rate for a modified/light-duty assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work in light-duty positions before they have reached maximum medical improvement are eligible for temporary partial disability benefits under Texas' workers' compensation program if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees in modified/light-duty positions are not permitted to supplement their workers' compensation benefits by using their accrued vacation, personal, or medical/sick leave.

##### (b) 12-Week limit

Modified/light-duty assignments are temporary arrangements intended to complement and facilitate the healing process. Modified/light-duty assignments cannot exceed 12 weeks without approval from the Grimes County's elected official or department head in charge of that position.

#### EMPLOYEE REFUSAL OF WORK/TRAINING

In the event that an employee refuses to return to regular or modified/light duties in response to a written, bona fide offer of employment by Grimes County sent via certified mail, the employee is separated from Grimes County and the employee's position will be filled. (NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave entitlement.) A written offer of employment must clearly state the position offered and the duties of the position. Grimes County's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work. The job's essential functions and the job's wage, working hours, and location.

#### PERMANENT DISABILITIES

When reaching maximum medical improvement, an employee can have a permanent disability that impairs the employee's ability, with or without reasonable accommodations, to return to his or her regular position. Grimes County, in consultation with the employee's attending physician and the Workers' Compensation Carrier, must evaluate the following options:

Securing vocational rehabilitation services from the Department of Assistive and Rehabilitative Services or private consultants, as appropriate. Services can include assessment and testing, counseling, and training.

Finding a position at Grimes County commensurate with the employee's knowledge, skills, and abilities.

Employees with permanent disabilities are paid partial or total permanent disability benefits as required under Texas's regulations on workers' compensation.

#### MEDICAL INFORMATION

All employee medical information is held in strict confidence in accordance with the Americans with Disabilities Act. Medical inquiries are limited to those permitted under Texas's workers' compensation statute and applicable federal law.

#### COORDINATION WITH FMLA

Nothing in this policy should be construed as denying employees their rights under the Family and Medical Leave Act or any other federal or state law.

It is Grimes County's policy to designate an employee's leave due to a work-related injury or illness as FMLA leave. To the extent permitted by the FMLA, Grimes County counts the period of an employee's modified/light-duty assignment toward the employee's FMLA entitlement.

Employees entitled to FMLA leave can voluntarily accept light-duty assignments while they are recuperating, but they cannot be required to do so. Employees who lose their workers' compensation benefits because of declining a light-duty assignment are required to substitute any available paid leave, such as accrued vacation, personal, or medical/sick leave, for unpaid FMLA leave.

Until employees have exhausted their 12-week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job if they can perform the job's essential functions.

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

Grimes 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.

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

Employees seeing unsafe working conditions shall (1) report the unsafe conditions to their supervisor.; (2) alert other employees within the area of the unsafe conditions; then (3) if reasonably within their job description, take action to correct the unsafe conditions.

## **1D-2 DRUGS AND ALCOHOL-ALL EMPLOYEES**

Grimes County is a drug and alcohol-free workplace. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

An employee shall not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County. An employee shall not unlawfully manufacture, distribute, dispense, possess, sell, purchase, solicit or use a controlled substance, unauthorized prescription, over-the-counter drugs or drug paraphernalia on County property or while conducting County business not on County property. Additionally, an employee shall not use prescription or over the counter in a manner other than that intended by the manufacturer or prescribed by a physician. If a prescription or over-the-counter drug will impair an employee's ability to perform their job duties safety and effectively, then such employee shall not use such prescription or drugs while on county property or attempting to conduct county business. Per the law, all prescription medications must remain 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.

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

An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet or from the Human Resource Office. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly at their expenses 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 two 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.

**Grimes County will drug test employees under the following conditions:**

Pre-employment drug testing:

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

Suspicion-Based Testing:

Under the Influence shall be defined as having a blood alcohol concentration of 0.04 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 alcohol or drug test. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

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

- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

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

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

Post-Accident Testing: (Amended 5-21-2025)

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. Accidents involving county vehicles should refer to the County's Vehicle Policy. Accidents involving personal vehicles will be at the discretion of their elected official or supervisor.

Testing Procedures:

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. 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 Grimes County.
4. 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**.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

Each employee shall 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.

CDL license holder employed by Grimes County may be subject to additional testing requirements.

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

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

CDL Drivers are an extremely valuable resource for Grimes County's business. CDL employees are strictly prohibited from being under the influence of or using illegal drugs or alcohol during working hours.

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

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. Grimes County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

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

A detailed policy and procedure are available at the Human Resource Office.

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

Grimes County is committed to providing a workplace free of violence.. Grimes 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, ,by any employees, customers, the general public, or anyone who conducts business with the County while on County premises, County-owned property, or County work sites. 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. All County personnel are on notice that acts or threats of workplace violence shall not be excused for investigation on the grounds that the actor was "joking", blowing off steam," etc. Employees or non-employees engaged in violent acts or behaviors on Grimes County premises will be reported to the proper authorities and fully prosecuted.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- a. Causing physical injury to another person
- b. Making threatening remarks

- c. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- d. Intentionally damaging county property or property of another employee
- e. Committing acts motivated by, or related to, sexual harassment, creating a hostile work environment or domestic violence.

Employees are required to report all suspicious conduct or comments to their immediate supervisor or Human Resource Department. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to know basis or as required by law. All employees are encouraged to openly communicate with each other, and to be aware of any unusual activity that may be an indicator of potential violence. Threats or acts of violence that require immediate or emergency action should be reported to 911.

