



TYLER COUNTY  
EMPLOYEE'S HANDBOOK  
OF COUNTY POLICY  
Revised & Updated October 2022

**Presented by the  
Commissioner's Court of Tyler County**

## ACKNOWLEDGMENT

I have received my copy of the Tyler County Personnel Manual, which outlines my privileges and obligations as an employee and also includes a summary of benefits I may be eligible for. I acknowledge that the provisions of these policies are part of the terms and conditions of my employment and I agree to abide by them. I accept responsibility for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the county. If I need clarification on any information in this manual, I will contact my supervisor (or county personnel representative.)

Since this information is necessarily subject to change, it is understood that any changes will be communicated to me by my supervisor or through official notices or bulletin boards.

I further understand that my employment is at will and subject to termination so that both the county and its employees remain free to choose to end their relationship at any time for any legal or no reason. I understand that this handbook is not a contract of employment.

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

I further understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and that the county may require me to take time off at their discretion.

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

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PRINTED NAME OF EMPLOYEE

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SIGNATURE OF EMPLOYEE

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DATE SIGNED

# TYLER COUNTY PERSONNEL POLICY MANUAL

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# **TYLER COUNTY POLICIES AND PROCEDURES**

(An Equal Opportunity Employer)

Welcome to the family of Tyler County Employees. As an employee of Tyler County, you may be eligible for various benefits which will be outlined later in this manual.

You will also be responsible for projecting the proper image of our County Government and its various functions to the people of Tyler County. Always remember your reputation and degree of proficiency and courtesy in your particular position reflects the county's reputation and vice versa.

In many instances, you may be the only contact a Tyler County resident has with his/her County Government. Be proud to be an employee of the County as well as the county be proud of you as an employee.

The governing body of the County is the Commissioners Court which is comprised of the County Judge and the four Commissioners.

Officials elected on a County-Wide basis are the County Judge, District Judges, District Attorney, Sheriff, District Clerk, County Clerk, County Tax Assessor-Collector and County Treasurer. Officials elected on a Precinct level are Commissioners, Justice of the Peace, and Constables.

Employment opportunities with the County vary a great deal. There are positions available for accountants, clerks, heavy equipment operators, etc. We hope you will be happy in the area of employment you have chosen. We welcome your comments and suggestions about your employment with the County.

The purpose of this manual is to inform you, and all employees of Tyler County, of our procedures and policies, rules and regulations. There is no intention on the County's part, by the publication of this manual, to create a contract, and you should know that while Tyler County believes in the benefits, rules and procedures contained herein, it may be necessary from time to time when in the County's opinion circumstances warrant, to modify or change the policies and procedures set forth.

You have the right as an employee of Tyler County to terminate your employment at any time. Tyler County retains the same right to terminate your employment, regardless of any other documents, oral or written statements issued by the County of its representatives. All new employees will be required to take a pre-employment physical and drug screen, by a county appointed physician, at the expense of the county.

Again, we welcome you as an employee of the County to a working TEAM who is committed to the excellence of our County.

## **TYLER COUNTY OFFICIALS**

### **COMMISSIONERS' COURT**

Jacques L. Blanchette	County Judge
Joe Blacksher	Commissioner, Pct. 1
Stevan Sturrock	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Charles I "Buck" Hudson	Commissioner, Pct. 4

### **OFFICIALS OF THE COUNTY**

Leann Monk	County Treasurer
Lynnette Cruse	Tax Assessor-Collector
Donece Gregory	County Clerk
Bryan Weatherford	Sheriff
Jackie Skinner	County Auditor

## OFFICIALS OF THE DISTRICT COURT

Earl Stover, III Sr.	Judge, 88 <sup>th</sup> Judicial District
Delinda Gibbs-Walker, Administrative Judge	Judge, 1-A Judicial District
Lucas Babin	Criminal District Attorney
Renee Crews	District Clerk
	Adult Probation Chief
Terry Allen	Juvenile Probation Chief

## OFFICIALS OF THE PRECINCT

Trisher Ford	Justice of the Peace, Pct. 1
Ken Jobe	Justice of the Peace, Pct. 2
Donald Powers	Justice of the Peace, Pct. 3
James Moore	Justice of the Peace, Pct. 4
Ronnie Ford	Constable, Pct. 1
Casey Whitworth	Constable, Pct. 2
Tony Reynolds	Constable, Pct. 3
Zach Zachary	Constable, Pct. 4

## POLICIES ADOPTION

Each of these policies and parts of policies are intended to stand independently. Therefore, if any policy or part of a policy becomes invalid because of Federal or State law or other legal authority, it shall not affect the validity or application of other policies or parts of policies. From time to time, it may be necessary to make changes in these policies as a result of changes in the county or its programs. When this occurs, all county employees shall be notified of the changes and the date the changes are to be effective.

