

LIBERTY COUNTY  
EMPLOYEE HANDBOOK  
Effective December 13, 2016

Adopted by the Liberty County Commissioners Court on December 13, 2016.

County Judge Jay Knight  
Commissioner Pct. 1 Mike McCarty  
Commissioner Pct. 2 Greg Arthur  
Commissioner Pct. 3 Eddie Lowery  
Commissioner Pct. 4 Leon Wilson

# ACKNOWLEDGMENT FORM

I have received a copy of the Liberty County Employee Handbook dated \_\_\_\_\_, 2016. This is to acknowledge that I understand this Handbook contains guidelines for my employment and is not a contract between me and Liberty County. I further understand that I am an at-will employee. My employment can be terminated by me or by the County at any time and for any reason or for no reason, with or without notice. I understand that I should direct any questions I may have regarding this Employee Handbook to my supervisor.

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

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

\_\_\_\_\_  
Date

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## **EMPLOYEE HANDBOOK**

This Employee Handbook governs employees of Liberty County, Texas (the “County”). This Handbook supersedes all previous employee handbooks and applies in the audit of payrolls in all cases except those in which the law makes a different provision for particular employment. The policies contained herein apply to all employees of the County.

Any reference to “Liberty County” or “the County” in this Employee Handbook means Liberty County.

**County employees have no employment tenure. Employment is at-will for an indefinite period and the County and the employee are free to terminate employment with or without notice at any time for any reason or for no reason. These policies are solely for information and do not constitute an employment contract or guarantee of continued employment.**

**Employees have no expectation of privacy in their work-related conduct or the use of County-owned or County-provided equipment or supplies.**

The County reserves the right to amend this Employee Handbook unilaterally at any time, including the modification or termination of benefits. Unless a different effective date is stated in the Commissioners Court order approving changes to this Employee Handbook, all amendments or changes become effective when adopted and entered in the Minutes of Commissioners Court.

This Employee Handbook does not supersede any applicable state or federal law or regulation. This Employee Handbook shall be printed and Department Heads shall ensure that a copy of the current Employee Handbook and any amendments are issued to each new and current employee. If any ambiguity arises as to meaning or interpretation of this Employee Handbook, the ambiguity is resolved in favor of the County.

This Employee Handbook uses the words “he,” “his,” and “him” when the meaning includes “she,” “hers,” and “her”. This wording is used solely for ease of reading and should not be interpreted as gender bias.

***THIS HANDBOOK GOVERNS DETAILS OF YOUR EMPLOYMENT - READ IT CAREFULLY.***

## **EQUAL EMPLOYMENT OPPORTUNITY**

Liberty County is an equal employment opportunity employer. No member of the Commissioners Court of Liberty County or any Department Head or employee may fail or refuse to hire or may discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, genetic make-up, or disability; or to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of such individual's race, color, religion, sex, national origin, age, genetic make-up, or disability.

## **DISCRIMINATION AND HARASSMENT**

### ***Discrimination and Harassment is Strictly Prohibited***

Liberty County expressly prohibits any type of unlawful discrimination or harassment based on an individual's race, color, religion, sex, national origin, age, genetic make-up, or disability. Actions, words, jokes or comments based on an individual's race, color, religion, sex, national origin, age, genetic make-up, or disability or any other legally protected characteristic will not be tolerated.

### ***Sexual Harassment***

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

Submission to or rejection of such conduct by an individual is used as the basis of an employment decision affecting such individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### ***REPORTING VIOLATIONS***

Employees who believe that they have witnessed or have been the subject of discrimination, including harassment or retaliation, must report the alleged act(s) immediately to their Supervisor or Department Head.

If for any reason, the employee is not comfortable making a complaint to the Supervisor or Department Head, the complaint should be made to the County Attorney's Office.

A prompt and thorough investigation of the facts and circumstances of any claim of discrimination, including harassment or retaliation, will be conducted. Confidentiality will be maintained to the extent possible without compromising the investigation. Prompt and appropriate corrective action will be taken when merited. While the County cannot control the actions of outside parties such as County vendors or patrons, employees who believe they have witnessed or been the subject of discrimination by an outside party, including harassment or retaliation, must report the alleged act(s) as required herein.

### ***RETALIATION***

Retaliation of any kind against any employee who (1) makes a complaint of discrimination, (2) participates in any investigation of a complaint of discrimination or harassment, (3) files a complaint of discrimination or harassment with the Equal Opportunity Employment Commission or similar regulatory authority, or (4) participates in the investigation of a complaint of discrimination or harassment by the EEOC or similar regulatory authority is strictly prohibited.

### ***CONSEQUENCES FOR VIOLATIONS***

**Employees who violate any portion of this policy are subject to disciplinary action, up to and including termination of employment.**

## **1. DEFINITIONS**

### **1.01 EMPLOYEE**

Except as provided by state law, employees have no property right in continued employment and may be discharged by the Department Head at any time and for any reason or for no reason. *The Commissioners Court may abolish any position at any time.*

#### **1.011 FULL-TIME EMPLOYEE**

A person hired for an indefinite period that works a minimum of 30 hours per week and is entitled to all employment benefits.

#### **1.012 PART-TIME EMPLOYEE**

A person hired for an indefinite period who works fewer than 30 hours per week.

#### **1.013 TEMPORARY EMPLOYEE**

A person scheduled to hold a position for less than 6 months and only:  
until another person can be hired; or  
for the duration of a project scheduled to end less than 6 months after the date of hiring;  
or  
until a specific date less than 6 months after the date of hiring; or  
until a volume of work is completed that is estimated to be completed in less than 6 months after the date of hiring; or  
until the end of the current fiscal year.

1.014 EXEMPT EMPLOYEE

An employee designated by a Department Head who is a bona fide Executive, Professional or Administrative Employee, as defined in the applicable federal law (29 C.F.R. § 541), regulations and guidelines regarding overtime pay and the exemptions there from.

1.015 *NON-EXEMPT EMPLOYEES*

An employee whose job functions do not fall within the definitions of an Exempt Employee.

1.02 *OVERTIME*

Any amount of Hours Actually Worked in **excess of forty (40) hours per workweek**. In lieu of cash payment for Overtime to Non-Exempt Employees, Compensatory Time may be allowed at the discretion of the County. This section does not apply to employees addressed in section 1.045.

1.03 *PAID ABSENCES*

Absences for which the County pays an employee, such as Holidays, Funeral Leave, Jury or Witness Duty, Sick Leave, Compensatory Time and Vacation Leave. **No employee may “buy back” Paid Absences.**

1.04 *STANDARD WORKWEEK*

1.041 Full-time employees who are scheduled to work 40 hours per week are expected to work from 8:00 a.m. to 5:00 p.m. Monday through Friday of each work week unless those hours are changed on approval of the employee’s Department Head. Full-time employees who are scheduled to work fewer than 40 hours per week will work a set daily schedule as determined by the Department Head Monday through Friday of each work week.

1.042 Department Heads may adopt the most efficient schedule for the operation of their departments, so long as it conforms to the required time schedules shown for the positions in the salary budget (40 hours weekly, unless otherwise specified in the maximum salary schedule).