The Human Resources Department will take reasonable measures to conduct background investigations including but not limited to criminal background checks to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior. EXCEPTION: The Grimes County Sheriff's Office will follow the hiring guidelines set by the department's policy and will be responsible for conducting background investigations for applicants of the department. Grimes County conducts inspections of the premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Employees are encouraged to report any such vulnerabilities to their supervisors and the Human Resource Department. Any necessary corrective action will be taken to reduce risks. While Grimes County does not expect employees to be skilled at identifying a potentially dangerous person, employees are expected to exercise good judgment and to inform the Human Resources Department if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes but is not limited to:

- Discussing weapons or bringing them to the workplace.
- Displaying overt signs of extreme stress, resentment, hostility, or anger.
- Making threatening remarks.
- Sudden or significant deterioration of performance; or
- Displaying irrational or inappropriate behavior

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. If a supervisor or law enforcement can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given.

# **SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS**

## A. EMPLOYEE PAYROLL

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

Grimes County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to its attention, Grimes County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your timecard must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Do not sign your timecard if it is not accurate. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time sheet. 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 sheet. 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 the County Attorney.

It is a violation of Grimes County policy for any employee to falsify a time sheet, or to alter another employee's time sheet. 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 timecard to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the County Attorney, contact information can be found on the county website

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

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

as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

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

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

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to Treasurer's Office, contact information can be found on the county's website. 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**

Grimes County will comply with the IRS regarding fringe benefits for county vehicle usage. Employees may be responsible for paying payroll taxes on such fringe benefits.

## **2A-3 COMPENSATION**

### **(a) APPLICATION**

This policy shall apply to all county employees except law enforcement employees. Compensation for law enforcement employees shall be handled in accordance with the policies established in the Sheriff's Office with the approval of the Commissioners Court.

### **(b) FULL-TIME AND PART-TIME**

Grimes County annually sets the maximum compensation for each employee in accordance with Texas law. Grimes County complies with the Fair Labor Standards Act, as amended.

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. (See Policy Below)

All non-exempt County employees shall be paid an hourly wage. Some employees may have the classification of hourly employees but paid on a salary basis, they remain non-exempt for FLSA purposes.

Exempt employees shall receive a set salary for all hours worked.

For full time non-exempt employees, the set compensation will compensate the employee for hours worked up to 40 in any work week. Leave time (i.e., vacation, sick, holiday, funeral and admin) time should not be used to exceed the standard work week; and should actual hours worked exceed 40, no leave time should be used for that week except for an approved emergency (see Policy on Hours Worked and Overtime)

(c) TEMPORARY EMPLOYEES

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

(d) Ten (10) YEAR PAY INCREASE

Effective October 1, 2011, employees who achieve ten (10) years of continuous service with Grimes County shall receive a pay increase of \$2,500.00(\$1.20 per hour) to commence on the day immediately following the anniversary of the employee's tenth year of continuous service. To be eligible for such increase, an employee has had to be working full-time for Grimes County for a continuous ten-year period. There may not be any breaks in employment. If an employee was a part-time employee, then became full-time, the employee's full-time service years will only be counted. This benefit does not apply to elected officials and will be payable in equal amounts at each pay period. The \$2,500.00 pay increase described above refers to a pay increase of such amount for the relevant year. Such one-time pay increase will, subject to paragraph below, be budgeted in successive budget years of employment. **The elected/appointed official or department head is responsible for notifying the Human Resources Department that the employee has reached the relevant ten-year period.** When notification is given to the Human Resources Department, such department will then verify the service. The verification date of employment will be the last date of hire. The elected/appointed official or department head is also responsible for notifying the County Judge and County Auditor during the preparation of the annual county budget of proposed raise to be effective in the following fiscal year. All county employees are "at will" and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in their job. The County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without notice. The County also retains the right to change any condition, benefit, privilege, or policy of employment at any time, including this policy, with or without notice.

(e) LAW ENFORCEMENT CERTIFICATE PAY

Commissioners Court approved certificate pay for Peace Officers, Jailers and Telecommunicators employed by Grimes County law enforcement agencies (Sheriff's Office, District Attorney's Office, and Constable's Offices). The certificate pay levels are as follows:

Intermediate	\$600 yearly
Advanced	\$1200 yearly
Master	\$1800 yearly
K9 Handler	\$1200 yearly

The following criteria will be used to determine if a Peace Office, Jailer or Telecommunicator qualifies for certificate pay:

- (1) The Peace Officer, Jailer or Telecommunicator must be a full-time employee.
- (2) The Peace Office, Jailer or Telecommunicator license must be active and good standing.

Reserve or retired status will not meet this requirement and will not receive certification pay.

An employee is only eligible to receive certificate pay for one certification; in the event they hold more than one law enforcement certification except for K9 Handler.

It will be the employee's responsibility to notify their immediate supervisor when they have achieved a new certificate level. Once the certificate level is achieved and recorded on the TCLEDDS website maintained by TCOLE, a change of status form will be completed and forwarded to Human Resources. The change of status form must have attached TCLEDDS printout showing the employee has achieved the stated certificate level for the auditor's office. Law enforcement certificate pay will be paid as a stipend bi-weekly.

(f) MERIT PAY RAISES BASED UPON EMPLOYEE PERFORMANCE EVALUATIONS

The Commissioner's Court has approved the Position Pay Grade Scale, and no raises will be granted that would exceed the salary set forth therein. See Grimes County's Compensation Guidelines located on the County's website.

(g) COMPENSATION FOR VACANT POSITIONS

Elected Official/ Department Heads may not take monies available from a vacant position filled at a lower rate of pay than budgeted for that position and provide compensation adjustments to other positions with those remaining budgeted monies. See Grimes County Compensation Guidelines located on the County's website.

(h) CHANGES TO SALARY STRUCTURE AND GRADE DEFINITIONS

County positions are designated in individual grade levels and compensated based on similar duties, levels of skill and responsibilities outlined in job descriptions described in the Grimes County Salary Structure and Grade Definitions.