The purpose of these policies is to serve the needs of both the employees and the county to the mutual benefit of both. Any employee who has a question concerning any of Tyler County's personnel policies is encouraged to discuss it with his or her supervisor. Adopted by the Commissioners' Court of Tyler County on the 9<sup>th</sup> day of December, 2002, and effective the 10<sup>th</sup> day of December, 2002.

Jerome Owens	County Judge
C. D. Woodrome	Commissioner, Pct. 1
Rusty Hughes	Commissioner, Pct. 2
Joe Marshall	Commissioner, Pct. 3
Jack Walston	Commissioner, Pct. 4

**REVISED 2010**

Revised by Commissioners' Court of Tyler County on this the 18<sup>TH</sup> day of June 2010, and effective the 21<sup>st</sup> day of June 2010.

Jacques L. Blanchette	County Judge
Martin Nash	Commissioner, Pct. 1
Rusty Hughes	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Jack Walston	Commissioner, Pct. 4

## **REVISED 2012**

Revised by Commissioners' Court of Tyler County on this the 17<sup>TH</sup> day of August 2012, and effective the 1<sup>st</sup> day of September 2012.

Jacques L. Blanchette	County Judge
Martin Nash	Commissioner, Pct. 1
Rusty Hughes	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Jack Walston	Commissioner, Pct. 4

## **REVISED 2013**

Revised by Commissioners' Court of Tyler County on this the 16<sup>TH</sup> day of August 2013, and effective the 1<sup>st</sup> day of September 2013.

Jacques L. Blanchette	County Judge
Martin Nash	Commissioner, Pct. 1
Rusty Hughes	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Jack Walston	Commissioner, Pct. 4

## **REVISED 2014**

Revised by Commissioners' Court of Tyler County on this the 9<sup>TH</sup> day of June 2014, and effective the 1<sup>st</sup> day of July 2014.

Jacques L. Blanchette	County Judge
Martin Nash	Commissioner, Pct. 1
Rusty Hughes	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Jack Walston	Commissioner, Pct. 4

## **REVISED 2017**

Revised by Commissioner's Court of Tyler County on this the 11<sup>th</sup> day of December 2017, and effective the 1<sup>st</sup> day of January 2018.



## REVISED 2018

Revised by Commissioner's Court of Tyler County on this the 28<sup>th</sup> day of August, 2018 and effective the 1<sup>st</sup> day of September 2018.

## REVISED 2020

Revised by Commissioner's Court of Tyler County on this the 5<sup>th</sup> day of March, 2020 and effective immediately.

## REVISED 2021

Revised by Commissioner's court of Tyler County on this the 10<sup>th</sup> day of May, 2021 and effective immediately.

Jacques L. Blanchette	County Judge
Joseph Blacksher	Commissioner, Pct. 1
Stevan Sturrock	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Charles "Buck" Hudson	Commissioner, Pct. 4

Revised by Commissioner's Court of Tyler County on this the 13<sup>th</sup> day of September, 2021 and effective immediately

Jacques L. Blanchette	County Judge
Joseph Blacksher	Commissioner, Pct. 1
Stevan Sturrock	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Charles "Buck" Hudson	Commissioner, Pct. 4

Revised by Commissioner's Court of Tyler County on this the 18<sup>th</sup> day of October, 2021 and effective immediately.

Jacques L. Blanchette	County Judge
Joseph Blacksher	Commissioner, Pct. 1
Stevan Sturrock	Commissioner, Pct. 2
Mike Marshall	Commissioner, Pct. 3
Charles "Buck" Hudson	Commissioner, Pct. 4

## THE COUNTY OF TYLER EMPLOYEE INFORMATIONAL MANUAL

The purpose of this manual is to outline and explain all policies, regulations, rules, and benefits concerning the employees of Tyler County. These policies are subject to change at any time by direction and approval of the Commissioners' Court and replace all other policies that have been previously passed and adopted.

APPROVED BY THE  
TYLER COUNTY COMMISSIONERS' COURT  
December 9<sup>th</sup>, 2002

Revised: December 9<sup>th</sup>, 2002

Revised: June 18, 2011

Revised: May 13, 2011

Revised: July 15, 2011

Revised: August 12, 2011

Revised: February 17, 2012

Revised: August 17, 2012

Revised: August 16, 2013

Revised: June 9, 2014

Revised: December 11, 2017

Revised: August 28, 2018

Revised March 5, 2020

Revised March 23, 2020

Revised May 10, 2021

Revised September 13, 2021

Revised October 18, 2021

Revised/Corrected May 12, 2022

Revised August 18, 2022

Revised October 22, 2022

# **INTRODUCTION**

## **TYLER COUNTY PERSONNEL POLICY MANUAL**

### **TO THE**

These Personnel Policies for Tyler County have been developed to provide a better understanding of the relationship between the county and the citizens who serve the county as employees.

