



# **SAN PATRICIO COUNTY**

# **EMPLOYEE HANDBOOK**

**SAN PATRICIO COUNTY**  
**EMPLOYEE HANDBOOK**

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**EMPLOYEE HANDBOOK ACKNOWLEDGEMENT**

**I have received a copy of the San Patricio County Employee Handbook 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 this handbook and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this handbook, I will contact my immediate supervisor.**

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

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

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

**I understand that overtime pay will be paid according to the Fair Labor Standards Act wherein overtime pay is for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods) at a rate not less than one and one-half times the employee’s regular rate of pay.**

**<sup>1</sup>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.**

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

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

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

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

\_\_\_\_\_  
<sup>1</sup> Revised Employee Handbook Acknowledgement page on October 10, 2022 per Commissioners Court Agenda item 2.4.g.

SAN PATRICIO COUNTY  
COMMISSIONERS COURT ORDER



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

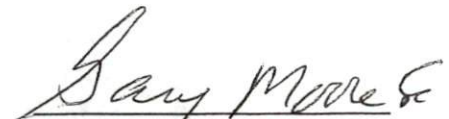

WHEREAS the San Patricio County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County.

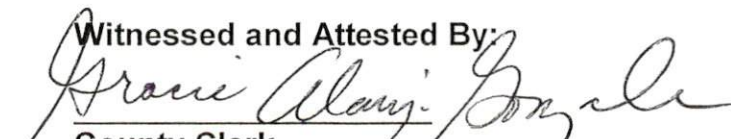
THEREFORE, BE IT RESOLVED that the San Patricio County Commissioners Court hereby approves, and adopts, the SAN PATRICIO COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 13<sup>th</sup> DAY OF July, 2020

  
County Judge

  
Commissioner Pct. 1  
  
Commissioner Pct. 3

  
Commissioner Pct. 2  
  
Commissioner Pct. 4

Witnessed and Attested By:  
  
County Clerk

**RESOLUTION FOR SAN PATRICIO COUNTY**

**I the undersigned have read the San Patricio County Employee Handbook that the San Patricio County Commissioners Court has adopted. As an Elected Official of San Patricio County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to San Patricio 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 San Patricio County Employee Handbook, as witnessed by my signatures below.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_ **Elected Position**

\_\_\_\_\_  
**Date**



## San Patricio County Employee Handbook

Welcome to San Patricio County!

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

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

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

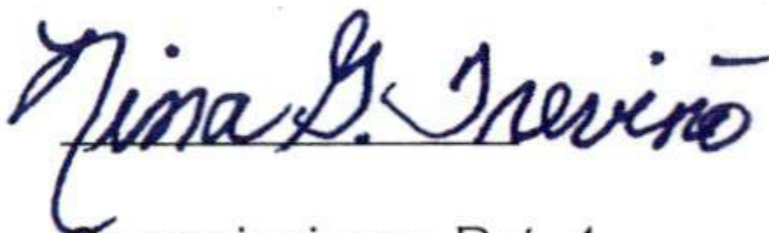
Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every San Patricio County employee. You should use this handbook as a ready reference as you pursue your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

Welcome aboard!

Sincerely,



County Judge



Commissioner Pct. 1



Commissioner Pct. 3



Commissioner Pct. 2,



Commissioner Pct. 4

## **SECTION 1: GENERAL POLICIES**

### **A. COUNTY EMPLOYMENT**

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

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

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

San Patricio County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of San Patricio County shall have the right to leave their employment with the County at any time, with or without notice.

#### **1A-2 EMPLOYEE STATUS**

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of an employee cannot be changed without the approval of the Commissioners Court.

**REGULAR FULL TIME:** A full time employee shall be any employee in a position which has a normal work schedule of at least 40 hours per week. Full time employees are eligible for county benefits for which they are qualified. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. San Patricio County makes exempt status determination based on the Fair Labor Standards Act.

**REGULAR PART TIME:** A part time employee shall be any employee in a position which has a normal work schedule of less than 29 hours per week. Part time employees may be eligible for certain San Patricio County benefits. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week.

**TEMPORARY:** A temporary employee shall be any employee who is hired into a position that is expected to last for a specific duration or until a specific project is completed. Temporary employees may have work schedules as assigned by their manager. Temporary employees are not entitled to any county benefits.



All employees are considered to be “at will” employees and employee status shall not be considered a contract of employment.

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

San Patricio County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, <sup>2</sup>sexual orientation, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, and disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or an attorney employed by San Patricio County.

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

It is the policy of San Patricio 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 he or she has 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 San Patricio 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 (ADAAA), as amended, 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 an attorney employed by San Patricio County. Reasonable accommodation shall be determined through an interactive process of consultation.

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<sup>2</sup> Revised Section 1A-3 Equal Employment Opportunity on October 3, 2022 per Commissioners Court Agenda item 2.4.I.

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

The Human Resources Department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, employment offer letter, I-9 form, signed copy of employee's acknowledgement of having read and understand of Information Services Policy, Employee Handbook, job description, as well as, records concerning performance, discipline and compensation.

It is important that the personnel records of San Patricio County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, San Patricio 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.

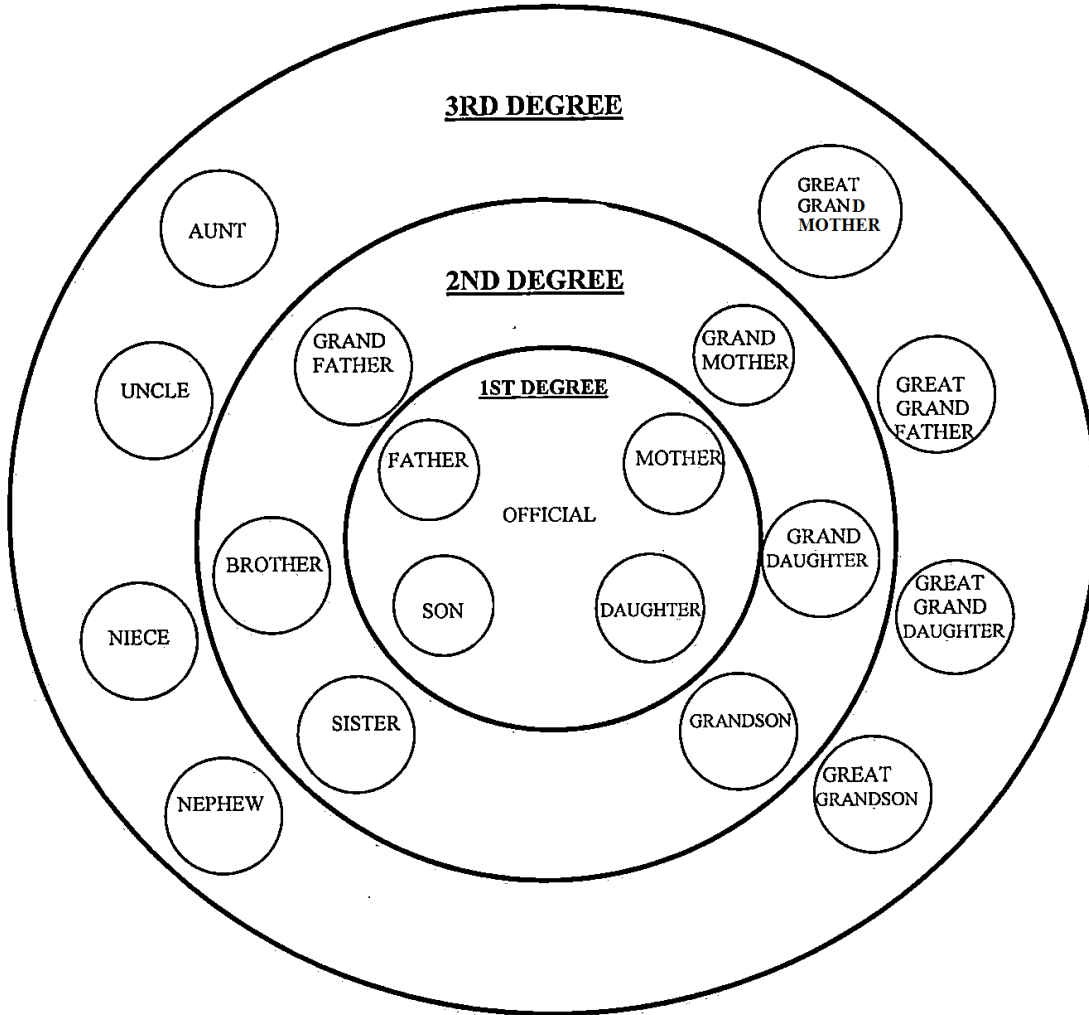
The Public Information Act allows county employees to keep their home addresses and telephone numbers confidential. You may keep this information private by signing appropriate paperwork during employment orientation or requesting in writing not to allow this information to be released to the public no later than 14 days after your first day of employment.