Elected officials and department heads are responsible for ensuring that the job descriptions assigned to positions correctly reflects the duties and responsibilities being performed in each position.

Any elected official or department head subordinate to the Commissioners Court may request a change to a job description, grade level or salary. The elected official or department head's request will be submitted to the Human Resource Department no later than March 31<sup>st</sup> of the current fiscal. Human Resource Department will review and place on a Commissioners' Court agenda for consideration in May.

At any time, the Commissioner's Court may review or adjust any job description, grade or salary scale according to the needs of Grimes County.

(i) DISASTER DECLARATION

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

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

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

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

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

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

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Grimes County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 28 days and 171 hours as established by the Grimes County Commissioners Court.

## **2A-6 TIMESHEETS**

Each employee must fill out a time sheet to be turned into their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record is a criminal offense. Employees shall only use appropriate available leave to account for their regular weekly work schedule.

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

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

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

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Each official or department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

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

Hours worked shall include all time 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**

The Grimes County Commissioners Court has adopted the extended work period for law enforcement personnel authorized by the Fair Labor Standards Act §207(k). The work period is based on 28 consecutive calendar days beginning on [Saturday], at 12:01 a.m. All law enforcement employees will be paid a salary based on a minimum of 160 hours reported and a maximum of 171 actual hours worked, plus overtime for any authorized hours physically worked over 171 during a work period. Paid leave shall not be counted

in determining if overtime has been worked in any work period. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime. An employee will be paid their full salary if the employee reports at least 160 hours during a work period. Overtime will not accrue in any work period during which an employee reports use of any county designated leave until the number of actual hours worked reported during the work period exceeds 171.

A law enforcement employee must account for their designated hours during each work period, by reporting actual hours worked or any designated county leave. If any employee reports more than 160 or 168 actual hours worked during a work period, they will receive compensation their standard hourly rate for hours worked between 160,168 and 171. If an employee has worked the minimum designated 160-171 hours in the 28-day work period and takes days or hours off using any county leave, the employee will not be charged those leave time. The hours will be credited back into the employee's appropriate leave bank.

If the employee worked less than the minimum hours required for their position, only the minimum number of hours will be deducted from the appropriated leave banks to reach the required minimum hours for their position. If the employee does not have the appropriate amount of leave time to meet the minimum hours, the employee will only be compensated for the actual hours worked.

## **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. If an employee has recorded hours more than the 40 hours work week and takes days or hours off using any county leave, the employee will not be charged those leave times. The hours will be credited back into the employee's appropriate leave bank. Exception to this would only apply in an emergency situation.

Pursuant to the provisions of Section 157.021(b), Local Government Code, the following rules are adopted by the Commissioners Court of Grimes County, concerning overtime and compensatory time:

- a. No compensatory time shall be accrued by Grimes County employees.
- b. Unbudgeted Overtime: A department head or other supervisor shall not authorize an employee to incur overtime time above any budgeted amount in the current county budget. An employee shall not work overtime above any budgeted amount in the current county budget.
- c. Emergency Overtime: The Commissioners Court may declare an emergency and approve emergency overtime. An elected/appointed official may declare an emergency and approve emergency overtime until such emergency overtime can be presented for review at a meeting of Commissioners Court. An emergency is an unforeseeable event that constitutes an immediate threat to life or property. Any authorized emergency overtime shall be immediately reported to the Commissioners Court with a statement that describes the emergency.
- d. Violations of Overtime Rules: Any violation of these overtime rules shall be reported in writing to the Commissioners Court. Violations by a county employee may result in disciplinary action including a written reprimand, suspension without pay, or termination from employment with the County.
- e. While all actual work time must be counted, time not worked need not be included in computing overtime pay due.

- f. Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the FLSA and the regulations issued by the Department of Labor to administer that Act.
- g. Questions regarding the calculation of overtime pay should be directed to the Treasurer's Office.

## **2A-12 DEMOTIONS**

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

## **2A-13 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties, salary to be determined by the Compensation Administration Guidelines for Grimes County.

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

## **2A-14 PROMOTIONS**

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary to be determined by the Compensation Administration Guidelines for Grimes County.

Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-15 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 Grimes County shall be designated as one of the following types:

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

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

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify their supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

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

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

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

Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an “other” separation. When a separation is designated as ‘other’, the supervisor shall provide details of the nature of the separation for the personnel records. As soon as a supervisor becomes aware of a separation from employment or the intent to separate employment by an employee, the supervisor shall be responsible for notifying the Human Resources Department.

## **2A-16 RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Grimes County as long as the following provisions are met: 1) The retiree has been retired for at least 3 calendar months, 2) No prior arrangement or agreement was made between Grimes 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 3 calendar months. A bona fide separation means there is no prior agreement or understanding between Grimes County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

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

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

## **B. EMPLOYEE BENEFITS**

### **2B-1 HEALTH, DENTAL and LIFE INSURANCE PLANS**

All full-time regular employees of Grimes County shall be eligible for the group medical plan, dental plan benefits, and life insurance plans. 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. (County will need to adjust the employee status based on their own definitions. Any employee working 30 or more hours a week will be eligible for health benefits.)

Premiums for the medical, dental and life coverage for eligible full-time employees shall be paid entirely by the County.

Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

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

Employees who leave the employment of Grimes County or who lose their coverage eligibility, may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Human Resources Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information (election notice) within 14 days following their termination or qualifying event.

An individual, who has retired from Grimes County with a retirement from the County can qualify for a partial payment towards their personal health insurance. The County will pay 30 percent, and the retiree will pay 70 percent (which is due 5 days prior to the end of each month). This will only apply with the insurance carrier of the County. Once a retiree becomes eligible for Medicare, the county's supplemental insurance may provide coverage for medical cost (not dental) which are not covered by Medicare. Retiree can keep dental, vision and life insurance as well however, 100 percent of those premiums will be the responsibility of the retiree.