1.043 The Standard Workweek begins at 12:01 a.m. Sunday and ends at 12:00 midnight Saturday night.

1.044 If an employee is unable to report to work at the designated start time, he must contact the Supervisor within fifteen (15) minutes of the start time to notify the Supervisor of the reason for the delay or absence. Failure to notify the Supervisor of a delay or absence in reporting to work will result in discipline up to and including termination of employment. If the Supervisor is not available to receive the required

notice, the employee may provide notice to a person designated by the Department Head or Elected Official. Notice to a co-worker who is not the Supervisor does not comply with this requirement.

1.045 Law enforcement officers employed by the Liberty County Sheriff's Office have a recurring work period that consists of 171 hours and runs for 28 consecutive calendar days. For law enforcement employees, overtime begins to accrue with the 172<sup>nd</sup> hour worked during the 28-day work period. If time worked is less than 171 hours in the 28-day work period, the employee is required to use benefit time accrued (i.e. sick leave, vacation, holiday, etc.) If no leave time is available, a non-exempt employee is docked the number of hours short up to 171 hours in a 28-day work period. An exempt employee's pay will be docked only as permitted by law.

#### 1.05 *UNPAID ABSENCES OR UNPAID LEAVE*

Absences for which the County does not pay an employee, such as Leave of Absence and unpaid Family and Medical Leave Act time.

#### 1.06 *BREAKS FOR NURSING MOTHERS*

The County supports the practice of expressing breast milk and will make reasonable accommodations for the needs of employees who express breast milk. The County will provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk and will provide a private place for the employee to express milk. An employee will not be discriminated against because she has asserted her rights to express milk.

## **2. HIRING AND PAYROLL PROCEDURES**

- 2.01 The County hires employees on the basis of skills; experience; licensing, certification, and professional designations when related to job requirements; and other qualifications as they relate to job duties.
- 2.02 Job postings for budgeted positions will be prepared by the Department Head with the assistance of the County Treasurer, if requested. Job descriptions are the responsibility of the Department Head. All job descriptions and job postings will be filed with the County Treasurer.
- 2.03 Applications for posted positions must be submitted to the Department Head. Applications for employment that do not relate to a posted open position will be discarded and will receive no consideration. Applications for posted positions will be maintained as required by the County's Records Retention Policy.

- 2.04 All county jobs will require applicants to undergo criminal background checks and/or drug and alcohol testing. Failure to consent to a criminal background check or drug and/or alcohol testing when required results in disqualification for the job.
- 2.05 Applicants are disqualified for consideration for a position for the following reasons:
- Failure to meet the qualifications for the position as contained in the job description and/or job posting
  - Inability to establish that the applicant is legally permitted to work in the United States
  - False or misleading information provided in the application or failure to provide material information
  - When hiring violates state nepotism laws
  - When the applicant is not able to perform the essential functions of the job with or without a reasonable accommodation
  - Failure to pass drug or alcohol screening or any other job requirement
  - For a criminal conviction that is job-related and for which disqualification is a business necessity
  - Any other reason deemed to be in the County's best interest
- 2.06 Hiring decisions are made by the Department Head and reported to the County Treasurer who is responsible for completion of new employee paperwork. Employee orientation on this Handbook is the responsibility of the County Treasurer. Job training and job-specific orientation is the responsibility of the Department Head.
- 2.07 The Liberty County work week runs from 12:01 a.m. Sunday through midnight Saturday. The regular pay period is computed on a semimonthly basis on the 10<sup>th</sup> and the 25<sup>th</sup> day of the month.
- 2.08 Employees must record the actual hours worked on the time sheet. These time sheets should be filled out on a pay period basis and signed by the employee and the Supervisor. False or inaccurate information submitted by an employee on a time record will result in discipline up to and including termination of employment. Time sheets are due from the Department Head on the requested date by 8:30 a.m.. If payday falls on a weekend or holiday, payday will be moved back to the last regular workday before the weekend or holiday. *Exception* – the Sheriff's Dept. will continue to submit summary sheets to the County Treasurer's Office.

### **3. OVERTIME COMPENSATION AND COMPENSATORY TIME**

#### **3.01 OVERTIME COMPENSATION AND COMPENSATORY TIME**

It is the County's policy to keep overtime to a minimum. However, employees may from time to time be required to provide service in addition to normal hours or on weekends or holidays. Overtime for non-law enforcement officer employees is defined as all hours

worked in excess of forty (40) hours in a single work week. Days not actually worked (e.g., holidays, vacation days, sick days, and FMLA leave days) do not constitute “hours worked” for purposes of calculating overtime. A non-exempt employee who works over forty (40) hours in one work week will be provided one of the following, at the County’s option: paid overtime at one and one half times the employee’s regular rate of pay or compensatory time off in lieu of overtime. Compensatory time off is one and one half hours of time off for every one hour of overtime worked.

Any overtime worked shall be authorized, in advance, by the employee’s Supervisor. An employee who works overtime without obtaining the required approval in advance will be subject to discipline.

### 3.02 COMPENSATORY TIME CAPS FOR NON-EXEMPT EMPLOYEES

Non – Exempt employees may earn up to two hundred and forty (240) hours of Compensatory Time. Law enforcement commissioned non-exempt employees may earn up to four hundred and eighty (480) hours of Compensatory Time.

### 3.03 OVERTIME PAY IN EMERGENCIES OR DISASTERS

In the event of a federally-declared emergency or disaster, exempt employees shall receive overtime salary in the amount of one and one-half times their hourly salary for each overtime hour worked.

### 3.04 *USING COMPENSATORY TIME*

3.051 An employee’s request to use Compensatory Time is **subject to the Department Head’s approval** and must not unduly disrupt the operation of the department.

3.052 Department Heads may compel employees to use any part of the Compensatory Time balance for budgetary reasons.

3.053 The employee shall note the use of Compensatory Time on the employee’s time sheets.

### 3.05 *FINAL PAYMENT OF COMPENSATORY TIME BALANCE*

3.051 Upon separation from employment, **Non-Exempt Employees receive full pay for any Compensatory Time balance on the next scheduled pay period** in accordance with all applicable law.

3.052 An employee who becomes a Department Head by election or appointment receives pay for any Compensatory Time balance provided herein within thirty (30) days of the election or appointment.

### 3.07 *DEDUCTIONS FROM PAY OF EXEMPT EMPLOYEES*

Improper deductions from the pay of exempt employees is prohibited. If an exempt employee believes that an improper deduction from his/her salary has been made, a complaint should be made to the County Treasurer. The County Treasurer will investigate the complaint. Upon a finding by the County Treasurer that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction and the County will make a good faith effort not to make future improper deductions.

## **4. RETIREMENT**

4.01 All County employees, except temporary employees, must become members of the Texas County and District Retirement System. All requirements will be in accordance with the system's policies and procedures. For information regarding participation in the Texas County and District Retirement System an employee should contact the Treasurer's Office.

4.02 The County will not agree in advance to rehire an individual following the person's retirement from the County. No supervisor has authority to assure an employee that the person will be rehired by the County after the person's retirement.

4.03 In no event will the County rehire an individual who has retired from the County and is receiving benefits from the Texas County and District Retirement System until at least 90 calendar days after retirement.

## **5. SOCIAL SECURITY**

5.01 The County participates in the Federal Old-Age, Survivor's, Disability and Health Insurance Program (Social Security and Medicare).