This is done by:

1. Defining the rights and privileges enjoyed by county employees;
2. Stating the rules and regulations that apply to county employees;
3. Outlining the expectations, the county has of its employees;
4. Providing a system of fair and consistent treatment for all employees; and
5. Providing information and systems to increase the efficiency of the personnel management program of the county.

## **Part 1**

### **PERSONNEL POLICY**

#### **TYLER COUNTY POLICY ON APPLICABILITY**

##### **Application of policies**

The personnel policies shall apply consistently and uniformly to all county employees.

##### **Violation of policies**

Any employee who knowingly and intentionally violates any personnel policy of the county shall be subject to disciplinary measures.

**TYLER COUNTY POLICY ON IMPLEMENTATION  
&  
ADMINISTRATION OF PERSONNEL POLICIES**

**Implementation**

Each elected/appointed official of Tyler County shall be responsible for the administration and implementation of these personnel policies in all departments for which he/she has administrative, managerial or supervisory responsibility.

**Deviation from Policy**

There will be no deviation except by prior consent of the Commissioners' Court.

If unique or unusual circumstances make it necessary to deviate from any of these personnel policies, the elected/appointed official responsible for overseeing the department involved shall see that the following written documentation is prepared and presented to the Commissioners' Court:

1. Details of the action to be taken which deviates from the existing policy;
2. A statement of why the deviation would be in the best interest of the county and other parties involved.

**POLICY ON DISSEMINATION OF PERSONNEL POLICIES**

**Master Personnel Policy Manual**

1. A master personnel policy manual, which contains the original of all personnel policies in effect for Tyler County, shall be maintained in the County Treasurer's office.
2. Copies of the complete personnel policy manual shall be maintained in each department.

**Personnel Policy Coordinator**

1. The County Treasurer shall serve as the County's Personnel Policy Coordinator.
2. The duties of the Personnel Policy Coordinator shall include:
  - A. Maintaining the master personnel policy manual and updating the manual when a change, addition or deletion is made in the county's personnel policies as adopted by the Commissioners' Court;
  - B. Providing each supervisor with copies of new or changed policies and information when policies are deleted so that the supervisor will be able to update the department's copy of the personnel policy manual when a change, addition or deletion is made;
  - C. Coordinating recommendations for additions, deletions and changes in personnel policies;

- D. Developing and implementing a system for notifying all county employees whenever a change, addition or deletion is made in the county's personnel policies.
- 3. The duties of the personnel policy coordinator shall include:
  - A. Providing new employees with copies of the personnel manual;
  - B. Retaining acknowledgment forms, annually at open enrollment, signed by employees, to be kept in the personnel files maintained by the County Treasurer.

### **Dissemination**

- 1. Each supervisor shall be responsible for:
  - A. Informing each employee in his/her department of the personnel policy system in the County;
  - B. Informing each employee of his/her responsibility for being familiar with the policies; and
  - C. Taking action steps to see that each employee becomes knowledgeable of the policies.
  - D. Developing and implementing a system for notifying all county employees whenever a change, addition or deletion is made in the county's personnel policies.
  - E. Conducting an annual review of all personnel policies to determine if they are consistent with actual practices and in compliance with all legislation relating to the personnel function and the relationship between the employer and employee.
  - F. Ensuring that the acknowledgement form for the county policy manual has been read and signed by employees and filed accordingly in their personnel file.

### **Access to Policy Manuals**

All employees shall have the right to review the master personnel policy manual or the copy of the personnel policy manual found in their department.

## **Part 2**

### **EMPLOYMENT AND EMPLOYEE STANDARD PRACTICES**

#### **TYLER COUNTY POLICY ON EQUAL EMPLOYMENT OPPORTUNITY**

##### **Employment At- Will**

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

Tyler 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.

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

##### **Equal Employment Opportunity**

Tyler County is an equal opportunity employer.

Elected and appointed officials, supervisors, and employees of Tyler County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, 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 the county attorney.

The County will comply with Title II of the Genetic Information Nondiscrimination Act of 2008 which protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. The county will comply with GINA’s provisions which also restrict the county’s acquisition of genetic information and strictly limit disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

## **Reasonable Accommodation**

1. Reasonable accommodation shall be made for otherwise qualified individuals to afford them the same opportunities for selection and all conditions and privileges of employment as applicants and employees without disabilities.
2. Determination of reasonable accommodation shall be made through an interactive process of consultation.

## **TYLER COUNTY POLICY ON 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 (40) Forty 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. Tyler 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 (30) thirty hours per week. Part time employees may be eligible for certain Tyler 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 supervisor. Temporary employees are not entitled to any county benefits.