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

Grimes County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Grimes County provides supplemental insurance coverage under various groups. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained during open enrollment.

## **2B-3 VACATION (Amended 5-21-2025)**

The following employee classifications shall be eligible for the vacation benefit: All exempt and non-exempt. These following employee classifications shall not be eligible for the vacation benefit: Part-time and temporary.

Accrual of vacation shall begin at the time an employee begins working in a position eligible to accrue vacation, but the employee must work a minimum of 90 days before being eligible to take any vacation.

Employees who have worked for less than ten (10) continuous years in a position eligible to receive vacation shall earn vacation at the rate of 6.50 hours per month. In June and December such employee will earn 1 extra hour, which is equivalent to eighty (80) hours per year.

Employees who have worked for ten (10) continuous years through the nineteenth (19th) year in a position eligible to receive vacation shall accrue vacation at the rate of ten (10) hours per month, which is equivalent to 120 hours per year. All changes will be effective beginning on the first day of the calendar year following the tenth (10th) year anniversary date of the employee's employment.

Employees who have worked twenty (20) continuous years or more in a position eligible to receive vacation shall accrue vacation at the rate of 13.00 hours per month. In June and December such employee will earn 2 extra hours, which is equivalent to 160 hours per year. All changes will be effective beginning on the first day of the calendar year following the twentieth (20th) year anniversary date of the employee's employment.

The Maximum amount of vacation leave an employee shall be allowed to have at any time is as follows:

- i. 0-9 years of service will be 120 hours
- ii. 10-19 years of service will be 160 hours
- iii. 20+ years of service will be 200 hours

**Exception** will be those employees employed by the **Sheriff's Office who are Texas Commission on Law Enforcement (TCOLE) certified**. Those employees will have a maximum accrual rate of **320 hours**. The maximum payout for accrued vacation leave is based on the employee's years of service as stated above.

The amount of vacation leave an employee may use at one time is subject to the approval of the Elected Official or Department Head but should not exceed 120 hours per request.

It is recommended that employees do not take extended vacation leave consecutively within a six-month period.

Department Heads and Elected Officials are strongly encouraged to actively manage vacation accruals and ensure that employees' accrued hours align with their years of service.

Vacation **shall not** be accrued while an employee is on **leave without pay or on workers' compensation**. Employees will not receive vacation leave accrual for working less than a full-time schedule of 74 hours in two weeks or, in the case of law enforcement, 148 hours in the 28-day work period.

The minimum amount of vacation that may be taken at one time shall be 0.25 (1/4) of an hour.

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

If a holiday falls during an employee's vacation, then the employee will not be charged for the vacation.

If an employee has worked for at least 90 days in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

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

## **2B-4 SICK**

The following employee classifications shall be eligible for the sick leave benefit: All exempt and non-exempt full-time regular employees. These employee classifications shall not be eligible for the sick leave benefit: working less than a full-time schedule of 74 hours in two weeks or, in the case of law enforcement, 148 hours in the 28-day work period

Eligible employees shall accrue sick leave at a rate of eight (8) hours per month. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit. Sick leave shall not be accrued while an employee is on leave without pay.

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

Sick leave shall not be accrued while an employee is on leave without pay or on workers' compensation.

Employees shall be allowed to carry over hours of sick leave from the previous year if it does not exceed the 480-hour maximum

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, foster child or other relative living in the employee's home who is dependent on the employee for care. Sick leave may not be used as vacation, or any other reason not addressed in this policy.

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

abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor. All medical notes should be referred to the Human Resources Department.

The minimum amount of sick leave that an employee may use at any time shall be 0.25(1/4) of an hour.

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

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

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

If a holiday falls during an employee's sick leave, then the employee will not be charged for the sick day.

## **2B-5 Sick Pool**

The purpose of the Grimes County Sick Leave Pool is to provide additional sick leave days to County event of a catastrophic illness or injury or disability that prevents an employee from active employment. Days may be applied from the Pool only after the employee has exhausted all accrued sick leave and vacation leave.

A catastrophic illness or injury is defined as: a terminal, life-threatening, and /or severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed health practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave or vacation leave) and to lose compensation from the County. A licensed practitioner is practitioner, as a defined by the Texas Insurance Code, who practices within the scope of their license. A day equals eight (8) hours.

At the direction of the Commissioners Court, the Human Resources Director shall serve as the Pool Administrator. At the direction of the Commissioners Court, the pool Administrator shall be responsible for developing mechanisms to transfer accrued sick leave into and out of the Pool, developing rules and procedures for the operation of the Pool and developing forms for contributing leave to, or using leave from, the Pool. The Pool Administrator shall appoint members to serve on the Pool Administrative committee for two (2) year terms. The Pool Administrative Committee shall be composed of the following members: an elected official, the County Auditor, a Department Supervisor, and the Human Resources Director. This committee shall be responsible for considering all requests for use of leave from the Pool.

All regular full-time employees are eligible to join the Sick Leave Pool by contributing a minimum of one day or a maximum of five days accrued sick leave. New employees may join the pool after 12 months continuous employment. Days donated will be subtracted from their accrued leave. After the Pool is established, employees will only be able to join at a time designated each year by the pool Administrator or, in the case of new employees, immediately upon completion of 12 months of continuous service. Membership enrollment forms must be submitted to the Human Resources Department. Days donated will be subtracted from each member's accrued sick leave. Days donated become the property of the Grimes County Sick Leave Pool and cannot be returned in the event of membership cancellation. Employees on approved leave of absence will retain membership in the Pool and will not be required to donate additional days. To maintain the Sick Leave Pool, all members must donate a minimum of 1 day (8 hours) or a maximum of 5 days (40 Hours) of sick leave each February, or at a time during the fiscal year

designated by the Pool Administrator for general membership donations. Only one donation during the fiscal year is required to maintain membership in the Pool.