## **1A-6 NEPOTISM**

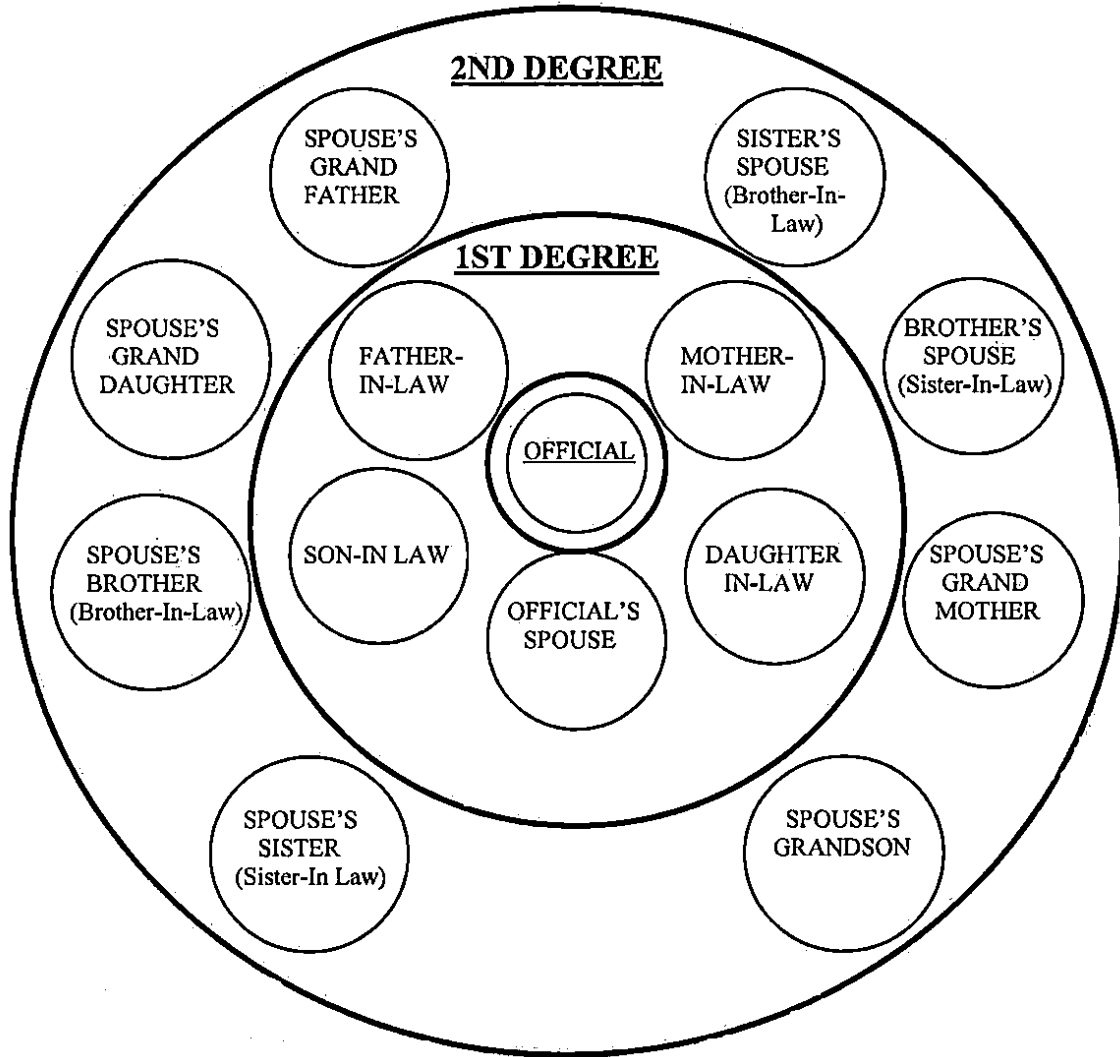
Texas Government Code Chapter 573, a Public Official of San Patricio County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over.

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

**CONSANGUINITY KINSHIP CHART**  
(Blood)  
**TEXAS NEPOTISM CHART**  
CIVIL LAW METHOD



**AFFINITY KINSHIP CHART**  
(Marriage)



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

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

As a San Patricio 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 one (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 work days, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment.

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

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

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



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

San Patricio County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in county buildings is strictly prohibited. Additionally, no smoking is allowed within twenty-five (25) feet of the exterior entranceways.

### **San Patricio County Tobacco-Free Workplace Policy (effective date 1/1/2020)**

#### **Policy**

Due to the acknowledged hazards arising from exposure to secondhand smoke, it shall be the policy of San Patricio County to provide a tobacco-free environment for all employees and visitors. This policy covers the smoking of any tobacco product, electronic nicotine delivery devices (e-cigarettes) and the use of smokeless or "spit" tobacco and applies to both employees and visitors of San Patricio County.

#### **Definition**

1. There will be no use of tobacco products (e.g., cigarettes, e-cigarettes, pipes, cigars, spit tobacco) within San Patricio County facilities at any time.

The decision to provide or not provide designated smoking areas outside the building will be at the discretion of management or other decision-making body.

The designated smoking areas will be located at least 25 feet from the main entrance, all other exits and entrances, windows, air intakes and parking lots adjacent to county facilities.

All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. Supervisors will ensure periodic cleanup of the designated smoke area. If not properly maintained (for example, if cigarette butts are found on the ground), the designated smoking area can be eliminated at the discretion of management or other decision-making body.

2. There will be no tobacco use in San Patricio County vehicles at any time.

There will be no tobacco use in personal vehicles when transporting persons on San Patricio County authorized business.

3. Breaks: Supervisors will discuss the issue of smoking breaks with their staff. Together they will develop effective solutions that do not interfere with staff productivity.

## **Procedure**

1. Employees will be informed of this policy through a Memo to Employees and signs posted in San Patricio County facilities.
2. Visitors will be informed of this policy through signs, and their host will explain it.
3. San Patricio County will assist employees who wish to quit smoking by facilitating access to recommended smoking cessation programs and materials.
4. Any violations of this policy will be handled through the standard disciplinary procedure.<sup>3</sup>

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

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

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

Activities which constitute a conflict of interest shall include but not be limited to: 1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance; 2) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties; 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County; 4) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her 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.

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<sup>3</sup> Revised Section 1B-3 Smoke Free Workplace on August 24, 2020 per Commissioners Court Agenda item 2.3.b.

## **1B-5 HARASSMENT**

San Patricio County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex,<sup>4</sup> including lesbian, gay, bi-sexual, or transgender status, sexual orientation or gender identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

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

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

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

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

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

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

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<sup>4</sup> Revised Section 1B-5 Harassment on October 3, 2022 per Commissioners Court Agenda item 2.4.I.

## **1B-6 SEXUAL HARASSMENT**

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

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

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

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

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 maybe resolved quickly and fairly.

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.

- c. Report continuing sexual harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge or the County Attorney.
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, San Patricio County will take effective remedial action in accordance with the circumstances, up to and including termination. Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

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

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

### **1B-7 POLITICAL ACTIVITIES**

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

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

### **1B-8 OUTSIDE EMPLOYMENT**

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



## **1B-9 BREAKS**

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

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

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

San Patricio 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 employees of the county who needs to express breast milk may not be discriminated against.

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

## **1B-10 GRIEVANCES**

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor.