### **Benefits**

1. Regular *full-time* employees shall be eligible for benefits in accordance with the eligibility requirements stated with each policy describing a benefit.
2. If the main source of an employee's income is received by The State of Texas and the employee only receives stipend from Tyler County, the employee is *not* eligible for benefits.
3. Temporary employees and part-time employees shall *not* be eligible for any benefits except those required by law.

**TYLER COUNTY POLICY ON NEPOTISM Hiring of Relatives and Contract Employees**

An elected or appointed official of the county shall not hire a person that falls within the nepotism laws of the state of Texas. (See attached Charts.)

Chart 1: Affinity Kinship Chart (Relationship by Marriage)

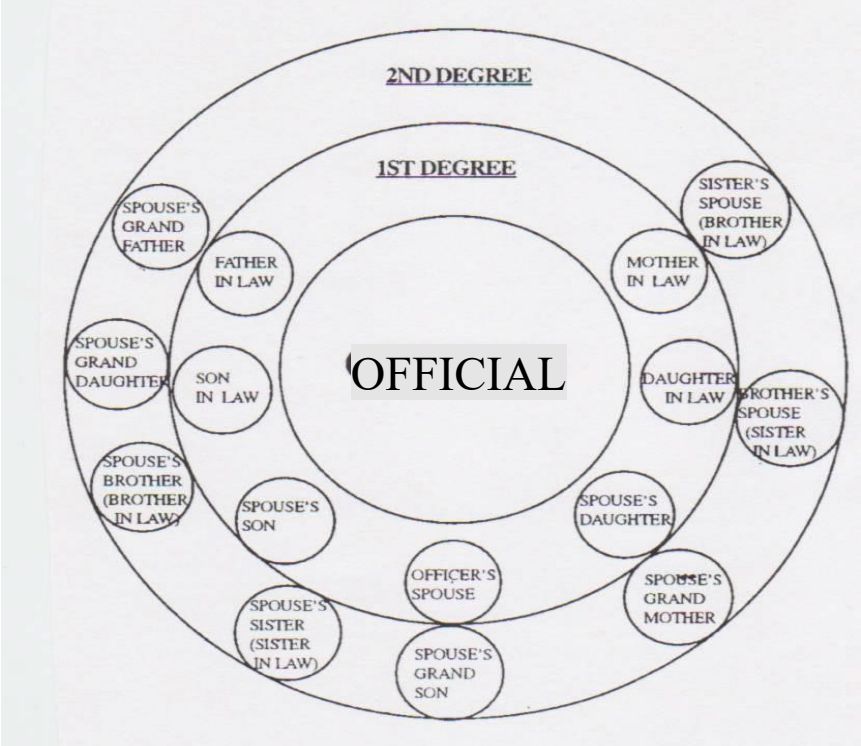
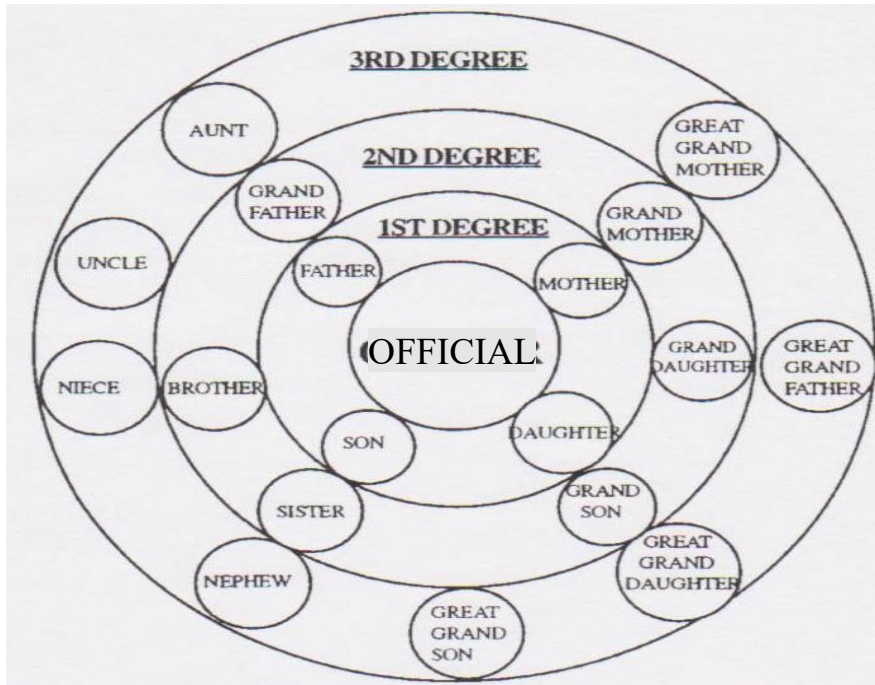


Chart 2: Consanguinity Kinship Chart (Relationship by blood)





**TYLER COUNTY POLICY ON SAFETY**

**SAFETY STANDARDS**

1. Each County employee shall be required to adhere to all general safety standards established for all employees and to all additional safety standards for their job or the department in which he/she works.