## **6. VACATION LEAVE**

6.01 Subject to the schedules and restrictions set out below, employees will be allowed absence for vacation at the employee's regular rate of pay and according to the employee's regular schedule.

6.02 The Department Head will be responsible for scheduling vacations so that additional employees will not be needed except in special cases approved in advance by the Commissioners Court.

- 6.03 Vacation leave accrues at the rate of (3.34) hours per month for full-time employees employed by the County for the first twelve months, at the rate of (6.67) hours per month for full-time employees employed by the County for years 2-10, and at a rate of ten (10) hours per month for full-time employees employed by the County for over 10 years. No vacation leave may be used until an employee has worked for the County for twelve months of continuous employment. Vacation time may be taken in one day increments or hourly increments at Department Head's discretion. Maximum vacation time accrual is 120 hours. Any time accrued in excess of 120 hours is lost. Vacation leave does not accrue during periods of unpaid leave.
- 6.04 Employees who have completed at least twelve (12) months of consecutive service with the County shall be paid for any accrued vacation leave upon separation on the next scheduled payroll providing it has been properly reported by the Department Head to the County Treasurer.
- 6.05 Employees who are separated before completing twelve (12) months of consecutive service shall not be entitled to payment for accrued vacation leave.
- 6.06 The employee shall note the use of vacation time on the employee's time sheet.
- 6.07 Part-time and Temporary employees are not entitled to vacation leave.

*Employees cannot receive pay in lieu of taking time off.*

*Employees may not take unpaid leave in lieu of using accrued vacation leave.*

## **7. HOLIDAYS**

Each year the Commissioners Court approves and designates the Paid Holidays for the next calendar year. Only full-time employees are entitled to Paid Holidays. If an employee must work on a holiday or is scheduled off on a day that is a county holiday, the employee will be allowed to take off work on an alternate day with pay. The Department Head must approve the request for use of the alternate day off.

Employees may accumulate alternate days off, but the employee will not be paid by the County for such accumulated unused days upon the employee's separation from employment for any reason (for example, voluntary or involuntary termination of employment, retirement, death, or disability). This policy becomes effective on the date of adoption of this Handbook. However, unused accumulated alternate days off that exist at the time this policy becomes effective will be compensated for at the time of separation from employment. Whenever an alternate day off is used by an employee, the employee's oldest accumulated alternate day credit will be used and deducted from any bank of accumulated alternate days off

The current Paid Holidays are New Year's Day, Martin Luther King Day, President's Day, Texas Independence Day, Good Friday, Memorial Day, Independence Day, Labor Day,

Columbus Day, Veteran's Day, Thanksgiving (2 1/2 days) and Christmas (2 days). Employees who work in Liberty or near Liberty are paid one full day for the Liberty Jubilee and Employees who work in or near Cleveland are paid one full day for Cleveland Dairy Days.

**Part-Time and Temporary Employees do not receive Paid Holidays.**

## **8. PAID SICK LEAVE**

- 8.01 Sick leave is a benefit that is allowed in cases of actual illness or disability. Abuse of sick leave will cause the employee to be subject to disciplinary action or dismissal.
- 8.02 Sick leave accrues at the rate of 6.67 hours per month for all full-time employees employed by the County for 0-5 years, and at the rate of 13.33 hours for full-time employees employed by the County for over 5 years. Sick leave time may be taken in one day increments. It may also be taken in hourly increments. Sick leave does not accrue during periods of unpaid leave.
- 8.03 Sick leave begins to accrue on the first day of full-time employment; although sick leave may not be used until after 90 days of employment. Only that sick leave which has been earned may be used.
- 8.04 Sick leave may be used for absence from duty because of personal illness in the immediate family. Immediate family for the purpose of this subsection shall include parent, spouse or child.
- 8.05 The employee shall note the use of Sick leave on the employee's time sheet.
- 8.06 Employees who are out of work for three (3) or more days for an illness must provide the Department Head with a physician's statement indicating the onset and duration of the illness. Failure to provide the physician's statement may result in the absence not being credited as paid sick leave.
- 8.07 Sick leave hours not used may be carried over from year to year up to a maximum total of four hundred and eighty (480) hours.
- 8.08 An employee who has been away from work for five (5) or more work days due to the employee's own illness or injury may not return to work until a fitness for duty statement is provided by a health care provider. The statement must indicate that the employee is able to return to work and can perform the essential functions of the job and must list any limitations that apply.
- 8.09 An employee away from work using paid sick leave is prohibited from engaging in any other employment, including self-employment.

- 8.10 Upon separation from employment, an employee will not be paid for any accrued unused sick leave.

## **9. FAMILY MEDICAL LEAVE**

### **9.01 Eligibility**

Employees who have been employed by Liberty County for at least twelve (12) months and have worked at least 1250 hours during the immediately preceding twelve-month period shall be eligible for Family and Medical Leave Act (“FMLA”) leave.

### **9.02 Qualifying Events**

An eligible employee is entitled to FMLA leave for one or more of the following:

For the birth of a son or daughter, and to care for the newborn child(ren);

For placement with the employee of a son or daughter for adoption or foster care;

To care for the employee’s spouse, son, daughter, or parent with a serious health condition;

Because of a serious health condition that makes the employee unable to perform the functions of his/her job;

Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status) (“qualifying exigency leave”); and

To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the covered servicemember (“military caregiver leave”).

### **9.03 Length of Leave**

An eligible employee shall be entitled to a total of twelve (12) unpaid weeks of leave during a twelve (12) month period for all qualifying events except military caregiver leave. An eligible employee shall be entitled to twenty-six (26) weeks of leave during a twelve (12) month period for military caregiver leave. The 12-month entitlement period for all qualifying events except military caregiver leave is determined by a rolling twelve-month period measured backward from the date an employee uses any FMLA leave. The 12-month entitlement period for military caregiver leave commences on the first day of leave and concludes twelve months thereafter. Entitlement to leave for the birth or

placement of a child for adoption or foster care will expire twelve (12) months from the date of birth or placement.

#### 9.04 Use of Accrued Leave

All accrued leave, including compensatory time, must be used concurrently with FMLA leave. Sick leave time will only be used concurrently with FMLA leave if the reason for the FMLA leave qualifies for the use of sick leave time under the County's sick leave policy. Once all accrued leave has been exhausted, all additional FMLA leave under this policy will be on an unpaid basis.

#### 9.05 Employee Notice Requirements

An employee must provide at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days' notice is not practicable, notice must be given as soon as practicable (as soon as possible and practical under the circumstances). An employee requesting FMLA leave may give oral notice of the need for leave to the Department Head but also must complete a "Request for Family and Medical Leave Form" and return it to the Treasurer's Office. The form can be obtained from the County Treasurer's office. All supervisors should notify the County Treasurer's office immediately if they have reason to believe that an employee's absence is due to an FMLA qualifying event.

#### 9.06 Medical Certification and Other Required Information

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves overnight inpatient care at a hospital, hospice, or residential care medical facility including any period of incapacity or subsequent treatment in connection with such inpatient care or continuing treatment by a health care provider. Requests for leave for the care of an employee's spouse, son, daughter, or parent; because of a serious health condition of the employee; or because of military caregiver leave must be supported by a medical certification issued by the health care provider of the ill or injured individual. In addition, re-certification of medical necessity may be required every thirty (30) days or more frequently under circumstances permitted by the FMLA. Initial medical certifications are due within fifteen (15) days of the request for FMLA leave. If for any reason the certification cannot be provided within 15 days, the employee must contact the County Treasurer's office to provide a reason for the delay. In some cases, the County may seek clarification or authentication of the medical certification. In some cases, the County will require a second or third medical certification, at the County's expense and by a County-selected health care provider. Medical certification forms will be provided by the County Treasurer's office.