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

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

## **1B-11 DISCIPLINE**

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

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

**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 his/her job.**

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

## **1B-12 LICENSE AND CERTIFICATIONS**

San Patricio 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-13 WEATHER CLOSINGS AND EMERGENCIES**

1. **POLICY:**
  - a. As a general practice, San Patricio 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.
  - b. The County Judge will notify the following entities for a public announcement: local newspaper, local news stations, and applicable Independent School District. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing.

- c. Many of our county departments must continuously operate to provide public safety and necessary services. Therefore, Essential Employees are those county personnel, both exempt and non-exempt, that are required to work during emergency closings (here after “Essential Employees”). By May 1<sup>st</sup> of each year, all Elected Officials and department heads are responsible for designating their employees that are considered Essential Employees and providing said designation to Emergency Management, Personnel, and the Treasurer offices. This designation list must include the names and contact information of all employees designated as Essential Employees during emergency closings. The County recognizes that public safety will be foremost in the development of departmental emergency action plans and that the designation of Essential Employees may change depending on the event.
  - d. Non-Essential Employees are regular full-time and part-time employees that are not required to work during emergency closings (hereafter “Non-Essential Employees”).
  - e. San Patricio County will provide paid leave for Essential and Non-Essential Employees in the event of certain emergencies including, but not limited to, hurricanes, tornados, floods and other Acts of God; nuclear, chemical and biological emergencies, terrorist attack, or any other emergency declared by a federal, state, or local authority. Compensation received by any county employee will be determined based on whether the employee is required to work during the emergency closure. Nothing in this policy shall be construed as changing the “at will” or exempt/nonexempt status of any person employed by San Patricio County.
2. **PROCEDURES**: San Patricio County Commissioners Court has adopted the following emergency closing procedures:
- a. Time permitting an emergency meeting of the San Patricio County Commissioners Court shall be held to consider official action. This will occur whenever in the opinion of the San Patricio County Judge, (or in County Judge’s absence) the most senior available County Commissioner, or Emergency Management Coordinator has reason to believe that an emergency situation exists or is imminent, and necessitates the closure of County facilities.
  - b. If in the opinion of the County Judge, (or in County Judge’s absence) the most senior available County Commissioner, insufficient time exists to hold an emergency meeting of the Commissioners Court, then that individual shall determine whether to close County facilities in whole or in part. The safety of county employees, citizens, and the interest of

county services shall be taken into consideration when making this determination.

- c. Once a decision has been made to close one or more county facility, the County Judge or the County Commissioner, or designated staff making the decision shall make every attempt to promptly notify local media and to inform citizens of such closure. Affected County Elected Officials or department heads will also be timely notified of the closure.
- d. Each Elected Official or department head should determine and implement those actions necessary to protect employees, customers, visitors, equipment, vital records and other assets, particularly during the first three (3) days of the event and during restoration of operations.
- e. Each Elected Official/Department Head should maintain current contact information of their employees. Each Elected Official/Department head is responsible for designating their own employees and providing the name/contact information of Essential Employees to Emergency Management, Personnel, and the Treasurer offices by May 1<sup>st</sup> of each year.
- f. The County's operating status will be communicated to as many local television and radio stations as possible. San Patricio County will issue a telephone number that will provide general information on operating status along with our websites: [co.san-patricio.tx.us](http://co.san-patricio.tx.us), [sanpatem.net](http://sanpatem.net), and the Texas Association of Counties (TAC) website: [www.county.org](http://www.county.org).

### 3. **COMPENSATION:**

- a. In the event that an emergency closing is ordered by the County Judge or the Commissioners Court, all county employees will be categorized as either Essential or Non-Essential Employee.
- b. The Fair Labor Standards Act (FLSA) definition of **Hours Worked** and **Overtime**, as amended, are included below and shall be used during the emergency closure. These definitions shall likewise apply to exempt Essential Employee during the emergency closure.
  - (i) **“Hours Worked”**: Hours Worked shall solely include all the time during which an exempt or non-exempt employee is required to be on the County’s premises, on duty, or at a prescribed workplace (hereafter “Hours Worked”).
  - (ii) **“Overtime”**: Exempt and nonexempt Essential Employees shall receive Overtime pay for Hours Worked over 40 per workweek (any fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods) at a rate not less than one and one-half times the employee’s regular rate of pay. The FLSA does not

require overtime pay for work on weekends, holidays, or regular days of rest, unless Overtime is worked on such days (hereafter "Overtime").

- (iii) **"Leave with Pay"**: Compensation received for any time not worked and is not considered Hours Worked for the purpose of calculating Overtime. Leave with Pay solely replaces time not worked during the employee's regularly schedule pay period. Under no circumstances will credit given for time not worked be used to determine eligibility for Overtime (hereafter "Leave with Pay").

**For example:** During the emergency closure, Bill (a regular full-time Non-Essential Employee) is not required to report to work Monday through Thursday of his 40 Hours Worked workweek. Bill however is declared an Essential Employee on Friday of the same workweek and is required to work on Friday for 10 Hours Worked. Bill's hours shall be reported as 30 hours Leave with Pay and 10 Hours Worked. Bill is not entitled to Overtime as his Hours Worked (10 hours) did not exceed the required 40 Hours Worked per workweek. The same would be true if (instead of Friday) Bill was required to work 10 hours on Saturday as FLSA does not require Overtime pay for Hours Worked on weekends, holidays, or regular days of rest, unless Overtime (Hours Worked over 40 hours) is worked on such days.

c. **Non-Essential Employees:**

- (i) Non-Essential Employees will receive Leave with Pay at their regular rate of pay for time not worked as the day(s) will be recorded as an official closed day(s). Leave with Pay received for any time not worked is not considered Hours Worked for the purpose of calculating Overtime and solely replaces time not worked during the employee's regularly schedule pay period. Under no circumstances shall time not worked be used to determine eligibility for Overtime. **For example:** Bill worked 12 hours Monday but did not work the remainder of his workweek as an emergency closure was declared. Bill will receive 28 hours Leave with Pay and 12 Hours Worked for a workweek total of 40 hours. Bill is not entitled to Overtime as his Hours Worked (12 hours) did not exceed the required 40 Hours Worked per workweek.
- (ii) Part-time regular Non-Essential Employees will be compensated for time lost due to a closing. However, part-time temporary Non-Essential Employees will not be compensated for time lost due to a closing.
- (iii) Any Non-Essential Employee who is off or scheduled to be off on sick leave, FMLA or disciplinary leave without pay during a period



of emergency closure shall have their leave recorded as such and such previously designated time shall not be changed to Leave with Pay.

- (iv) If a regular full-time Non-Essential Employee is instructed to report to work, the Non-Essential Employee shall be paid as an Essential Employee detailed immediately below.

d. **Essential Employees:**

- (i) Whenever there is an official emergency closure of all County operations, all Essential Employees (to include exempt or non-exempt employees) that are required to remain at work shall be compensated at their straight-time rate plus earned Overtime (as calculated pursuant to FLSA Overtime) for the duration of the emergency closure for all documented Hours Worked. The maximum number of Hours Worked which may be recorded for any work day is limited to 24 hours per day during the first 72 hours of the emergency closure and 18 hours per day thereafter. **For example:** After an emergency closure was declared, exempt Essential Employee Beverly worked 55 hours. Beverly will receive 15 hours Overtime as her Hours Worked (55 hours) exceed the required 40 per workweek and FLSA's definition of Overtime applies to exempt Essential Employees during an emergency closure.
- (ii) Essential Employees are those who are required to stay at their assigned areas performing necessary tasks during the emergency, or those who may be asked to return to work after an immediate threat is over. The list for each department should be updated annually by May 1st. Essential Employees may include Corrections Officers, Deputy Sheriffs, Roads & Bridges crews, Emergency Management personnel, Residential Supervisors, Detention Officers and/or other personnel designated by the County Judge, County Commissioners, Sheriff or other Elected Officials.
- (iii) Any Essential Employee who is off on paid leave may be required to return to work immediately.
- (iv) Any Essential Employee who fails to report to work as scheduled during an "emergency evacuation order" as defined by Chapter 22, Texas Labor Code, may be subject to disciplinary action, up to and including termination if such employee is necessary to provide for the safety and wellbeing of the general public or is otherwise necessary for the restoration of vital services.
- (v) All Essential Employees should be designated and must be made aware of their assignments prior to an emergency. A list of Essential Employees should be provided to the Emergency Management Coordinator, Personnel Department, and to the County Treasurer.