**VIOLATIONS**

2. Failure to follow the safety standards set by the County shall make an employee subject to disciplinary action, up to and including termination.
3. An employee causing an accident resulting in major injury or death because of failure to follow safety standards may be terminated.

**REPORTING**

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

**WORKPLACE VIOLENCE**

Tyler County is committed to providing a workplace free of violence. Tyler 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, including inappropriate or

off-color 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, with or without permits in all county offices and buildings owned or used by Tyler County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

## **TYLER COUNTY POLICY ON ADA**

### **Americans with Disabilities Act Amendments Act (ADAAA)**

It is the policy of Tyler County to prohibit any harassment of, or discriminatory treatment of employees based on 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, supervisor or the county attorney. All elected officials, appointed officials, supervisors and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

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

### **TYLER COUNTY POLICY ON PERSONNEL FILES**

The Tyler County 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, driver's license, social security card, health insurance, as well as, records concerning performance, discipline and compensation.

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

### **Retention of Applications**

1. Applications of individuals applying for employment with the County shall be kept in the County Treasurer's office for a minimum of 6 months after the initial date of the application.
2. When a vacancy is filled, the applications of individuals *not* selected shall remain in that office to be placed in the application files for a minimum of 6 months after the initial date of the application.
3. The applications kept in the County Treasurer's office may be reviewed during normal working hours by any supervisor having an opening in his/her department.

## **TYLER COUNTY POLICY ON PROMOTIONS**

### **Promotions**

1. It shall be the policy of the County to provide promotional opportunities for current employees whenever reasonably possible.
2. Employees wishing to apply for a promotion into an available position shall make application for that position in accordance with the provisions of the policy on recruitment and selection.
3. While the county's policy is to fill each position with the best qualified applicant, preference shall be given to current county employees where all other qualifications are equal.

### **Pay Increase**

When a county employee is promoted, he/she may have his/her salary increased to the salary for the new position.

All promotions must be handled in accordance with the budget adopted by Commissioner's Court.

## **TYLER COUNTY POLICY ON EMPLOYEE ATTENDANCE AND TIMELINESS**

### **Attendance**

Each employee shall report for work on each day he/she is scheduled to work unless prior approval is given by the employee's supervisor or the employee is unable to report for work due to circumstances beyond the control of the employee.

### **Tardiness**

1. Each employee shall be at his/her place of work in accordance with the starting time established for his/her position unless prior approval is given by the supervisor or the

employee is unable to be at work on time for reasons beyond the control of the employee.

2. Each employee shall remain on the job until the normal quitting time for his/her job unless permission to leave early is given by the employee's supervisor.

### **Notification**

If an employee is tardy or absent without prior approval, the employee shall be responsible for notifying his/her supervisor as soon as is practical as to the circumstances causing the tardiness or absence.

### **Excused and Unexcused**

In deciding whether a tardiness or absence without prior approval is to be classified as approved or unapproved, the supervisor shall be responsible for determining if the employee was tardy or absent due to circumstances beyond the reasonable control of the employee.

### **Excessive Absence or Tardiness**

Frequent unexcused absences or tardiness shall make an employee subject to disciplinary measures up to and including termination of employment.

### **Abandonment of Position**

An employee who does not report to 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.

## **TYLER COUNTY POLICY ON OUTSIDE EMPLOYMENT AND ACTIVITIES**

### **Outside Employment and Activities**

1. An employee of the County shall *not* engage in any activities or other employment which will adversely affect his/her ability to effectively carry out the duties and responsibilities of his/her job.
2. An employee accepting *other* employment while still being employed by the County shall notify his/her supervisor before beginning such work and get approval beforehand.

## **TYLER COUNTY POLICY ON RESPONSIBILITY FOR COUNTY PROPERTY**

### **Assigned Property**

All county employees shall be responsible for the proper use and maintenance of all tools, equipment or vehicles assigned to them by the county. County employees shall only use tools, equipment and other county property that they are authorized to use.

### **Driver's License**

1. All county employees who operate county vehicles or equipment *shall* have a valid state of Texas Driver's License necessary for that vehicle or equipment.

2. Each county employee who is required to have a driver's license to operate county vehicles or equipment *shall* immediately notify his/her supervisor of any change in the status of that license.
3. Suspension or revocation of the driver's license of an employee who is required to operate a vehicle or equipment as a normal part of his/her job may result in a job change, demotion or dismissal.