When leave for a qualifying exigency is requested, the County will require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. An employee seeking leave for a qualifying exigency will also be required to provide a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency; the approximate date on which the qualifying exigency commenced or will commence; if the employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence; if the employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; if the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and email address) and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

#### 9.07 Intermittent Leave or Leave on a Reduced Schedule

An eligible employee may take FMLA leave as intermittent leave or leave on a reduced schedule in those situations allowed by the FMLA. Intermittent leave or leave on a reduced schedule may not be taken for the birth or placement of a child for adoption or foster care. If an employee is approved for intermittent leave, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations and must provide as much advance notice of the need for the leave as is possible.

#### 9.08 Leave for a Qualifying Exigency

Eligible employees may take FMLA leave when an employee's spouse, son or daughter of any age, or parent is a military member on covered active duty or call to covered active duty status. An eligible employee may take leave for one or more of the following qualifying exigencies:

- A. Short-notice deployment. For example, leave may be taken to address any issue that arises because the military member was given seven or less days' notice for active duty deployment in support of a contingency operation. For a short-notice deployment exigency, the eligible employee may take up to seven (7) calendar days beginning on the date the military member is notified of an impending call or order to covered active duty.
- B. Military events and related activities. For example, leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; or to

attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member.

- C. Childcare and school activities. For example, Leave may be taken to arrange for alternative childcare, provide childcare on an urgent, immediate need basis (not as routine), to attend school or daycare meetings, to enroll or transfer to a new school or day care facility a child of the military member when it is necessitated by the covered active duty or call to covered active duty status of a military member. Leave may be taken to make or update financial or legal arrangements to address the covered members' absence while on active duty or call to active duty status.
- D. Financial and legal arrangements. For example, leave may be taken to make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status; or to act as the military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the military member is on covered active duty or call to covered active duty status and for a period of ninety (90) days following the termination of the military member's active duty status.
- E. Counseling. For example, leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the military member, or the biological, adopted, or foster child, stepchild, or legal ward of the military member or a child for whom the military member stands in loco parentis who is under age 18 or is age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence provided the need for counseling arises from the covered active duty status or call to covered active duty status of the military member.
- F. Rest and recuperation. For example, leave may be taken to spend time with the military member who is on a short-term, temporary, Rest and Recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) calendar days of leave for each instance of Rest and Recuperation beginning on the date the military member commences each instance of Rest and Recuperation.
- G. Post-deployment activities. For example, leave may be taken to attend post-deployment activities for the military member for a period of 90 days following the termination of the member's covered active duty status; and to address issues that arise from the death of a military member while on covered active duty status.
- H. Parental care.
- I. Additional activities to address any other additional events that may arise out of the military member's covered active duty or call to covered active duty status provided Liberty County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

#### 9.09 Leave Accrual

The employee shall not continue to accrue vacation and sick leave benefits while on unpaid FMLA leave.

#### 9.10 Other Employment

Employees who are using FMLA leave may not perform any work for the County or for any other employer, including any self-employment.

#### 9.11 Health Benefits

During any period of the FMLA, group health insurance coverage for the employee shall remain in effect. Dependent coverage may be continued at the option of the employee during unpaid FMLA; employees will be responsible for monthly payments to the County Treasurer for any dependent coverage. Dependent coverage must be made by the last day of the current month for that month's coverage. Should payment not be made in a timely manner the dependent coverage will be dropped and re-application for coverage will be necessary, with approval to be granted by the insurance company. If an employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of health insurance premiums during the FMLA leave. Reimbursement will not be required if the employee fails to return to work because of a serious health condition or other circumstance beyond the employee's control.

#### 9.12 Reinstatement

Upon return from FMLA leave, the employee will be reinstated to his former position or to an equivalent position with equivalent pay, benefits and other terms of employment.

#### 9.13 Fitness for Duty Statement Required

An employee returning from FMLA leave for the employee's own serious health condition is required to provide certification from a health care provider indicating that the employee is able to return to duty and to perform the essential functions of the employee's job. A job description will be provided so that the employee may give it to the certifying health care provider. Such statement should indicate whether the employee is able to resume work with no limitations or list any limitations that apply.

#### 9.14 Confidentiality

All medical documentation received by the County in support of a request for FMLA leave is confidential and will be maintained by the County Treasurer's office in confidential files that are separate from personnel files. If a Department Head or Supervisor receives any medical documentation, including the fitness for duty statement, the document must be sent to the County Treasurer's office, and no copy may be maintained the employee's department.

#### 9.15 Employee Rights and Responsibilities; Questions Regarding FMLA Leave

Please refer to the “Employee Rights and Responsibilities Under the Family and Medical Leave Act” at the end of this Handbook. Please direct all questions regarding FMLA leave to the Treasurer’s Office.

## 10. FUNERAL LEAVE

Full-time employees may be granted funeral leave with pay for a period not to exceed three (3) days in case of death in the immediate family, and this leave shall not be charged against vacation or sick leave. Immediate family for the purpose of this subsection shall include the spouse, or the parent, child, brother, sister, grandmother and grandfather of the employee or the employee’s spouse. Employees who wish to attend the funeral of a person other than a member of the immediate family of the employee or employees who need over three (3) days off in case of death in the immediate family may be given time off at the discretion of the Department Head without pay or the time may be charged to vacation, holiday, or compensatory time.

## 11. JURY AND WITNESS DUTY

11.01 All Full-Time and Part-Time Employees are granted paid leave if:

**appointed to serve on a grand jury**, or required by summons to **appear as a prospective juror** in a federal, state, county, or municipal court on a day and during the hours which the employee is normally scheduled to work; or

required by subpoena or court order to **appear as a prospective witness** in a federal, state, county, or municipal court, or in an administrative proceeding on a day and during the hours which the employee is normally scheduled to work.

In either case, the employee must provide the Department Head with a copy of the jury summons or subpoena issued and is **paid for time spent in court only when such time is validated by a court attendance slip signed by the court clerk**. The number of hours for which the employee is compensated is prorated in proportion to the number of hours regularly scheduled to work each day. If the employee is not required to serve the entire day, the employee may return to work for the remainder of the day. Employees who do not return to work are compensated only for those hours actually spent on Jury or Witness Duty. Employees must notify their Supervisors as soon as possible after receiving a summons to appear as a potential juror or a subpoena to appear as a potential witness.

### 11.02 FEES RECEIVED FOR JURY OR WITNESS DUTY

11.021 Employees retain any fees received for performing Jury Duty.

11.022 An employee who is subpoenaed to appear as a witness and who chooses to be paid under this section retains all subpoena or witness fees.

11.023 *EXPERT WITNESS REGARDING OFFICIAL ACTS*

Employees or officials of the County who provide expert testimony in connection with the performance of an official act may not receive any form of compensation from any source other than the County for their services.