**4. RETURN TO NORMAL OPERATIONS:**

- a. Once the order for Mandatory Evacuation/Closure Order is lifted, all county employees must report back to work by the date and time instructed by the County Judge or applicable Order.
- b. If conditions are such that County offices are safe and normal operations are proceeding, but travel may be extremely difficult, the County will announce to Non-Essential Employees to use their own discretion to decide whether or not to report to work. Any days/hours not worked will be charged to vacation, personal leave, or leave without pay. Any employee requesting time off must notify his/her supervisor immediately and obtain their permission.

**5. ISOLATED OFFICE OR BUILDING CLOSURES:**

- a. There may be instances when only certain buildings/offices are officially closed.

If this happens, then the affected employees will be compensated in accordance with Non-Essential Employee immediately above, and all unaffected employee's compensation will be the same as during regular working conditions..

**1B-14 CONFIDENTIALITY**

San Patricio 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 San Patricio 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-15 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a San Patricio County Policy or federal or state law to his or her supervisor, department head, or County Judge, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to county attorney, 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 he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources or County Judge.

An employee with a question regarding this policy should contact immediate supervisor, department head or Human Resources Department.

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

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

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

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

Some positions may - require the use of county vehicle(s) as - part of the job. Elected or Appointed Officials and Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Other than de minimis transportation benefit recognized by the IRS, Elected or Appointed Officials, and Employees may only use county vehicles they are authorized to use solely for official county business. Employees may not allow other individuals to operate the vehicles they have been assigned.

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

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's

vehicle liability carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change, demotion or termination.

Any individual involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor, County Auditor's Office, Safety Coordinator and the County Judge.

If an Employee, Elected or Appointed Official is involved in an accident they will submit to a drug test at no charge to the employee. The County will provide this service through our contracted provider.

If an employee uses their personal vehicle to do county business that they will be reimbursed mileage at the federal guideline upon submission of the mileage report the county employee will be required to submit a copy of their current personal auto insurance to the County Auditor's Office in order to get reimbursement.

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

San Patricio County determines on a case by case basis the need for county provided cell phone allowance. An Elected Official, Department Head or employee that is granted a phone allowance must have a valid phone service during the time of allowance. Periodic auditing by the County Auditor's office will be done to ensure current coverage.

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

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

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

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

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

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

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

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

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

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

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

All employees of San Patricio County 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 his/her 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.

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

Law Enforcement Officers, Jailers and Detention Officers fall under Art. 3 Sec. 52e of the Texas Constitution shall continue to pay maximum salary; providing, however, that said payment of salary shall cease on the expiration of the term of office to which such official was elected or appointed.

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

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

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

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

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

San Patricio 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, in the San Patricio County Accident Prevention Plan, as well as comply with all additional departmental safety requirements. Your supervisor will provide you with specific information pertaining to your position.

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

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to their supervisor.<sup>5</sup>

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

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

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

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

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

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

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

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

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

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<sup>5</sup> Revised Section 1D-2 Employee Safety on December 7, 2020 per Commissioners Court Agenda item 2.4.b.

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

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

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

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

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

CDL Drivers are an extremely valuable resource for San Patricio County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

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

Specifically, it is the policy of San Patricio County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. San Patricio County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

A detailed policy and procedure is available online and at the Human Resources Department.



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

San Patricio County is committed to providing a workplace free of violence. San Patricio County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon, other than an authorized law enforcement official, without appropriate permit(s) in any county office or building owned or used by San Patricio County. This prohibition also includes county owned vehicles. If an employee believes that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

## **1D-6 SOCIAL MEDIA**

### **A. Purpose**

San Patricio County recognizes the value in the use of social media to further the goals of the County and, where appropriate, the missions of our departments. The landscape of the Internet is ever-changing as is the ways our citizens communicate and obtain information online. Because the County and some of its departments are using social media as an effective tool to reach our citizens, a Social Media Policy is necessary.

San Patricio County Commissioners Court has an overriding interest and expectation in deciding what is "spoken" on behalf of San Patricio County on social media sites. This Policy establishes guidelines for the use of San Patricio County Social Media Sites.

San Patricio County further recognizes that Elected Officials may have their own social media sites and the purpose and scope of this Social Media Policy does not apply to Elected Official's Social Media Sites.

### **B. Scope**

This Policy applies to all regular full-time and part-time positions, temporary full-time and part-time positions as defined in San Patricio County Personnel Policy, as amended.

## **C. Definitions**

1. SOCIAL MEDIA SITES – Third party websites which allow for the creation of content and dialogue around a specific issue or area of interest, including Facebook, Twitter, and Instagram.
2. COUNTY SOCIAL MEDIA SITES – Those pages, sections, or posting locations in Social Media Sites that are established or maintained by an employee of the County who is authorized to do so as part of the employee’s job and that are used to conduct San Patricio County business, communicate with elected officials, or county staff, and/or communicate with or gather feedback from residents and other interested persons.
3. COUNTY SOCIAL MEDIA CONTENT – Information, images, or photographs posted or provided to a County Social Media Site by a County employee or authorized representative when such activity is a part of the employee’s job duties.
4. SOCIAL MEDIA CONTENT – Information, images, or photographs posted or provided to a Social Media Site.
5. ELECTED OFFICIAL SOCIAL MEDIA SITES – Those pages, sections, or posting locations in Social Media Sites that are established or maintained by an Elected Official of the County. These Sites are not subject to this Social Media Policy.

## **D. Policy**

### **1. CREATION AND MAINTENANCE OF COUNTY SOCIAL MEDIA SITE**

County Social Media Sites may contain information that represents, or may create the appearance of representing, the County’s position on policy issues and/or the positions of its leadership. No employee may create or maintain a Social Media Site that purports or appears to be a County Social Media Site without the permission of that employee’s Elected Official and the County’s Public Information Officer. Before any employee or department representative creates a County Social Media Site, approval must be sought from the Public Information Officer. The request must state the business necessity for the County Social Media Site. For any County Social Media Sites currently in existence, the department must submit a request within 30 days of the effective date of this Policy.

Once a County Social Media Site is approved by the appropriate Elected Official and Public Information Officer, the following information must be shared with the Public Information Officer:

- a. All County Social Media Site login and password information (in the case of Facebook, you may make the Public Information Officer an administrator of the site instead of providing the password);
- b. Any changes to the login and password; and
- c. The names of any employees who are authorized to maintain the County Social Media Site or to post County Social Media Content (“Administrators”).

The Public Information Officer may disable a County Social Media Site and prohibit posting of any County Social Media Content to a site any time and for any reason, including any violation of this Policy, unprofessional use of this resources, lack of use or disinterest by the public, or a department’s failure to maintain the site. In a disaster or emergency situations, the Public Information Officer may assume control of County Social Media Site(s) to ensure that communications are managed appropriately.

## **2. PUBLIC RECORDS**

County Social Media Sites create county records that are subject to the Texas Public Information Act and document retention rules of the State of Texas. Each departmental records administrator shall ensure that such records are retained and archived in conformance with Texas law.

## **3. POSTING ON COUNTY SOCIAL MEDIA SITES**

Employees creating, maintaining, or posting Social Media Content on the County Social Media Site:

- a. Must at all times conduct themselves as representatives of San Patricio County, Texas and all San Patricio County Personnel Policies, procedures and other departmental or management rules or directives;
- b. Will follow these guiding principles:
  - i. Unless the employee is posting or responding as the County Social Media Site Administrator, the employee should maintain transparency by using his/her given name and job title and clearly stating the employee’s role regarding the subject;
  - ii. Use correct grammar and spelling;
  - iii. Avoid jargon;
  - iv. Write and post only about the employee’s area of expertise;
  - v. Keep postings factual and accurate;
  - vi. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others’ opinions or

- providing comments, do so in a meaningful, respectful, and relevant manner;
- vii. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time; all content should be carefully considered;
  - viii. Ensure that Social Media Content does not violate another person's privacy interests;
  - ix. Refrain from posting Social Media Content that is proprietary, copyrighted, attorney-client privileged, subject to state or federal privacy laws, and information not subject to the Texas Public Information Act;
  - x. Never comment on anything related to legal matters, litigation or any parties with whom the County may be in litigation without written approval of the County Judge or the County Attorney;
  - xi. Refrain from the expression of personal opinions or positions regarding:
    - (a) programs or practices of other public agencies, political organizations, private companies, or non-profit groups;
    - (b) political campaigns; or
    - (c) Religion.