### **Personal Use**

Personal use of any county property, materials, supplies, tools, equipment or vehicles shall not be permitted and may result in discipline up to and including termination. Improper use may subject employee to criminal prosecution.

### **Accident Reporting**

1. Any employee operating county equipment or vehicles *must* report all accidents and property damage to his/her supervisor and to the proper law enforcement or other authority immediately.
2. The employee shall fill out a county incident form for all accidents in which involved.
3. A copy of all accident and incident reports completed by any employee of the county shall be sent to the Supervisor, County Auditor and to the County Judge.

## **TYLER COUNTY POLICY ON TELEPHONE USE**

### **County Telephones**

County telephones shall be used for conducting the business of the County.

### **Personal Use**

1. Personal use of county telephones by county employees shall be limited to situations where it is necessary for the employee to make a personal call.
2. Excessive personal use of county telephones may make an employee subject to disciplinary measures.

### **Long Distance**

Long distance calls on county phones shall be made only by county employees authorized to make long distance calls and only for official business.

### **Cell Phone Policy**

#### **Purpose**

Tyler County employees whose job duties require constant communication may be entitled to extra compensation, in the form of a cell phone allowance, to cover the business-related expenses of operation a cell phone.

#### **Eligibility**

Cell phone allowances will be at the discretion of the Elected Official/Department Head. Cell allowances cannot exceed the amount currently budgeted in that Department's line and shall adhere to the defined allowance amounts.

## **Employee's Responsibilities**

In order to receive a cell phone allowance, the employee must have cell phone available to them for business purposes as long as the cell phone allowance is in place. County employees receiving a cell phone allowance are personally liable for any contractual agreement that they enter of any other arrangement for cell phone use. The cell phone allowance is intended to cover most of the cost of the cell phone expenses related to work duties. However, the employee will pay any costs exceeding the amount of the cell phone allowance to the cell phone provider.

The phone is considered the employee's personal property. The initial purchase of the cell phone, accessory equipment, and activation fees will be the responsibility of the employee. Any repairs, replacements, upgrade or purchase of prepaid time of the phone device will not be reimbursed by the County.

Employees will ensure that the mobile telephone service is reliable in Tyler County, Texas.

Any changes to an employee's cell number must be reported to the employee's respective Elected Official/Department Head.

Each Elected Official/Department Head may establish rules relating to the use of personal cell phones while at work. This policy is intended to supplement any other policies relating to the use of cell phones and employees are responsible for understanding and abiding by all of Tyler County's policies.

## **Fees for Contract Changes or Cancellations**

Contract termination fees (if assessed by the service provider) will not be paid or reimbursed by the County. This includes termination fees of employees who quit, are terminated, transfer to another department, or are moved into another position with no cell phone allowance.

## **Payment of Allowance**

Once determined that an employee is eligible, the Elected Official/Department Head may assign allowances based on the following tiers of usage:

Allowance Amounts (monthly):

- Employee = \$46.16
- Official = \$92.32

The cell phone allowance will be processed through Tyler County Payroll as taxable income and is subject to standard payroll withholdings to the extent required by Federal Law. This allowance does not replace or attempt to replace any overtime payment due to the employee for work carried out through the use of his or her cell phone. It is the policy of Tyler County to abide by all the statutory and common law standards relating to compensation of employees, including with respect to the usage of communication devices.

The allowance will be paid bi-weekly.

Workplace – Employees receive a cell phone allowance due to the critical need to maintain accessibility with County staff and officials in order to ensure the uninterrupted flow of services to our constituents. Regardless of whether an employee is provided with a cell phone allowance, employees' usage of cell phone for personal and /or non-County-

related reasons while working cannot be excessive. Excessive personal calls during the workday, whether talking, texting, using the internet, or engaging in social media, is strictly forbidden. Employees should endeavor to make or receive personal calls during designated breaks, lunch periods, before and after working hours. Abuse of cell phones will result in disciplinary action up to and including termination.

Operating a motor vehicle – When operating a vehicle in the course of one’s employment, either county or personally owned, safe operation of the vehicle is the employee’s primary goal. Employees are required to obey and any all policies, ordinances, laws, or regulations relating to cell phone usage. Employees who need to take or make a call while driving must pull off the road and be parked in a safe location before making or receiving a phone call. The County shall not be responsible for any failure to obey any state, county or other law or regulations prohibiting cell phone use. ***(Law Enforcement must refer to their departmental policy)***

### **Records Requests**

County employees must understand that use of their personal cell phones for business purposes may be subject to disclosure pursuant to the Public Information Act.

### **Informational Technology**

For all cell phones, regardless if they are County-owned or employee-owned, connections to County messaging services or County-licensed applications may be loaded and configured only as authorized by Information Technology (IT), consistent with the IT cellular telephone policy. IT can provide only limited support for personal cell phone devices with operating systems other than those recommended by IT.