11.024 *EXPERT WITNESS NOT REGARDING OFFICIAL ACTS*

Time spent preparing for and testifying as a paid expert witness not in connection with official acts is not Hours Actually Worked for purposes of calculating overtime. Employees must take accrued vacation leave or leave without pay for such purpose. Such leave must be pre-approved by the Department Head.

**12. MILITARY LEAVE**

12.01 Employees ordered into active military service receive the employment and re-employment benefits granted by applicable federal and state laws. Employees who anticipate being called into active service must notify their Department Head as soon as possible and provide the Department Head with a copy of the duty ordered or authorized by a proper authority before leaving. Normally, notification should occur within 24 hours of receipt of the order.

12.02 *TEMPORARY PAY FOR MILITARY LEAVE*

Subject to the amendment of Texas Government Code Ann. §431.005, an employee who is a member of the state military forces, a reserve component of the U.S. armed forces, or a member of a state or federally authorized urban search and rescue team may take a Military Leave with pay on a day on which the person is regularly scheduled to work but is engaged in authorized training or duty ordered or authorized by a proper authority. **This paid Military Leave will not exceed fifteen (15) days or one hundred twenty (120) hours in a fiscal year (October 1-September 30). Proof of Service and/or Attendance is required.**

12.03 If there is a partial or total mobilization of the reserve components of the armed forces of the United States, the Commissioners Court reserves the right to supplement, in whole or in part, to the extent monies are available to be appropriated for this purpose, the federal salary of an employee:

who is a member of a reserve component of the armed forces of the United States;

who is involuntarily called to Active Military Duty;

who has exhausted the Military, Compensatory Time and Vacation Leave to which the employee is entitled;

who is not separated from employment because of resignation or termination for any reason that is not a direct consequence of the person's call to Active Military Duty; and

has not committed a voluntary act that has the effect of adding to the period that the person is subject to Active Military Duty.

Commissioners Court may discontinue this supplemental pay at any time.

- 12.04 In the absence of a prior determination by Commissioners Court that the County intends to provide supplemental pay or any compensation for Active Military service in excess of 15 days (Temporary Military Leave), an employee called into Active Military duty is placed on Military Leave without pay.

### **13. LEAVE OF ABSENCE WITHOUT PAY (LOA)**

- 13.01 Unpaid leaves of absence may be taken by employees pursuant to state and local laws (e.g., workers' compensation leave, FMLA leave, etc.) or unpaid leave of absence may be granted for good cause. All requests for FMLA leave must be handled pursuant to Section 9 of the Employee Handbook. For FMLA leave, to the extent the terms of this Section conflict with those of Section 9, section 9 controls.

- 13.02 Full-Time Employees who have exhausted their Vacation Leave, Sick Leave, Compensatory Time, and FMLA leave, if any, may request an Unpaid Leave of Absence.

13.021 Employees who request an unpaid LOA must provide the Department Head with at least thirty (30) days written notice requesting such leave and specifying the purpose for the leave, when the leave is to begin, and when the leave will end.

13.022 A request for an unpaid leave of absence may be granted at the Department Head's discretion taking into consideration the need for the leave and the need of the County to provide services.

13.023 Before beginning an unpaid LOA, employees must return all County equipment (i.e., keys, car, cellular phone, computer, pager, radio, badge, etc.) in their custody.

13.024 Individuals on unpaid LOA perform no services for the County and thus are not considered employees during this time.

13.025 For purposes of calculation of and eligibility for certain employment benefits, including Vacation, an unpaid LOA is not Creditable Service, though the individual retains the benefit of any previously accrued Creditable Service. Therefore, during an unpaid LOA, an individual receives no pay, including Holidays, Sick Leave, Jury Duty, Witness Duty, Funeral Leave, car allowance mileage reimbursement, or any other

employment benefits. No paid leave benefits accrue during any period of leave without pay unless required by state or federal law.

During an unpaid LOA, an individual may continue health insurance coverage under the terms of COBRA, see § 14.03. Individuals who choose COBRA during an unpaid LOA are not subject to the three (3)-month waiting period for Group Health and Related Benefits if they return to active status. Individuals who do not choose COBRA during the unpaid LOA are subject to the three (3)-month waiting period for Group Health and Related Benefits if they return to active status.

13.03 Upon the expiration of an unpaid LOA, the employee is not guaranteed reinstatement and the Department Head may take any one of the following actions:

- 1) return the individual to active status in the same position and salary; or
- 2) return the individual to active status in another position and salary; or
- 3) remove the individual from the payroll by submitting a Change in Status Form reflecting that the individual will not return to active status.

13.04 No period of a combination of any type of leave, with and/or without pay, may exceed six (6) months. If at the end of any 6-month period of approved leave the employee is unable to return to work, employment with the County is automatically terminated unless continuation of employment is required by state or federal law.

## **14. GROUP HEALTH AND RELATED BENEFITS**

Subject to amendment or discontinuance at any time, the Commissioners Court provides certain Group Health and Related Benefits to Public Officials, Employees, Retirees and Eligible Dependents in accordance with the following sections and provisions.

### **14.01 ELIGIBILITY**

All Elected Officials are covered immediately for Group Health and related benefits.

All Public Officials, Department Heads and Full-Time Employees employed by the County on a continuous basis for an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month are eligible for these benefits. Benefits include medical, dental and life insurance.

An offer of benefits made to eligible full-time employees will include an offer of benefits for the employee's dependents, not including a spouse. At the County's discretion, coverage may be offered for the spouse of eligible full-time employees as well as for retirees.

**Eligibility for these benefits begins on the first day of the calendar month following two (2) full months (60 days) of continuous employment as a Full Time Employee.**

## 14.02 *RETIREEES*

Employees who retire from Liberty County and are entitled to receive retirement benefits from the TCDRS (including disability retirement) and who are covered as employees under the Group Health and Related Benefits plan at the time of Retirement are eligible to continue to purchase County Health Insurance Benefits. Eligible retirees may purchase such coverage for the retiree and for any dependents who were covered under the County's plan at the time of the employee's retirement unless the retiree is eligible for group health benefits coverage through another employer. To receive continued coverage, the person must inform the County not later than the day on which the person retires that he elects to continue coverage. If the retiree does not elect to purchase this coverage at the time of retirement or if the retiree elects the coverage but elects to discontinue it at a later time, the retiree is not eligible to rejoin the County's health benefits plan after non-election or termination of coverage. If dependent coverage is not elected at the time of retirement or is later terminated, the dependent(s) is not able to rejoin the County's health benefits plan after the non-election or termination unless there is a qualifying event recognized by the Health Insurance Portability and Accountability Act (HIPAA). Examples of qualifying events are a change in legal marital status through marriage death, divorce, or otherwise; a change in the number of dependents, such as the birth of a dependent; or a change in coverage of a spouse or dependent under another employer's plan. This is not an exhaustive list of qualifying events. To seek enrollment for a qualifying event, application must be made within sixty (60) days of the event. For more information, please contact the County Treasurer's Office.

The County may substitute Medicare supplement health benefits coverage as the coverage provided for an eligible retiree, including dependents, after the date the person becomes eligible for federal Medicare benefits.

From time to time, the County may cover some of the cost of retiree coverage for its eligible retirees, but the County is not obligated to do so and may change the level of its contribution or eliminate any contribution at any time.