#### **4. DESIGN AND CONTENT OF COUNTY SOCIAL MEDIA SITES**

Membership by the public in a County Social Media Site should not be required in order for the public to post on the site. If this is not possible on a particular County Social Media Site, then a County e-mail contact must be posted as an alternative for posting comments.

County Social Media Sites should be focused and limited in scope and topic. Sites that are limited in scope and topic are "limited forum" sites. Sites that do not limit the topic of discussion are "open forum" sites.

- a. The following should be clearly posted on any County Social Media Site:
  - i. A clear statement of the intent, purpose, and subject matter of the site;
  - ii. County contact information; and
  - iii. The link to the San Patricio County website.
- b. In addition, County Social Media Sites that permit interactivity with the public, comments, or postings should post clear statements of the following:
  - i. All content and postings are subject to public disclosure;
  - ii. Disclaimer that postings do not necessarily reflect the views or position of the County;

- iii. The site is not monitored 24 hours a day and that in case of an emergency the public should call 911;
- iv. The County reserves the right to delete completely or hide, when necessary and as soon as is feasible, any posting that involves:
  - (a) Advertisements or content that is commercial in nature;
  - (b) Obscenity or profanity;
  - (c) Content that promotes, perpetuates, or fosters discrimination on the basis of age, gender, race, religion, color, national origin, physical or mental disability, sexual orientation, marital status, and/or gender identity;
  - (d) Sexual content;
  - (e) Content that implies, promotes, or encourages illegal activity;
  - (f) Content that is contrary to the safety of an Elected Official, County employees or the public;
  - (g) Content that opposes or supports political candidates or propositions;
  - (h) Content unrelated to a particular posting by the County; or
  - (i) Content that violates the legal ownership of another party.
- c. In addition, for County Social Media Sites that are limited forum sites and permit interactivity with the public, comments, or postings, the following statement should be clearly posted:

**The County reserves the right to delete completely or hide, when necessary and as soon as is feasible, any posting unrelated to the purpose and topical scope of the page.**

Each posting on a County Social Media Site shall contain a clear statement of the discussion topic introduced for public comment so that the public is aware of the limited nature of the discussion.

Links placed on County Social Media Sites should only be to a resource on the County's website, a county-owned website, a state, federal or local government site, an educational website, or an organization with an official partnership or supportive business relationship with the County. Exceptions to this rule will be at the discretion of the Public Information Officer.

## **5. EMPLOYEE TIME SPENT MAINTAINING OR CREATING COUNTY SOCIAL MEDIA SITES**

Non-exempt employees who serve as County Social Media Site Administrators shall work on the County Social Media Site (monitoring, creating, maintaining, or posting) only during normal office hours unless specifically pre-approved in writing by the employee's supervisor. Any time spent in excess of a 40-hour work week by a County Social Media Site Administrator monitoring, creating, maintaining or posting on a County Social Media Site will be paid overtime in compliance with federal law and County policy.

## **6. USE BY BOARDS OR COMMISSIONS**

Due to open meetings requirements, individual members of a county board or commission are prohibited from participating in postings or discussion threads on County Social Media Sites created and maintained by the department or group of which they advise.

With permission of the County Judge, County Attorney or the Public Information Officer, a department may set up an online message board or similar Internet application that complies with Texas Government Code Section 551.006. If such an online message board or similar Internet application is created and after training of that board and commission on use of the site, members of that board or commission may post on that site in compliance with Texas Government Code Section 551.006.

**Failure to comply with any aspect of this Social Media Policy may result in disciplinary action up to and including discharge from employment.**

### **E. Responsibilities**

1. Department Heads are responsible for:
  - a. Ensuring that employees are aware of this Policy for creating and maintaining County Social Media Sites;
  - b. Deciding who is authorized to serve as a County Social Media Site Administrator and designating appropriate access levels;
  - c. Ensuring that content that is inappropriate or violates this Policy is not posted on the County Social Media Site established and maintained by the Department; and
  - d. Ensuring that approval is sought from their Elected Official and the Public Information Officer prior to the creation of a County Social Media Site.
2. Employees are responsible for ensuring that all contributions to County Social Media Sites adhere to this Policy.

**SECTION 2:  
EMPLOYEE COMPENSATION AND BENEFITS**

**A. EMPLOYEE PAYROLL**

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

San Patricio County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to Human Resources Department or the Treasurer's Office attention, San Patricio 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 time card must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time card if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

It is a violation of San Patricio County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card 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 immediate to County Judge, 400 W. Sinton Street, Room 109, Sinton, Texas, 361-364-9302.

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 County Judge, 400 W. Sinton Street, Room 109, Sinton, Texas 78387, 361-364-9302. 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 (include address and phone number). 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**

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

## **2A-3 COMPENSATION**

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

San Patricio County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption. *(See 2A-10 Below)*

All non-exempt County employees shall be paid on a salary basis.

Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For Regular Full Time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 hours in each workweek of the month.

For Regular Part Time employees, the hourly salary compensates the employee for all hours worked in each workweek of that month up to the amount designated by the County for the position.

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

All part time employees, regular/temporary are paid the next pay period after time sheet is turned in. This process is set up so that the Payroll clerk will have the time sheet and know how to compensate the employee hours worked.

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

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

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

#### **2A-4.1 WAGE OVERPAYMENT / UNDERPAYMENT POLICY**

The U.S. Department of Labor considers wage overpayments to be in the same category as wage advances or loans, and thus finds no minimum wage problem with deductions from future wages to recoup such overpayments. Our County Employee Manual requires such deductions to be authorized in writing by the employee in order to be valid.

Therefore, the County follows the best practices and adopts this written Wage Overpayment/Underpayment Policy. Due to the importance of this Policy each employee shall sign the Acknowledgement and Wage Deduction Authorization Agreement. A copy of the signed version of the policy and agreement will be kept in each employee's personnel file.

The Elected Official, Department Head, and/or Human Resources must contact the Treasurer's Office immediately if it is possible that an employee will receive a wage overpayment. This timely communication is essential if the employee does not have accrued paid time off.

The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid on scheduled paydays. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their Elected Official, Department Head or the Treasurer's Office so that corrections can be made as quickly as possible.

If the employee has been underpaid, the County will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he or she has earned, the employee will need to return the overpayment to the County as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agreed-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction.

If the employee who received overpayment is no longer employed, the Elected Official will initiate contact to seek repayment. If unsuccessful, the County Treasurer will meet with the County Attorney to determine a plan of action.<sup>6</sup>

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<sup>6</sup> Added Section 2A-4.1 Wage Overpayment/Underpayment Policy on April 12, 2021 per Commissioners Court Agenda item 2.4.b.

## **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 San Patricio 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 San Patricio County Commissioners Court.

## **2A-6 TIMESHEETS**

Each employee must fill out a time sheet to be turned in to 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.

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

The pay period for San Patricio County employees shall be a semi-monthly pay period 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.

Employees wanting to be on direct deposit have a 90 day waiting period from date of hire for process to take place.

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

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

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday

for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

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

San Patricio County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 28 days and overtime will be due after 171 hours actually worked. Law enforcement employees' salary covers all hours up to 171 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

## **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 his/her supervisor before working overtime.

Overtime compensation shall be paid pursuant to Fair Labor Standards Act (FLSA), as amended, at a rate not less than one and one-half times the employee's regular rate of pay. FLSA's definitions of Hours Worked and Overtime, as amended, shall be used at all times.

## **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 with no change in salary. Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court. If a county

employee transfers to another county position they transfer all leave balances to the new position.