Days will be granted only for catastrophic illness or other disability, which necessitates an absence from work for five consecutive days or longer but not to exceed the Family and Medical Leave Act ("FMLA") time granted. In case of intermittent treatment (i.e. chemotherapy for cancer treatment) days can be granted for 1-4 days absence. Pregnancy will not be covered by the Sick Leave Pool, but complications due to pregnancy or delivery will be considered. The Pool may be used only by members for their personal illness or disability or for a family whose illness and relationship to the employee meet the guidelines of the Family and Medical Leave Act and the Grimes County Family and Medical Leave Policy with Military Entitlements. Days requested for stress-related illness will be granted for hospitalized days only. The maximum number of days granted to an employee each year shall not exceed one-third of the total amount of time in the Pool at the time of the request or twelve (12) work weeks, whichever is less. An individual may donate up to 10 days (80 hours) to the pool at the time of termination of employment. Days will not be granted when an employee is receiving worker's compensation or long-term disability benefits.

An eligible employee must apply to the Pool Administrator for permission to use time in Pool. The eligible employee must attach to the application a physician's certificate documenting the catastrophic illness or injury and estimating the time needed off work for recovery from such illness or injury. The Pool Administrator shall present the application to the Pool Administrative Committee, which shall determine eligibility. If the employee is determined to be eligible, the Pool Administrative Committee shall determine the exact amount of time that the eligible employee may use and shall approve the transfer of time from the Pool to the employee. The time shall be credited to the employee and shall be used in the same manner as accrued sick leave. An employee absents on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave. If a member is critically ill and unable to file an application for sick leave from the pool, their department head may submit an application at the request of the employee's family.

If the Administrative Committee denies an employee's application to withdraw hours from the pool, the denied employee may request the Commissioners Court consider the appeal of the denial. The decision of the Commissioners Court shall be final.

Applications for donation of accrued sick time to the Grimes County Sick Leave Pool are available in the Human Resources Office. Applications for withdrawal from the grimes County Sick Leave Pool are available in the Human Resources Office.

## **2B-6 HOLIDAY**

All full-time employees shall be eligible for the paid holiday benefit at a rate of eight (8) hours per scheduled Holiday. Part-time employees shall be eligible for the benefit at a rate of four (4) hours per scheduled Holiday. If an employee is required to work on a holiday, the employee shall be allowed to bank the holiday hours for later use. ALL employees are required to utilize their banked holiday hours prior to using vacation leave. Banked holiday hours must be used within 180 days following the current calendar year. If employees do not use all banked holiday hours within the required time frame, they will forfeit the remainder of their accrued holiday hours. Exception will be those employees employed by the Sheriff's Office who work 12-hour shift and their immediate supervisors. Those employees will be paid

out the remaining of their banked holiday hours. The Grimes County Commissioners' Court shall determine the County holidays.

An eligible employee called in to work on a holiday because of an emergency or unforeseen circumstance of the County shall be compensated at one and a half (1.5) times their hourly rate per hour(s) of time worked on the holiday.

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

## **2B-7 JURY DUTY**

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

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

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

## **2B-8 BEREAVEMENT LEAVE**

All employees shall be allowed up to 3 days of leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall refer to members of the employee's family to the third degree and the spouse's family member to the 1<sup>st</sup> degree. Employees may be allowed time off with pay, up to a maximum of 4 hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend for a maximum of three times per fiscal year. If leave is needed beyond the limits set in this policy, it may be charged to available leave or leave without pay at the discretion of each county department supervisor

County Offices shall close for a one-half (1/2) day for observance of a death of a county official. For a death of a current county employee, **that office may close for a one-half (1/2) day to attend the funeral with approval from the department head.**

## **2B-9 MILITARY LEAVE**

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

Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum. Any Grimes 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.

Grimes County will provide upon request of the employee a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year. Grimes County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with state and federal laws in effect at the time of their release from duty.

## **2B-10 RETIREMENT**

All regular employees (full time, part time, and regular variable hour) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short-term part-time employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Grimes County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Human Resource Office during the normal working hours for that 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 taken through payroll deductions.

## **2B-12 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

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

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

### **(a) ELIGIBILITY:**

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

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

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

(b) QUALIFYING EVENTS:

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

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

(c) SERIOUS HEALTH CONDITION:

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

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

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

(d) QUALIFYING EXIGENCY LEAVE:

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

Qualifying exigencies may include:

- 1) short-notice deployment (up to seven days of leave).

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

(e) LENGTH OF LEAVE:

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

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 service member or veteran with a serious injury or illness.

(f) MILITARY CAREGIVER LEAVE:

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

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

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

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

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

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

(g) SUBSTITUTION OF PAID LEAVE:

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

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

(h) CONTINUED EMPLOYEE BENEFITS:

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

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be offered COBRA if they are unable to return to work.

(i) INTERMITTENT LEAVE AND REDUCED SCHEDULE:

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

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

(j) CERTIFICATION REQUIREMENTS:

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

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have their physician complete and return the medical certification, or provide appropriate documentation, within

15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

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

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

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

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

**(k) 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.

**(l) REINSTATEMENT:**

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

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

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

(m) 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.

(n) OTHER BENEFITS:

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

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.

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

(o) REGULATION:

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

(p) RETURN-TO-WORK:

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

(q) ENFORCEMENT:

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

## **2B-13 LEAVE OF ABSENCE - OTHER**

Employees may request a personal leave of absence to a maximum of 90 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head.