Should a County-owned or employee-owned device become lost, or stolen or otherwise become a risk to the County computing environment, IT maintains the right to remove County messaging of County-licensed programs from the device remotely.

## **TYLER COUNTY POLICY ON CONFLICT OF INTEREST**

### **Conflict of Interest**

An employee of the 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 employees job efficiency or which would reduce his/her ability to make objective decisions regarding his/ her work and responsibility as a county employee.

### **Prohibited Activities**

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

- A. 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 intent to influence the employee’s performance.
- B. Accepting employment, compensation, gifts or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;

- C. Accepting outside employment, compensation, gifts or favors that might reasonably tend to impair independence of judgment in performance of duties for the county;
- D. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the county; or
- E. 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.

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.

### **DRESS CODE**

Tyler County expects all employees to be well groomed, clean, and neat at all times. Each department head, AO, or EO 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.

### **TYLER COUNTY POLICY ON POLITICAL ACTIVITY**

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

#### **Political Activity**

Employees of Tyler County shall not:

- A. Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- B. 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
- C. Use any equipment, property, or material owned by the County for political activity or engage in political activity while on duty for the county is prohibited.



## **Part 3**

### **BENEFITS AND LEAVE**

#### **TYLER COUNTY POLICY ON GROUP MEDICAL AND LIFE INSURANCE**

##### **Eligibility**

1. All regular full-time employees of the County shall be eligible for coverage under the group medical program provided by the county the completion of 60 days of employment. Life Insurance will begin 6 months after the date of hire.
2. The county shall pay the premium for coverage of eligible employees.

##### **Benefits**

1. The benefits for this program shall be in accordance with the provisions of the master contract.
2. A copy of the master contract shall be kept in the County Auditor's office, and may be reviewed by employees during normal working hours.
3. When an employee retires from the county at age (62) sixty-two, and has (8) continuous (unbroken) years of service to Tyler County, Tyler County will pay 100% of the health insurance premium until they reach the age of sixty-five (65) and four (4) months.
4. For the employee or official who retires before the age of sixty-two (62), the employee has twenty-four (24) years of continuous (unbroken) service with Tyler County and meets the seventy-five (75) points rule, the County will pay eighty (80%) of the health insurance premium and the other twenty (20%) will be paid by the Retiree. The County will pay the full premium after they reach sixty-two (62) years of age until sixty-five (65) and 4 months.
5. Retirees are only eligible if they meet the above guidelines and have formally separated from the County and begin drawing an annuity.

Employees who leave the employment of Tyler 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). This is at the expense of the employee. The county does not pay for 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 Tyler Auditor's Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

##### **Life Insurance**

Effective August 1, 2006, retirees shall be provided a flat \$10,000 life insurance benefit with no age reduction. The County shall pay the premium for the retiree life insurance coverage. Effective 1/1/2023, all regular full-time employees and officials (both appointed and elected) of the County shall be eligible for coverage under the current County life insurance provider by meeting the retiree requirements. This benefit is not extended to the dependents of the retiree and is subject to review each budget cycle and will be determined by Commissioners Court the amount of benefit as well as the amount the County will contribute to the benefit premiums. The benefit is subject to change due to budgetary constraints.

1. The Retiree must have at least eight years of unbroken, full-time service to the County and be fully vested in the County retirement plan.
2. The retiree must officially retire from the County, and cannot be terminated or quit.
3. The retiree does not lose the benefit should he/she return to work for the County in a different capacity, or should they be employed by a different entity.

**These benefits are subject to review each Budget Cycle and will be determined by Commissioner's Court.**

## **TYLER COUNTY POLICY ON LONGEVITY**

*A Reward for Loyalty to the County*

### **Eligibility**

All full-time employees of Tyler County shall be eligible for longevity pay.

Longevity pay is based on the number of years of *unbroken* service to the county. Longevity pay is in addition to normal merit raises and other compensation that may be provided for by this policy.

### **Amount**

Longevity pay will be equal to \$10.00 per month for each full year of *unbroken* employment starting at the completion of three (3) years' service. Longevity pay will begin the next fiscal year following the completion of the three years; or during the fourth year of service. Effective 1/1/2018 when an employee reaches eight (8) years of unbroken service longevity increases to \$20.00 per month. This will also begin the next fiscal year following the eight (8) year anniversary; or during the ninth year.

Once eligible, longevity is paid annually.

Per Commissioner's Court decision on 9/13/2021, employees who have separated from County employment – whether it be by retirement, resignation or termination are still entitled to their longevity pay, up until the time of separation.