## 14.03 *COBRA*

Continuation of certain Group Health and Related Benefits are available to covered employees and their dependents upon termination of employment and other qualifying events under the provisions of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272 (COBRA), including applicable amendments and conversion rights of the policy(ies) and plan(s) in force. Eligible employees, retirees and dependents should refer to provider materials and relevant publications and notices by the County for further information.

#### 14.04 CONTRIBUTIONS

Commissioners Court may require employees or retirees to pay a portion(s) of premiums for coverage under certain Group Health and Related Benefits for themselves or their eligible dependents. Retirees and employees who are on Unpaid Leave must make premium payments directly to the County.

**Failure to pay premiums results in termination of coverage.**

### 15. WORKERS' COMPENSATION

15.01 The County provides Workers' Compensation benefits for accidents, illnesses or injuries employees sustain in the course and scope of employment in accordance with the existing Texas Workers' Compensation laws.

15.011 *Employees do not receive pay for Vacation, Compensatory Time, Holidays, Funeral Leave, Witness or Jury Duty, or Military Leave while on Workers' Compensation Leave.*

Nothing in this section entitles the employee to the accrual of any Vacation Sick Leave during any period of incapacity.

15.012 **Employees who want to be compensated during the first seven (7) calendar days of lost time from a compensable injury may use Compensatory Time, Vacation Leave or Sick Leave.** However, if the supplement results in recovery of more than an employee's maximum Workers' Compensation benefits, the employee's first pay check received upon return to work is docked for this sum and credit is given for any Paid Leave previously deducted. No other supplement is authorized. Law Enforcement Officers are covered from the day of injury.

15.013 If the employee is eligible for FMLA, any Workers' Compensation absence counts against the employee's FMLA entitlement if the workplace injury is a "serious health condition" that prevents the employee from performing the functions of his job.

15.014 Employees who return to Active Duty with a full medical release must use available Sick Leave, Vacation or Compensatory time to be compensated for time off for doctor's appointments or any other follow-up treatment related to the compensable injury.

15.02 Employees **must report any on-the-job accident, injury, or illness** to their immediate Supervisor or designated officer in their department **within twenty four (24) hours of the occurrence.** This Supervisor or designated officer must forward the notice to the Treasurer's Office immediately. Failure to report an on-the-job accident, illness or injury in a timely manner may result in the loss of or denial of Workers' Compensation Benefits.

15.03 Workers' Compensation Benefits are subject to any deductions required by law or by court order (i.e., child support payments). Employees are responsible for making arrangements for payments of any voluntary payroll deductions.

15.04 Direct Questions regarding Workers' Compensation benefits to the Office of the County Treasurer.

## **16. COUNTY PROPERTY GUIDELINES**

16.01 The County provides its employees with tools, equipment, and vehicles for the performance of County work and business. Each employee is expected to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

Employees who are assigned tools, equipment, vehicles, or any other County property are responsible for them and for their proper use and maintenance. Unauthorized use and improper use and/or maintenance of County property may result in disciplinary action up to and including termination of employment.

County property, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended solely for the benefit of the County and its operations. No personal or political use may be made of any County property. Upon termination of employment, all County property must be returned by the employee immediately.

16.02 All computer, software, accounts, e-mail facilities, printers, scanners and other computer equipment and peripherals are the property of Liberty County. In addition, all documents produced using these resources are the property of the County. All computer resources are provided to perform the work of the County.

The County has the right to monitor and audit all internal and external e-mail sent by County employees without further notice to the employees.

E-mail is not guaranteed to be private. No confidential documents or information should be transmitted via the Internet unless they are encrypted or with the Department Head's express permission.

The e-mail system is not to be used to send jokes or comments that may be discriminatory, harassing, defamatory or annoying.

An awareness of limited time and a desire to conduct County business should lead to limited personal, non-business-related and 'junk' e-mail transmitted both internally and externally.

No employee of the County shall download software without the prior approval of the Department Head or the County's IT support personnel. "Software" includes any non-text document such as a screen saver, driver or any other executable file.

Software installed on a County computer should be used consistently with a license on file.

All files transmitted from any other system via e-mail, diskette or through any other means of transmission, should be checked for viruses before they are read, copied, moved, edited or otherwise used on a County computer.

The County's computer resources are expected primarily to be used for business purposes. Those Internet resources which are appropriate for use with County provided equipment and software are those which provide substantive information concerning work-related matters. Reasonable use of the Internet and County computers for non-business purposes may be permitted if consistent with the other provisions of this policy and if such use occurs when the employee is not on duty.

The County reserves the right to monitor all uses of Internet activities, including Web browsing without further notice to the employees.

No employee of the County shall make any on-line statement about the County, its position on any issue or County business unless the statement has been approved in advance by the County Attorney's Office.

No employee of the County shall access any material that is normally not appropriate in an office setting. Examples include sexually oriented material, racist or other hostile materials or any site containing text and pictures that would be proscribed if it were printed on paper or contained on a data storage device or system.

Posting messages to or participation in non-business related news groups, mailing lists, or "chat rooms" using County provided equipment and software is prohibited without permission from the Department Head.

No employee of the County shall use the Internet, E-mail or any Equipment or Software provided by the County for illegal purposes.

The County's computer support personnel have the right to examine the contents of any county provided computer. They may upgrade, configure, optimize or troubleshoot the computer in any way necessary for the performance of their duties up to and including replacing any component, peripheral or computer in the County.

- 16.03 The County reserves the right to make general or random searches of County property, such as lockers, closets, desks, and equipment for alcohol, prohibited drugs, drug paraphernalia, or any other item that might be illegally in the employee's possession

without the consent of the employee. Any materials brought in to the workplace (*e.g.*, purses, briefcases, vehicles, etc.) may also be subject to search based on reasonable suspicion of a violation of state or federal law or county policy and under the supervision of a Department Head or the Department Head's designee.

- 16.04 County officials and employees assigned a county vehicle are prohibited from using such vehicles for personal use except for commuting or de minimis personal use. County officials and employees assigned a county vehicle will be required to sign an annual statement that provides the total amount of miles driven for commuting or that states that there was no personal use of the vehicle. The County will report the value of personal use miles as compensation to the employee, calculated in accordance with the appropriate Internal Revenue Service guidelines. It is the official's/employee's responsibility to be familiar with the Internal Revenue Service guidelines concerning personal use of employer-provided vehicles. The County Auditor's Office has these guidelines available. All officials/employees are responsible for maintaining appropriate records to substantiate the use of county-provided vehicles on a monthly basis. Should it be determined by the Internal Revenue Service that these guidelines were not followed by the official/employee, the official/employee will be responsible for any penalties, interest, or other charges imposed by the Internal Revenue Service on Liberty County as a result of the official's/employee's failure to comply with the guidelines.

County law enforcement personnel assigned a county vehicle are required to use the vehicle for commuting. Any personal use of a county vehicle by law enforcement personnel other than for commuting outside Liberty County is prohibited.

## **17. DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY**

The purpose of the Liberty County Drug-Free and Alcohol-Free Workplace Policy is to provide a safe and productive workplace, to promote employee safety, and to insure the safety of citizens. This policy applies to all County employees regardless of position and includes temporary or part-time employees. Liberty County prohibits:

the use, influence, possession, manufacture, sale, purchase or distribution of alcohol, controlled substances, or illegal drugs by any employee during work hours or at any time while on County premises;

being under the influence of alcohol or illegal drugs on County property or while working or when carrying out official duties; and

misuse or abuse of prescription drugs or over-the-counter drugs on County property or while working or when carrying out official duties.