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

# SECTION 3: ADDENDUM

## A. TRAVEL

### A-1 PURPOSE

The policy as adopted by Commissioners Court is meant to provide guidance as to appropriate travel methods and reimbursable expenses while traveling on County business. This policy does not apply to travel to and from an employee's home to and from the employee's regular place of employment regardless of whether the employee is required to report to different locations within the County as part of his/her employment. Employees required to use personal vehicles for travel within the County other than travel to and from the employee's home and to and from the employee's regular place of employment, may be eligible for mileage, parking, and tolls but only upon approval by the employee's department head or supervisor. Whenever unusual circumstances are involved or this published policy does not provide clear guidance, ***please secure a written opinion from the County Auditor concerning the items prior to the trip.***

### A-2 OVERVIEW

County employees will utilize the most economical and effective means of transportation, housing, and meals that are available. When evaluating travel costs, it is important to include employee costs. That is, savings from inexpensive travel agendas can more than be offset by excessive travel time that keeps the employee away from his/her normal County duties. Saving a few dollars on airline tickets is not warranted if the employee must leave a day early and the cost of the employee's salary for that day exceeds the airline ticket savings. Nevertheless, whenever justifiable, employees are encouraged to utilize transportation that is the most economical in total trip cost. Hotel shuttles are preferred over taxis, and taxis are preferred over rental cars, etc.

### A-3 ALLOWABLE TRAVEL EXPENSES

All travel must include a properly approved travel request. Travel requests will include a brief justification for the trip and will identify the estimated cost for the trip. It will include estimates for:

- (a) Registration fee
- (b) Lodging
- (c) Air fare
- (d) Personal auto storage
- (e) Parking
- (f) Shuttle
- (g) Meals; and
- (h) Incidentals.

All travel requests must be approved in advance by the department head and must include an assertion that adequate travel funds are available. Upon completion of the travel, a Travel Voucher should be completed and submitted with proper approval to the Treasurer's Office.<sup>1</sup> Once approved by the Treasurer and the Auditor, reimbursements will be made through accounts payable.

#### **A-4 ALLOWABLE TRAVEL EXPENSES**

Reimbursable expenses must be reasonable and normal for the area. County policy is to consider any trip in which is in-county or out-of-county with in a 30 miles from the employee's regular place of employment or the employee's home, whichever is closer to the travel destination, to be local travel and is reimbursable only for mileage, parking, tolls. Mileage will be determined using any web base map program. Questions about qualifying for this limit should be directed in writing in advance of the trip to the County Auditor whenever there is any doubt about travel meeting the 30-mile requirement. Travel which is out-of-county and more than 30 miles from the employee's regular place of employment or the employee's home, whichever is closer to the travel destination, and for at least one day is eligible for per diem, hotel and other travel reimbursement identified in this policy. Travel that meets this definition that does not require an overnight stay will be reimbursed at the per diem rate for the meals taken while out-of-the-county. **ALL travel reimbursement shall be submitted no later than 45 days after the travel occurred.**

The following examples are representative of allowable expenses:

- (a) Hotel rooms including the night before where morning travel is not reasonable.
- (b) Out-of-town travel utilizing public airport hotel shuttle buses. Where airport shuttle buses are not available, a taxi, uber, lift or rental vehicle may be utilized when justified
- (c) Baggage storage fees
- (d) Long-term airport parking
- (e) Mileage from employee's home to airport and return
- (f) Tolls
- (g) Regular hotel guest parking; and
- (h) Mileage to and from a restaurant which will be limited to a ten (10) mile radius from the hotel or conference center.

#### **A-5 OVERNIGHT ACCOMMODATIONS**

The County encourages the use of clean, comfortable, and safe accommodations but expects that the employee will be frugal in selecting overnight accommodations. Government rates should be utilized whenever available.

#### **A-6 AIRFARE**

Travel by air is acceptable whenever travel by car is longer than three hours or air travel is cheaper than travel by car when considering all relevant costs.

#### **A-7 RENTAL CARS AND RIDE-SHARE**

Hotel shuttle buses, Lifts, Ubers and Taxi in that order, are the preferable means of transportation when out of town. Where use of these modes is impractical and not economical, use of a rental car may be justified. County credit cards shall not be used for Ubers, Lifts, and Ride-Shares. Reasonable tip amounts are reimbursable upon itemized receipts, tips shall not exceed fifteen percent (15%).

#### **A-8 MEALS**

The County has determined that out-of-county meals and associated gratuities should be paid on a per diem basis at a rate established by the Commissioners Court during the annual budget approval process. The employee is **required** to keep **itemized receipts** to document the cost of these meals. If receipts are not provided the employee shall not be reimbursed for meals. Employees will be reimbursed up to the

maximum established rate. For departure day and final day of travel the employee will be reimbursed up to fifty (50) percent of the maximum daily rate. ***Employees shall submit agenda for verification when turning in county travel voucher.***

Meals will not be paid for travel within a 30-mile radius from the employee's home or office, whichever is closest.

County credit card shall not be used to purchase meal unless in accordance with this policy. Meals purchased thru county credit card are not reimbursable thru the per diem rate.

### **A-9 USE OF PERSONAL VEHICLES**

The use of personal vehicles for County business travel is acceptable whenever a county vehicle cannot effectively be utilized. The County does not ensure private vehicles so the employees should verify that their automobile insurance policy coverage provides adequate coverage. Damage to the vehicle, vehicle repairs, parking fines, towing charges and theft of property are the responsibility of the employee, not the County. The County will reimburse the employee based upon actual mileage, as determined by any web-based mapping system., at the current IRS reimbursement rate. In addition to the mileage reimbursement, the County will reimburse parking and tolls incurred while conducting county business. County employee shall provide proof for parking and tolls. Employees are not allowed to use the county credit card to purchase fuel for their personal vehicles.