## **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. 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 ends. All separations from San Patricio 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 his/her employment with San Patricio 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 his/her 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 his/her 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. San Patricio 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 his/her position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

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

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

Retired employees shall be eligible to apply for open positions with San Patricio County as long as the following provisions are met: 1) The retiree has been retired for at least three (3) full calendar months, 2) No prior arrangement or agreement was made between San Patricio 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 three (3) full calendar months. A bona fide separation means there is no prior agreement or understanding between San Patricio 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 may not be able to draw their retirement if it is determined that they had prior 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.

## **2A-17 FAIR LABOR STANDARDS ACT (FLSA) COMPENSATION FOR WAITING TIME VERSE REMAIN AT HOME ON-CALL**

1. Waiting Time: Whether waiting time is hours worked under the Act depends upon the particular circumstances. Generally, the facts may show that the employee was engaged to wait (which is work time) or the facts may show that the employee was waiting to be engaged (which is not work time). For example, a secretary who reads a book while waiting for dictation or a

fireman who plays checkers while waiting for an alarm is working during such periods of inactivity. These employees have been "engaged to wait."

2. On-Call Time: An employee who is required to remain on call on the employer's premises is **working** while "on call." An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is **not working** (in most cases but see below) while on call. These additional constraints below on the employee's freedom could require this time to be compensated:
  - a. Geographic Limitations – requiring the employee to stay within 5-minute drive of a worksite would likely be viewed as a constraint of the employee being able to enjoy their time off. Whereas remaining in the County might not.
  - b. Movement Restriction – if the employee is required to remain at home during On-Call Time, it is likely that the DOL would view as compensable on-call time.
  - c. Response Time – Requiring a response time of 45 minutes or less has been viewed as overly restrictive.
  - d. Uniform Requirement – If an employee is required to remain in uniform, then this is often viewed as evidence that the employee's personal time is restricted.
  - e. Frequency of Calls – more calls usually results in findings that the employee should be compensated during idle time between calls.

## **B. EMPLOYEE BENEFITS**

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

All full time regular employees of San Patricio County shall be eligible for the group medical plan and dental plan benefits.

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 County Human Resources Department and may be obtained during the normal working hours for that office.

Employees who leave the employment of San Patricio 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 Department and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

If an employee retires, they are eligible for the medical and dental insurance for as long as they pay their premiums <sup>7</sup> and have been employed with San Patricio County prior to January 1, 2012.

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

San Patricio County provides \$12,000 Life and \$12,000 Accidental insurance paid for by the County and up to \$150,000 supplemental life insurance on eligible employees as part of the group life plan coverage. All supplemental insurance coverage premiums are the responsibility of the employee.

If an employee retires, they are eligible for the life and supplemental life insurance for as long as they pay their premiums <sup>8</sup> and have been employed with San Patricio County prior to January 1, 2012.

Information regarding these supplemental insurances may be obtained from Human Resources Department.

**2B-3 VACATION**

All full-time regular employees shall be eligible for vacation benefits. Part-time regular employees are eligible for pro-rated amount. Temporary employees shall not be eligible for vacation benefits. Employees earn vacation leave as follows:

Length of Service (years)	Vacation Leave (hours)	or	Annual Accrual (days)
0 but less than 5	80	or	10
5 but less than 10	96	or	12
10 but less than 15	120	or	15
Over 15	160	or	20

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<sup>7</sup> Revised Section 2B-1 Health and Dental Plans Policy on November 28, 2022 per Commissioners Court Agenda item 2.4.e. and previously approved per Commissioners Court meeting on October 10, 2011.

<sup>8</sup> Revised Section 2B-2 Other Plans – Life, Supplemental Policy on November 28, 2022 per Commissioners Court Agenda item 2.4.e. and previously approved per Commissioners Court meeting on October 10, 2011.



Accumulation of Vacation Leave. Employees are encouraged to use their accrued vacation leave each year as it is earned. The maximum allowable accumulation of unused vacation leave is the number of days shown on Section 2B-3. Pay in lieu of vacation is not permitted. Accrual of vacation leave is based on the anniversary date and at the end of each calendar year, any vacation leave balance in excess of these maximums is reduced to the maximum without compensation.<sup>9</sup>

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of six (6) months in such a position before eligible to take any vacation.

Scheduling of vacations shall be at the discretion of the individual department heads.

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 six (6) months 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 LEAVE**

All full time regular employees shall be eligible for the paid sick leave benefit.

Eligible employees shall accrue sick leave at a rate of four (4) hours per pay period. 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.

Part time regular employees shall be eligible for the paid sick leave benefit on a pro-rated benefit.

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<sup>9</sup> Revised Vacation August 24, 2020 per Commissioners Court Agenda item 2.4.g.

The maximum amount of unused sick leave a full time regular employee shall be allowed to carry over every year will be four-hundred eighty (480) hours. A part time regular employee will carry over at a pro-rated benefit.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrist, 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, or other relative living in the employee's home who is dependent on the employee for care.

When sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. If use of the sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave with 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 that the situation will cause the employee to miss more than one day of work, the employee should notify his/her 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 have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employees 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.

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.

**b) SICK LEAVE POOL PROGRAM**

Pursuant to Section 157.072 of the Texas Local Government Code, and subsequent amendments, if any, the San Patricio Commissioners Court established this Sick Leave Pool Program to allow an employee to voluntarily transfer sick leave time earned by the employee to the County's Sick Leave Pool. The purpose of the Sick Leave Pool Program is to establish guidelines for the creation and operation of a Sick Leave Pool to benefit certain county employees who suffer a catastrophic injury or illness.

**Definitions.** In this Subsection:

a) “Administrator” means the person designated by the Commissioners’ Court to administer the county’s sick leave pool program.

b) “Employee” means a county, or precinct employee with 12 or more months of continuous employment with the county, or precinct who is paid from the general fund of the county, from a special fund of the county, or from special grants paid through the county.

c) “Donation Period” means a rolling Calendar Year period

d) “Catastrophic injury or illness” means a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the County for that employee.

“Catastrophic injury or illness” is one that prevents an employee from performing the functions of his/her job for an extended period of time. Examples of qualifying catastrophic illness/injuries generally considered include, but are not limited to:

- 1) Stroke with residual paralysis or weakness.
- 2) Incapacitating heart attack
- 3) Major surgery (hysterectomy, mastectomy, heart bypass, prostate)
- 4) Cancer
- 5) Hepatitis, broken hip, car wreck requiring hospitalization
- 6) Examples of illness/injuries that generally will not be considered catastrophic illness or injury, include but are not limited to:
  - i. Broken limb
  - ii. Cold/allergy
  - iii. Minor surgery with no complications such as appendectomy, tonsillectomy, day surgery
  - iv. Pregnancy with minor or no complications
  - v. Routine surgeries without complications.

e) “Licenses practitioner” means a practitioner, as defined in the Texas Insurance Code, practicing within the scope of his/her license.

**Administrator Duties and Responsibilities**

a) The Administrator, as directed by the Commissioners Court, will be responsible for developing rules and procedures for the operation of the pool and developing forms for contributing leave to or using leave from the San Patricio County Sick Leave Pool.

b) It is the duty of the Administrator to create forms for donating or using time from the Pool. Said forms must be amended as necessary to reflect all current policies/restrictions.

c) The Administrator is responsible for submitted the request for sick pool leave and supporting documentation to the San Patricio County Department of Public Health Medical Director, or similar designee by the County Judge, to determine whether the injury or illness presented by eligible employee meets the Program's definition of "catastrophic injury or illness". The determination made by the San Patricio County Department of Public Health Medical Director, or similar design by the County Judge, is final and may only be changed by majority vote of the Commissioners' Court.

d) The Administrator is responsible for issuing memos communicating to employees the determination of "catastrophic injury or illness" finds(s) and interpretation and/or administration of other sick policy provisions.

### **Sick Pool Eligibility**

a) Employees are eligible to apply to use Pool Sick Leave if they contributed sick leave to the Pool and then exhaust all leave balances.

b) Employees, including employees off work due to catastrophic on the job injury or illness must exhaust all accrued leave, including annual and sick leave before they are eligible to use leave from the Pool. Issues regarding Worker's Comp will be dealt with on an individual basis.