Violators of this policy will be subject to discipline up to and including immediate termination of employment. Further, depending upon the circumstances, the County may notify appropriate law enforcement personnel of a violation of this policy.

All drug and alcohol testing will be conducted in conformance with the United States Department of Transportation workplace testing requirements.

17.01 **Definitions.** As used in this policy, the following terms have the following meanings:

**“Alcohol”** means ethyl alcohol and includes any beverage, mixture, or preparation containing ethyl alcohol.

**“Controlled substance”** means a drug or substance which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of it is illegal under any federal, state, or local law or regulation without a permit or prescription and includes but is not limited to inhalants, marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens, and any other substances having either a stimulant, depressant, or hallucinogenic effect on the central nervous system such as amphetamines, barbiturates, lysergic acid, or diethylamide. This term also includes prescription drugs used for any reason other than a legitimate, prescribed medical reason and inhalants used illegally. Any reference to “drugs”, “synthetic marijuana” or “illegal drugs” in this policy has the same meaning as “controlled substance.”

**“County property”** means all real or personal property owned or leased by the County including but not limited to lands, buildings, parking lots, appurtenances, improvements, equipment, vehicles, tractors, lockers, closets, and desks or other furniture.

**“Safety-sensitive function”** means a position with the County requiring any activity that presents a threat to the health or safety of the employee, other employees, or the public if performed with inattentiveness, errors in judgment, diminished coordination, reduced dexterity, or lack of composure and that is performed with such independence that it cannot reasonably be assumed that mistakes could be prevented by a Supervisor or another employee. An employee is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, is ready to perform, has just completed performing, or is immediately available to perform any safety-sensitive function.

**“Under the influence”** means having an alcohol concentration at any detectable amount

17.02 *Drug and Alcohol Testing Criteria*

Pre-employment drug and alcohol testing. Employment with the County in safety-sensitive positions is contingent upon an applicant’s submission to drug and alcohol testing and upon the County’s receipt of test results indicating that the applicant is not under the influence of alcohol, a controlled substance, or illegal drugs.

Drug and alcohol testing after an accident. An employee who is involved in any accident in which County property is damaged, physical injury results to any person, or medical attention is sought by any person as a result of the incident is required to submit to drug and alcohol testing immediately following the accident. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment.

Drug and alcohol testing based on reasonable suspicion. If an employee is reasonably suspected of being impaired by or under the influence of alcohol, a controlled substance,

or illegal drugs, the employee is required to submit to drug and alcohol testing. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment. For purposes of this paragraph, “under the influence” also means a condition in which a person is affected by alcohol, a controlled substance, or illegal drugs in any detectable manner. The symptoms of being under the influence include but are not limited to slurred speech, alcohol on the breath, trembling, disorientation, aggressive behavior, irregular work pace, decline in productivity, mood swings, and difficulty in maintaining balance.

Random drug and alcohol testing. All County employees who operate county-owned vehicles or machinery for the County, who routinely perform safety-sensitive functions, or who are paid from federal grant funds for which random testing is required will be subject to random drug and alcohol testing. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment.

- 17.03 *Confidentiality of alcohol and drug test results.* All laboratory reports or alcohol and drug test results will be maintained by the County as confidential documents in a confidential medical file that is separate from the employee’s personnel file. Test results and lab reports may be revealed to County management. Disclosure may also be made as required by state or federal law, when the information has been placed at issue in a dispute between the employee and the County, when the information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure, when required by the Texas Public information Act, or when the information is authorized to be disclosed by the employee.
- 17.04 *Legitimate use of prescription drugs.* For all employees, if prescription drugs must be taken, such drugs must not affect an employee’s ability to perform his/her work. If an employee is required to take medication prescribed by a physician and the prescribed drug could affect the ability of the employee to perform his/her work or could present a safety risk to the employee or his/her co-workers, notification must be provided to the employee’s Supervisor before work commences.
- 17.05 *Notice of criminal drug conviction.* As a condition of employment with the County, employees are required to notify their Supervisors within five (5) business days of conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment.

## **18. EMPLOYEE CONDUCT**

- 18.01 All employees of Liberty County are expected to exhibit the highest standards of conduct and ethics as befits their status as governmental employees. No employee of Liberty County shall engage in any employment, relationship, or activity which would affect his/her job efficiency or which would reduce his/her ability to make objective decisions in regard to his/her work and responsibility as a County employee.
- 18.02 *Conflicts of Interest.* Conflicts of interest are expressly prohibited. Activities which constitute a conflict of interest under this policy shall include but not be limited to:

- a. Soliciting, accepting or agreeing to accept any benefit, 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 intent to influence the employee's performance;
- b. Accepting employment, compensation, gifts or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- c. Accepting outside employment, compensation, gifts or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- d. Conflict between the employee's private interest and duties for the County;
- e. Soliciting, accepting or agreeing to accept any benefit from another person in exchange for having performed duties as a County employee in favor of that person;
- f. Soliciting, accepting, or agreeing to accept any benefit from a person the employee knows to be subject to the County's regulation, inspection, or investigation; or
- g. Soliciting, accepting, or agreeing to accept any benefit from a person the employee knows is interested in or likely to become interested in a contract, purchase, payment, claim, or pecuniary transaction involving the exercise of the employee's discretion for the County.

For purposes of this policy, the term "benefit" does not include promotional or commemorative items of minimal or no value such as a coffee mug, key chain, pencil, or pen.

### 18.03 Employee Discipline

The County values progressive discipline and will use progressive discipline steps (verbal warning, written reprimand, probation, suspension with or without pay, and termination) but reserves the right to use any form of discipline, including immediate termination, as circumstances may require. County employees are at-will employees and may have their employment terminated at any time for any reason or no reason and with or without notice.

### 18.04 Felonies and Misdemeanors

An employee who is arrested for, charged with, indicted for, or convicted of or receives deferred adjudication for or pleads nolo contendere to any misdemeanor or felony must give immediate notification to his Department Head of such an event. If the criminal charge relates to the employee's duties, the County through the County Attorney or District Attorney will conduct an investigation and take appropriate action. An employee may be suspended without pay during the time of the investigation. If, as a result of its investigation, the County concludes that the employee's employment should be terminated, it may take action to terminate employment even if criminal charges are still pending.

For positions that require the handling of cash or which are directly related to County finances, conviction of any crime of theft, burglary, robbery, or forgery will result in immediate termination of employment.

#### 18.05 Weapons

Employees are prohibited from carrying personal handguns, firearms, or other weapons onto County property, in County vehicles, or in County buildings unless such activity is required by virtue of the employee's status as a law enforcement officer or allowed by statute. Violation of this policy will result in disciplinary action up to and including termination of employment. Notwithstanding the foregoing, employees who hold a license to carry a handgun under Subchapter H, Chapter 411, of the Texas Government Code are not prohibited from transporting or storing a firearm or ammunition the employee is lawfully authorized to possess in a locked, privately owned motor vehicle in a county parking lot, county parking garage, or other county parking area.