### **A-10 EXAMPLES OF EXPENSES NOT REIMBURSED**

To include but not be limited to:

- (a) Movie charges
- (b) Room service
- (c) Spas
- (d) Health club
- (e) In Room amenities (i.e. Wi-Fi)
- (f) Limousines
- (g) Luxury rental cars
- (h) Refueling charges by rental car companies
- (i) Optional insurance
- (j) Entertainment expenses
- (k) Personal items; or
- (l) Medication or doctor's visits.
- (m) Alcohol
- (n) Valet Parking unless it is the only option

### **A-12 OUT-OF-STATE TRAVEL**

Commissioners Court is responsible for authorizing all out-of-state travel for **any** County employee. The only exceptions are for law enforcement personnel including but not limited to Deputies, Investigators, Prosecutors, Crimes Victims personnel and those employees associated to transport prisoners, perform investigations and facilitate the prosecution of felony cases. Out-of-state travel costs are based upon the most economic mode of travel that is reasonably available. When personal vehicles are used reimbursement is allowed based on actual mileage traveled or by the current rate agreed upon by the Commissioners Court.

## **B. COUNTY CREDIT CARDS**

### **B-1 ISSUANCE**

Employees may be issued a county credit card from the County Treasurer at the request of the elected or appointed official over a given department. Such employee shall adhere to the Procurement Policy. The cards are for official county business use, and personal use is strictly prohibited. Misuse of county credit cards will result in cancellation of the card and disciplinary action up to and including termination.

### **B-2 USAGE**

Purchases made on a county credit card make financial commitments on behalf of Grimes County and the cardholder will strive to obtain the best value for the County.

If entrusted with a Grimes County Credit Card, such card is provided to take care of an employee's need to purchase travel and educational related budgeted items including airfare, fuel (see below), hotel, and seminar fees, incurred during the exercise of their employment position during Grimes County business. It is not an entitlement nor reflective of title or position. The card may be revoked at any time without the cardholder's permission. An employee's signature hereon indicates the employee has read and will comply with all the terms of this policy.

Credit cards should not be used to purchase inventoriable items except when circumstances do not allow for the obtaining of a purchase order. Items in this category should be purchased on a purchase order following the Procurement Policy.

### **B-3 MEALS**

Meals may not be purchased with the county credit card, except:

- (a) Group meals purchased for county-sponsored trainings which are authorized and approved during the annual year budget process.
- (b) Group meals purchased in response to emergencies or situations critical to the health and safety of Grimes County citizens for an extended period of time and outside of normal working hours, which are approved by the County Judge and later ratified by Commissioners Court.
- (c) To feed victims/witnesses for trial related meals thru the direct victims' expense line.
- (d) Juror meals purchased at the direction for presiding Judge during trial.

### **B-4 PERSONAL USE**

Under no circumstances will an employee use the card to make personal purchases, either for themselves or for others. No alcoholic beverages may be purchased using this card. Using the card for personal charges will be considered misappropriation of Grimes County funds and may result in termination of employment.

Should a cardholder violate the terms of this Agreement and use the card for their personal use or gain, such cardholder shall reimburse Grimes County for all incurred charges and any fees related to the collection of those charges.

### **B-5 AUTHORIZATION**

The card is issued in the employee and/or department. Employees shall not allow any other person to use the card without authorization by the cardholder. The cardholder shall understand that they are considered responsible for any and all charges against the card.

The card is county property. As such, the cardholder understands that they may be periodically required to comply with internal control procedures designed to protect Grimes County assets. This may include being asked to produce the card to validate its existence and account number.

### **B-6 DAMAGED**

If the card is damaged, lost or stolen, the cardholder will immediately notify the Treasurer's Office.

### **B-7 TAX EXEMPT**

The cardholder will be responsible for informing the Vendor that Grimes County is Tax Exempt. The Tax Exemption Certificate is located on the County F drive. The cardholder is advised that Grimes County will not pay sales tax on any purchase. It is the responsibility of the Elected Official/Department Head to receive reimbursement from the vendor. If failure to comply with this section of the policy employee will be subject to corrective action.

### **B-8 TERMINATION**

The cardholder agrees to surrender the card immediately upon termination of employment whether for retirement, voluntary, or involuntary reasons.

### **B-9 TRANSACTION LOG**

On or before the third day of each month after which charges have been made on the card, the cardholder will complete the Purchase Transaction Log. (F Drive) The cardholder will attach all detailed receipts, proper budget codes, and signatures of approval and send such to the Grimes County Treasurer's Office. The cardholder agrees if this report is not properly completed and turned in by the 3rd day of such month that they could be asked to surrender the card for non-compliance with this policy.

All purchases must comply with the Procurement Policy adopted by the Commissioners' Court. It is the elected official/department head's responsibility to monitor and ensure compliance. Employees who fail to do so will be considered a misappropriation of Grimes County funds. Failure to comply with this Policy and the Grimes County Cardholder User Agreement will result in sanctions up to and including termination. **ALL** purchases must fall within the approved budget line item for each department.

## C. FRAUD

### C-1 OVERVIEW

The County of Grimes is committed to the safeguarding of public assets and preventing fraud, waste, and abuse. All County employees, as public stewards must share in that commitment. County employees, especially supervisors and department heads/elected officials, must be aware of the circumstances, or "red flags", which may potentially lead to fraud. The purpose of this administrative procedure, fraud, waste and abuse are referred to as "fraud".