### **Eligibility Provisions**

a) Employees must have been employed by the County for one (1) year to be able to participate.

b) Employees who contribute leave to the Pool must have a balance of forty (40) hours of Sick Leave after their contribution.

c) Employees are eligible to apply to use Pool sick Leave if they contributed sick leave to the Pool and then exhaust all leave balances available to the employee.

d) Employees, including employees off work due to catastrophic on-the-job injury or illness must exhaust all accrued leave, including annual and sick leave before they are eligible to use leave from the Pool. Issues regarding Worker's Comp will be dealt with on an individual basis.

### **The General Pool Provisions**

a) Employees on sick Leave Pool for a full or partial calendar month accrue paid leave for the month provided they return to work following the leave.

- b) Employees who use Pool Leave are not required to pay back Pool Leave.
- c) Employees may contribute a maximum of forty (40) hours of sick leave to the Pool each donation period in increments of eight (8) hours.
- d) Employees who make contributions to the Pool may not stipulate who is to receive their contributions.
- e) A yearly contribution of a minimum of eight (8) hours not to exceed forty (40) hours must be made to the Pool in order to maintain membership.
- f) Employees who contribute at least eight (8) hours not to exceed forty (40) hours must be made to the Pool in order to maintain membership.
- g) Employees who contribute at least eight (8) hours to the Sick Leave Pool may withdraw one or more of those hours donated and any hours donated from the previous year in the event of a non-catastrophic injury or illness. This provision is available only after the employee has exhausted all accrued sick leave and vacation time available.
- h) The amount of Pool leave granted cannot exceed one third of the balance of hours in the Pool or 120 days whichever is less. The number of hours granted for salaried employees cannot exceed the number of hours the employee was scheduled to work during the period for which the leave is requested.
- i) The estate of deceased employee is not entitled to payment of unused Pool Leave.

### **General Pool Procedures**

- a) Employees requesting to use leave from the Pool will submit on a Request Form. The Form will be confidentially forwarded through appropriate supervisory channels to the Pool Administrator.
- b) Whenever possible, a request for Pool Leave should be submitted at least ten (10) days in advance of the exhaustion of all accrued paid entitlement, annual and sick leave as applicable.
- c) Requests will be considered on a first come, first serve basis.
- d) The employee must include the following in all Requests for Pool Leave due to catastrophic illness or injury:
  - i. A statement describing the illness or injury with sufficient information for the Pool Administrator to determine that the illness or injury is “catastrophic” and

ii. A statement from the physician or other licensed practitioner which stating the date of onset of the catastrophic illness or injury, the diagnosis, prognosis and the date it is anticipated that the employee will be able to return to work.

ii. A statement as to the amount of each type of paid leave entitlement the employee has utilized for this catastrophic illness or injury, the date all paid leave will be exhausted, and the amount of Pool Leave being requested.

e) The employee may be required to sign a Medical Release authorizing the release of additional medication information necessary to facilitate proper determination whether the request is eligible for awarding sick pool leave.

### **AWARDING SICK POOL LEAVE**

a) The employee and supervisor will be notified by the Pool Administrator of the action taken on the request. A copy of the Request Form will be returned through supervisory channels.

b) Sick Leave Pool hours transferred to an employee's sick leave account will be used and recorded in the same manner as the hours accrued monthly by the employee. An employee absent on Pool Leave will be treated for all purposes as if absent on accrued sick leave.

c) The employee will complete the Request Form (Request and Authorization for Leave) in order to use the approved Pool Leave which was transferred to their account and use of the approved time may be intermittent as needed.

d) Any unused balance of Pool Leave granted to an employee returns to the Pool.

e) The estate of deceased employee is not entitled to payment of unused Pool Leave.

### **2B-5 HOLIDAY**

All full time regular employees shall be eligible for the paid holiday benefit and part time regular employees shall be eligible based on their work schedule.

The County holidays shall be determined by the San Patricio County Commissioners' Court. Holiday pay is paid an eight (8) hour day whether the employee works 8, 10, or 12 hour schedule.

If a paid holiday occurs during the vacation time or if the employee is out on sick leave, that day shall be paid as a holiday and not be charged against the employee's vacation balance.

Holidays do not accrue and if they are not taken, they will not be paid at termination.

## **2B-6 JURY DUTY**

All employees of San Patricio 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 his/her court attendance may require. If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation.

## **2B-7 FUNERAL LEAVE**

All employees shall be allowed up to forty (40) hours days leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse, child, grandchild, parent, mother-in-law, father-in-law, step-parents, step-children, brother, sister, brother-in-law, sister-in-law, and grandparents of an employee, or any relative living in the employee's household.

## **2B-8 MILITARY LEAVE**

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

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

San Patricio 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-9 VOLUNTEER FIRE PERSON TRAINING LEAVE**

County employees who are volunteer fire persons may also be granted a leave of absence with full pay to attend training schools conducted by state agencies provided such leave does not exceed five (5) working days in any one calendar year. Such leave shall in no way be charged against the employee's vacation or sick leave privileges provided by the policy.

### **2B-10 RETIREMENT**

All full time and part time regular employees shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary employees will also be enrolled for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. San Patricio 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 Resources Department 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 from each paycheck.

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

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

- 1) have worked for San Patricio 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.

Family or medical leave under this policy may be taken for the following situations: 1) the birth of a child and in order to care for that child; 2) the placement of a child in the employee's home for adoption or foster care; 3) to



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

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

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

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: 1) a period of incapacity of more than three (3) 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 which results in a regimen of continuing treatment by a health care provider.

This treatment must occur within the first seven days of incapacity;

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 which is permanent or long term due to a condition that treatment is not effective;

5) any period of incapacity or absence to receive multiple treatments by a health care provider.

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave:

1) leave may be taken to address any issue that arises because the covered military member was given seven or less days notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty;

2) leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member;

3) leave may be taken to attend family support or assistance program and informational briefings sponsored or prompted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member;

4) leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member;

5) leave may be taken to make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active duty status in a foreign country;

6) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status;

7) leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member;

8) leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation;

9) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status;

10) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country;

11) certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty; or

12) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

Up to 12 weeks leave per 12 month period may be used under this policy. The County will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. All leave taken under the policy during the period 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.

If a husband and wife both work for the County, the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single 12 month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12 month period: 1) the single 12 month period begins on the first day the eligible employee takes FMLA to care for covered service member or covered veteran and ends 12 months after that date; 2) if an eligible employee does not take all of their 26 workweeks during this 12 months period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member or covered veteran is forfeited; 3) this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12 month period.

If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: vacation, holiday and sick. The remainder of the leave shall be unpaid.

An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use sick leave, vacation, and any other paid leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the birth of a child shall be required to use paid sick leave first, then annual and holiday leave for the recovery period after the birth of the child and prior to being on unpaid leave.

After the recovery period from giving birth to a child, the employee shall be required to first use all annual leave, except for sick leave with the remainder of the 12 week leave period being unpaid leave.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned annual and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for a qualifying exigency for a covered military member shall be required to use first vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the care of a covered service member or covered veteran shall be required to first use sick leave then annual leave with the remainder of the 26 week leave period being unpaid leave.

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

While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be discontinued.

At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12 month period.

Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member or the care of a covered military member or covered veteran.

A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or covered veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness the time will be deducted from the employee's 26 week leave eligibility in a single 12 month period.

The County shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy. The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.

Certification of the serious health condition of the employee shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of the treatment; and 5) a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of the serious health condition of an eligible family member shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of treatment; and 5) a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

Certification for leave taken because of a qualifying exigency shall include: 1) a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in a foreign country; 2) the dates of the covered military members active duty service; 3) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency,

sufficient to support the need for leave; 4) the approximate date on which the qualifying exigency will start and end; 5) if the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; 6) if the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.

Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include: 1) if the injury or illness was incurred in the line of duty while on active duty; 2) the approximate date on which the illness or injury occurred and the probably duration; 3) a description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need of care; 4) if the covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to; 5) the relationship of the employee and the covered military service member or covered veteran; or 6) in lieu of certification, a TO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for a eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA.