#### 18.06 Violence in the Workplace

Liberty County prohibits any form of violence in the workplace. The County is concerned about the increased violence in society, which has also filtered into many workplaces throughout the United States. The County has also taken steps to help prevent incidents of violence from occurring at County offices. In this regard, it is the policy of the County to expressly prohibit any acts or threats of violence by any County employee or former employee against any other employee in or about the County's facilities or elsewhere at any time. Furthermore, the County will not condone any acts or threats of violence against County employees, customers, or visitors on the County's premises at any time while they are engaged in business with or on behalf of the County, on or off the County's premises.

In keeping with the spirit and intent of this policy and to ensure that the County's objectives regarding prevention of workplace violence are attained, the County is committed:

1. To provide a safe and healthful work environment, in accordance with the County's Health and Safety policy.
2. To take prompt remedial action, up to and including immediate termination, against any abusive, or threatening language or gestures.
3. To take appropriate action when dealing with customers, former employees, or visitors to the County's facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and seeking prosecution of violators of this policy to the maximum extent of the law.
4. To prohibit employees, former employees, customers, and visitors from bringing firearms or other weapons onto the County's premises unless allowed by statute.

5. To establish viable security measures to ensure that the County's facilities are safe and secure to the maximum extent possible and to properly handle access to County facilities by the public, off-duty employees, and former employees.

Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the County, in its sole discretion, deems offensive or inappropriate will be subject to disciplinary action up to and including termination of employment

In furtherance of this policy, employees have a "duty to notify" their Supervisors of any suspicious workplace activity or situations or incidents that they observe or that they are aware of involving other employees, former employees, customers, or visitors that give rise to concerns regarding potential workplace violence. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, and threatening or offensive comments or remarks. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible. The County will not condone any form of retaliation against any employee for making a report under this policy.

#### 18.07 Political Activities

County employees are encouraged to vote and to exercise all rights of citizenship. However, County employees may not:

- Publicly endorse or campaign for any candidate while the employee is on duty for the County or while on county premises. This policy does not prohibit the employee from having a yard sign on private property or from placing a bumper sticker on the employee's personal automobile;
- Use the employee's position with the County in any way to coerce political support from co-workers or citizens;
- Campaign while wearing any clothing or jewelry that identifies the person as an employee of Liberty County;
- Post campaign-related information on social media in a way that suggests that the employee is representing the County or stating the County's position on a candidate or proposition;
- Use county facilities, personnel, or equipment for campaign activities of any type; or
- Use county internal mail systems to distribute political advertising.

#### 18.08 Solicitations

Employees are prohibited from soliciting funds or anything of value for any purpose whatsoever in county facilities or on county property. No employee may be compelled to make any contribution on or off duty in response to a solicitation from a co-worker,

including a supervisor. No employee shall be retaliated against for failing or refusing to make a contribution in response to a solicitation from a co-worker, including a supervisor.

Employees are prohibited from conducting any type of personal business in county facilities or on county property.

#### 18.09 Outside Employment

An employee may engage in outside employment with the approval of the Department Head. Outside employment will not be allowed if it in any way creates a conflict of interest for the employee such that the employee's decision-making responsibilities for the County will be compromised. Outside employment may not interfere with the employee's duties to the County by making the employee too tired to perform the employee's county job efficiently or accurately or by causing the employee to need to leave the employee's county work early or arrive to work late even if the employee has accrued leave to cover the time away from work.

#### 18.10 Social Media

An employee's use of social media, whether or not the employee is on duty or using county computer equipment, must not interfere with the employee's duties or job performance or violate any of the County's personnel policies. Employees should not post any comments or engage in any exchange of information on the internet if the comments constitute discrimination or harassment against co-workers or supervisors; attribute personal statements, opinions, or beliefs to the County; use any County logo or trademark; violate the privacy rights of fellow employees; or are disruptive to the work environment because they impair workplace discipline or control, impair or erode working relationships, create dissension among co-workers, interfere with job performance, or obstruct operations of the County. Internet disclosure of any confidential county information or confidential information regarding a co-worker or supervisor if that information was obtained through employment with the County will result in immediate termination of employment.

### **19. AMERICANS WITH DISABILITY ACT (ADA)**

Liberty County complies with all rules and regulations contained in the Americans with Disabilities Act (ADA), U.S.C. -12101 et seq.

19.01 Liberty County does not discriminate against qualified employees with disabilities and will provide appropriate accommodation(s) for a qualified individual with a disability when requested.

19.02 Requests for accommodations should be directed to the County Treasurer.

## 20. EMERGENCY CLOSINGS

Each Elected Official or Department Head will decide whether to close his or her office in case of inclement weather or an emergency situation such as loss of power. When an office is officially closed due to inclement weather or an emergency, affected employees will be paid for the days or times the office is closed if the employee was scheduled to work on the date or times of closure. If the office is open and an employee decides to stay home due to inclement weather or flooding due to inclement weather, the employee must take unpaid leave or use accrued paid vacation, holiday or compensatory time.

## 21. SEPARATION FROM EMPLOYMENT

21.01 To the extent permitted by law, employees may be terminated for any reason and at any time with or without notice by the employee's Department Head. The Department Head shall immediately notify the County Treasurer of Employee's separation from employment. **There is no employment tenure in County government as a matter of law.** Employees may resign at any time without notice. Furthermore, **the Texas Payday Act does not apply to Liberty County.**

21.02 **Employees of all Elected Officials, the County Auditor, and the Purchasing Agent are automatically terminated upon expiration of the individual officer's term of office.** Each employee is charged with knowledge of the duration of the appointing official's term of office, and such knowledge is considered to be advance notice of the statutory expiration of employment.

### 21.03 *Benefits Upon Termination*

Upon separation under any circumstances, employees must return all County property and equipment (i.e., keys, car, cellular phone, computer, pager, radio, badge, etc.) in their custody before receiving their final paycheck.

If the amount of the last paycheck is insufficient to pay all amounts owed to the County, the County will take all necessary steps to collect monies owed by the employee and to obtain the return of all County property and equipment.

21.031 Upon separation, the County compensates employees for unused Vacation time. Employees whose Holiday time is grandfathered under Section 7 of this Handbook will also receive pay for unused Holiday time upon separation from employment.

- 21.032 Upon separation, the County compensates employees for unused Compensatory Time as outlined in Section 3 of this Employee Handbook.
- 21.033 Upon separation, the County does not compensate employees for any unused sick leave.
- 21.04 If Commissioners Court does not fund a position, it is abolished and the employee holding such position is terminated effective the same date unless the Department Head submits a *Change in Status Form*.
- 21.05 If a county employee who voluntarily resigns or an employee who is terminated due to the expiration of an Elected Official's term of office is rehired by the county within 180 days of separation, the employee shall maintain the same accrual rate of sick leave and vacation time as the date of separation. This section does not apply to employees who retire and then later return to employment with the county.

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

## Basic Leave Entitlement

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

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

## Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

## Benefits and Protections

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

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

## Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

## Definition of Serious Health Condition

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

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

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## Use of Leave

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

## Substitution of Paid Leave for Unpaid Leave

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

## Employee Responsibilities

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

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

## Employer Responsibilities

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

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

## Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

## Enforcement

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

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

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



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

U.S. Department of Labor | Wage and Hour Division



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