### C-2 PURPOSE

The purpose of this document is to establish and facilitate the development of controls, which will aid in the detection and deterrence of fraud against the county, by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

### C-3 SCOPE

This policy applies to any fraud, or suspected fraud, involving employees, department heads, elected/appointed officials, consultants, vendors, contractors, subcontractors, and any other parties with a business relationship with Grimes County.

### C-4 GOAL

It is the intent of this policy to establish and maintain a fair, ethical, and honest business environment for all County employees, customers, suppliers, and anyone else with whom the County has a relationship. Fraud not only involves loss of revenue, but decreased morale and productivity.

### C-5 DEFINITIONS

**Fraud** encompasses an array of irregularities and illegal acts characterized by internal or external deception. It can be perpetrated for the benefit of, or to the detriment of, the County, and by persons outside as well as inside the County. Examples of fraud include, but are not limited to the following:

- Theft, misappropriation of funds, supplies, etc.
- Forgery or unauthorized alteration of any document
- Intentional misrepresentation by County personnel regarding payroll records or the payroll records of others
- Knowingly making a false entry in, or false alteration of a government record
- Making, presenting, or using any record, document, or thing with the knowledge that it is false
- Intentional destruction, concealment, removal or other impairment to the verity, legibility, or availability of a government record
- Processing, selling, or offering to sell a governmental record or a blank governmental record form with the intent that it be used unlawfully, or with the knowledge that it was obtained unlawfully.
- Using or claiming to hold an educational degree that is fraudulent, fictitious, or has been revoked, with the intent to obtain employment, promotion, or other benefit
- Credit card abuse or falsification of transaction
- Making a false statement to obtain property, credit, or services
- Fraudulent transfer of a motor vehicle
- Securing execution of a document by deception
- Fraudulent destruction, removal, or concealment of a writing

- Simulating legal process
- Fraudulent use or possession of identifying information without that person's consent
- Theft of an unsigned check or receiving an unsigned check with the intent to use or sell it.

**Waste** is defined as harmful or destructive use of property under one's control. Waste may also be referred as the unnecessary incurring of costs as a result of inefficient practices, systems or controls. Examples of waste include, but are not limited to the following:

- Damaging, destroying, or ruining materials or equipment
- Improper maintenance or intentional mistreatment of equipment
- Purchase of unneeded supplies or equipment
- Purchase of goods at inflated prices
- Failure to reuse or recycle major resource or reduce waste generation.

**Abuse** refers to violations and circumventions of departmental or county regulation which impair the effective and efficient execution of operations. Some examples of abuse are as follows:

- Using County equipment or supplies to conduct non-County business
- An employee using non-confidential taxpayer information to get new customers for his/her outside business
- Improper handling or reporting of money or financial transaction
- Profiting by self or others because of inside knowledge
- Destruction or intentional disappearance of records, furniture, fixtures, or equipment
- Accepting or seeking anything of material value from vendors or persons providing services or material to the County or for personal benefit
- Unauthorized use of County resources (computers, software, databases, other information) for non-County purposes
- Abuse of purchase order authority, such as false travel or expense reports.

## **C-6 DETERRENCE**

Deterrence consists of those actions taken to discourage the perpetration of fraud and limit the exposure if fraud does occur. Elected Officials/Department Heads are responsible for the implementation and maintenance of effective internal controls. The Auditor's Office is responsible for assisting in the deterrence of fraud by examining and evaluating the adequacy and effectiveness of internal controls.

## **C-7 REPORTING FRAUD**

If an employee or members of the public suspect that fraud is being committed within the County, then they should report it to the following individuals in the order listed unless the suspected fraud is being committed by one of the individuals listed in which case that individual should be omitted from the list of those to be notified:

- The immediate supervisor
- Department Head/Elected Official
- Human Resources Department by phone at 936-873-4401; or email e-mail at

County Auditor by phone at 936-873-4413 or email the supervisor, department head/elected official, human resource personnel should immediately report it to the County Auditor's Office. At any time, an employee may communicate directly with the County Auditor's Office to report fraud. Every attempt will be made to protect the identity of the reporting individual. The County Auditor's Office is committed

to protecting the employee's identity and confidentiality.

### **C-8 AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD**

The County Auditor will have:

- Free and unrestricted access to all County financial records as provided by Law.
- The authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets and other storage facilities on the premises as provided by Law.

### **C-9 RETALIATION**

An employee who believes that he or she has experienced retaliation for making a report or assisting in an investigation shall report this as soon as possible to the County's Human Resources Director at 936-873-4401 as per the personnel policy.

### **C-10 REPORTING UNETHICAL BEHAVIOR**

Employees are encouraged to seek advice from the County's Human Resources Department (HR) when faced with uncertain ethical decisions. HR is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as necessary.

### **C-11 DUTY TO REPORT**

Local public officials, County officials, County employees, and all others who are subject to this policy have a duty to report violations of this policy and to cooperate in investigations, inquiries, and hearings conducted by the County. However, a person making false reports shall be subject to disciplinary action if they report information which they know to be false or which they disclosed with reckless disregard for its truth or falseness.

### **C-12 NO COERCION**

No County official or employee shall directly or indirectly use or threaten to use any official authority or any influence in any manner whatsoever, which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or provides any facts or information relative to an actual or suspected violation of this policy or other state, federal, or local laws.

### **C-13 CONSEQUENCES**

County Department Heads/Supervisors found to have violated this policy will be subject to discipline, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which a department head/supervisor may otherwise be disciplined.

County employees found to have violated this policy will be subject to discipline by their department head or elected official regarding violations of this policy, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which the employee may otherwise be disciplined.

Parties doing business with the County, including vendors, consultants, contractors or their principals and employees, found to have violated this policy will be subject to termination of any business relationship with the County and exclusion from further business opportunities with the County. As to any person subject to this policy or otherwise, the County may make referral of its findings to the appropriate law enforcement authority.