If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.

Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his or her immediate supervisor.

When practicable, an employee should give his or her immediate supervisor at least 30 days notice before beginning leave under this policy. Where it is not reasonable practicable to give 30 days notice before beginning leave, the

employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave.

Employees who have not exceeded the 26 week maximum, in a single 12 month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.

Where an employee is placed in another position, it will be one which has equivalent status, pay benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility, and authority.

The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

While on leave without pay under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

Employees who are out on approved FMLA 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. Employees may ask for permission from their immediate supervisor to take other trips outside of the county and supervisors may grant employee requests at their discretion.

Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it.

The County may send out to an employee who has been out for 3 or more days a Medical Certification to determine the employee's FMLA eligibility. The employee

should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

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

### **A. LEAVE OF ABSENCE POLICY DUE TO COVID-19, AND THE LIKE**

The primary goal of the Commissioners Court is the health and safety of our employees, their families and our citizens today and in the future. Therefore, in order to address the recent pandemic known as COVID-19, and the like, the Commissioners Court authorizes the following guidelines to become part of the San Patricio County Employee Handbook:

#### **1. Employee Personal Travel to Areas with Confirmed Cases of Outbreak of Infectious Disease: COVID-19, and the like**

Employees engaging in personal travel should carefully consider their plans and monitor the evolving health situations prior to travelling. While we recognize that personal travel decisions are your choice, we urge you to carefully consider those decisions to avoid personal risk to you or your families. In particular, be aware of possible travel and screening restrictions and that possible incidences of exposure in restricted or high-risk areas may result in quarantine procedures in those countries. Further, we ask that supervisors refer employees to Human Resources if returning from travel outside of the United States so we can ensure proper return to work procedures are followed. Human Resources will work with the County's Public Health Preparedness Department to establish proper return to work procedures.

#### **2. Tips to Minimize Business Disruptions**

- a) Ensure employee contact information is up to date.
- b) Have backup plan for staffing if employee (or employees) fall ill.
- c) Maintain a list of essential personnel and ensure that the San Patricio County Emergency Management and Human Resources have a copy.
- d) Have plenty of disinfecting wipes/spray, tissues & hand sanitizer for employee and public use.
- e) Confirm that your staff understands that safety/health is our primary concern.
- f) Reinforce hand washing & housekeeping with all staff members.
- g) Elected Officials/Department Heads have permission to send sick employees home; short-term inconvenience is better than



widespread illness. **However, only Elected Officials can grant Leave with Pay (LWP) for their employees.**

### 3. **Americans with Disabilities Act (ADA)**

- a) The ADA gives an employee the right to privacy in his/her medical condition.
- b) If the employee informs the supervisor that he or she has a communicable disease that will affect his or her performance on the job, Human Resources can require a medical exam or health certification to confirm the illness, just as it can with any other ADA disability. If the medical exam is requested, then the employee will be responsible for making the appointment with their physician, the claim would be filed on the employee's insurance and any expense would be paid by the employee.
- c) If an employee is close contact to someone who is a "presumptive positive" or tests positive for COVID-19, and the like, the employee may be sent home until the other person's test results are returned as negative or until their quarantine expires, whichever is first. Contact Human Resources for specific instruction.
- d) If an employee does not tell his or her supervisor that he or she has a communicable disease, the employer's options are much more limited. Suspicion of a communicable disease is not enough to justify inquiry or a medical exam.
- e) However, if the employee reports to work with a wheezing cough, complains of chills and aches and the employee has recently traveled to areas with confirmed cases of outbreak of an infectious disease (i.e. in the COVID-19 pandemic, Europe, the Middle East or Asia identified areas), the supervisor shall direct the employee to go to his/her doctor and/or local health department. Then contact the Human Resources. Again, the employee will be responsible for making the appointment with their physician, the claim would be filed on the employee's insurance and any expense would be paid by the employee.
- f) Decline to give specifics about employee's medical condition to other employees.
- g) San Patricio County is permitted to disclose needed protected health information to a public health authority, such as the CDC or a state or local health department, that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease. (Source: Office for Civil Rights, U.S. Department of Health and Human Services, February 2020)

4. **Procedures Following Testing for COVID-19, and the like:**
  - a) If an employee displays symptoms and/or is directed by a physician or medical provider to be tested for COVID-19, and the like, the County's return to work procedure requires that the employee contact Human Resources and or Public Emergency Preparedness Departments for direction.
  - b) If, however, the employee initiates testing but is not directed by a physician or medical provider and is without symptoms closely connected to COVID-19, and the like, the County's return to work procedure requires that the employee return to work and wear a face covering, as necessary, without waiting on test results.
  
5. **Paid Leave of Absence**
  - a) **Elected Officials only can grant Leave with Pay (LWP) for their employees.**

San Patricio County has a strong commitment to safety and the overall health and well-being of all employees and their families. We will continue to evolve our policies as the COVID-19, and the like, develops. Attached and incorporated for all purposes is the County's Health Authority, Dr. Mobley's, COVID Exposure Guidelines presented to the Commissioners Court on June 26, 2023.

#### 6. **Leave Without Pay**

Employees may request a personal leave of absence to a maximum of thirty (30) 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 or appointed official. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

Employees cannot have a leave of absence without pay if they have accrued annual leave. The only time vacation time cannot be utilized is if the absence is due to disciplinary action.

Paid Leave of Absence - Elected Officials only can grant Leave with Pay (LWP) for their employees.

**2B-14 EMPLOYEE RECOGNIZED BENEFITS**

San Patricio County will have a Service/Safety Awards ceremony in the month of March to honor County Employees on their years of service and years of safety provided to San Patricio County. Regular full time and regular part time County employees are eligible for awards for <sup>11</sup>all years of service with the County. The method of calculating length of time is based on the years of service as of December 31. Awards shall be given to employees upon completion in five year increments. The County employee is allowed to pick out an item(s) of their choice, it cannot be paid in cash or gift card. This event is done during County time and paid for by county funds.

**SERVICE AWARDS CHART**

# Years of Service	Award Amount
5	\$ 50.00
10	\$ 100.00
15	\$ 200.00
20	\$ 350.00
25	\$ 425.00
30	\$ 525.00
35	\$ 650.00
40	\$ 800.00
45	\$ 975.00
50	\$1,175.00

San Patricio County will have health and wellness programs during the year for county employees to attend during County time and paid for by county funds. (examples: Pink Event, Health Fair, Safety Trainings, Diabetic Support and any other event deemed approved by Commissioners' Court)

**2B-15 LONGEVITY PAY**

A. Continuous employment is defined as the length of time a person has been employed by the County provided that there is no break in employment. A break in employment is defined as the severance of the employer-employee relationship and becomes effective immediately on the first day of absence without pay following termination if there is an established break in employment.

B. Longevity Pay: An employee will twelve or more months of continuous employment with the County will be compensated in the following manner:

1) Regular full time employee: Employees will be compensated at the rate of \$3.00 per month for each year of continuous service p to maximum of

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<sup>11</sup> Revised Section 2B-14 Employee Recognized Benefits on March 27, 2023 per Commissioners Court Agenda item 2.4.r.

twenty years. The employment anniversary date of the employee determines whether employee receives the additional \$3.00 per month.

2) Regular part time employees will be compensated at the rate of \$3.00 per month of every computed full time employment year up to a maximum of twenty years beginning on the 2nd anniversary and continuing every 2 years that an employee maintains regular part time employee status.

The above policy will apply to all County Departments with the following deviation for the Sheriff's Department. All non-clerical employees of the Sheriff's Department will receive \$5.00 per month for every year of continuous service up to a maximum of twenty years, with the exception of the sheriff's department clerical staff (which will follow the standard longevity pay policy).

If a County Employee transfers from standard longevity rate to law enforcement longevity rate, time earned under the standard rate will continue to be compensated at the standard rate and the law enforcement rate will commence on the next anniversary date provided the employee has not met the maximum rate.

If a County employee transfers from law enforcement rate to standard longevity rate, time earned under the law enforcement rate will continue to be compensated at the law enforcement rate and the standard rate will commence on the next anniversary date provided the employee has not met the maximum rate.