Per Commissioner's Court decision on 10/18/2021, the formula in which the longevity benefit will be paid out upon the employees' separation from the County will be the total amount of longevity the employee would have received for the current year's payout divided by the 12 months in the year to reach the monthly amount. That amount would then be multiplied by the number of months worked into the current year; giving the amount of the payout.

## **TYLER COUNTY POLICY ON RETIREMENT BENEFITS**

### **Texas County and District Retirement System**

Tyler County shall participate in the Texas County and District Retirement System (TCDRS).

### **Program Details**

Details of eligibility for and benefits provided by the program shall be available for review at the County Treasurer's "Office" during normal work hours. Temporary employees will not be eligible for retirement benefits.

**Employee Participation**

All employees **must** be enrolled in TCDRS. Only temporary employees (established for a specific period of time - usually less than one year) may be excluded.

**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 TCDRS 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 deduction that the county allows shall be made from an employee’s paycheck unless the employee turns in written authorization for the deduction to the Treasurer’s Office.

**Benefit Provisions**

Employee Deposit Rate	7 %
Employer Matching Rate	200 %

**Vesting and Retirement Eligibility**

Years of Service for Vesting and for Retirement at Age 60	8
Sum of Age Plus Years of Service for Retirement at Any Age	75
Years of Service for Retirement at Any Age	30

UPON TERMINATION, EMPLOYEES ARE URGED TO CONTACT THE COUNTY TREASURER’S OFFICE FOR INFORMATION ON RETIREMENT BENEFITS.

**TYLER COUNTY POLICY ON SOCIAL SECURITY**

**Participation**

All county employees *shall* participate in the Federal Social Security Program which provides certain retirement and disability income benefits.

**Deductions**

Deductions shall be made from each employee’s paycheck in accordance with the requirements of the Social Security Program.

**County Contributions**

The county shall pay an amount to the employee’s Social Security account in accordance with the regulations of the program.

## TYLER COUNTY POLICY ON WORKERS' COMPENSATION

### Applicability

All employees of the County *shall* be covered by the county's workers' compensation program while on duty for the county.

### Benefits

Under the workers' compensation program, an employee who suffers a covered job-related injury or job-related illness shall be eligible to have medical expenses paid for such injury or illness as provided by workers' compensation laws and, if unable to work for more than seven (7) calendar days, shall be eligible to receive Temporary Income Benefits (TIBS) continuation benefits which begin on the eighth day of disability.

### Responsibility for Reporting

1. An employee who suffers an on-the-job injury or job-related illness shall notify his/her supervisor as soon as is reasonably possible and will fill out the appropriate reporting forms.
2. Failure to report job related injuries or illnesses in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or may delay benefit payments.

### Physicians Release

An employee who has been receiving workers' compensation benefits shall be required to provide a release from the attending physician before being allowed to return to work.

### Wage Continuation Payments

1. Subject to the provisions set forth later in this policy, full-time regular employees who must miss work because of job related injuries or illnesses shall receive wage continuation payments *until* payments begin under workers' compensation benefits. However, the employee shall not receive compensation during the period of injury or illness that exceeds worker's compensation benefits. Any excess compensation payment received by the employee shall be reimbursed to the county by the employee. If workers' compensation is denied, then benefits shall be provided under sick leave policy. It is the intent of this paragraph that once the employee receives workers' compensation that salary under the county will stop.
2. Workers Compensation Indemnify Benefits shall continue for the period of job-related injury/illness or for one hundred and eighty (180) days, whichever is less. For purpose of clarification, the county will continue to pay the premium for medical and life insurance of eligible employees for a period not to exceed 180 days (exception law enforcement).
3. The Workers Compensation Indemnify Benefits shall not be charged against vacation, sick leave or other leave.
4. The total amount paid an employee while absent from work due to a job-related injury or illness, which includes any combination of workers' compensation payments or any other income paid by the county, shall not exceed ninety percent (90%) of the employee's normal gross pay.
5. The Workers Compensation Indemnify Benefits shall be subject to the following provisions:

- A. The injury or illness must be a direct result of the employee performing his/her job. Injuries or illnesses that occur while traveling to and from work, engaging in horseplay or attending to personal matters shall not be deemed injuries or illnesses so as to qualify for the wage continuation benefit.
- B. An employee with a physical injury who is able, as determined by the attending physician, to perform light duty may be required to do so for his/her original department or for another department.
- C. An employee who does not qualify for Workers Compensation Indemnify Benefits or has used up benefits before being released to duty by the attending physician may use his/her sick leave and/or vacation to supplement his/her income.
- D. An employee who has used all wage continuation benefits, sick leave and vacation as the result of a job-related injury or illness before being released to return to work by the attending physicians may be granted a leave of absence, without pay, for a reasonable period if so recommended by his/her supervisor.
- E. The exception to this is the salary continuation for injured law enforcement (deputies and jailers) while incapacitated as stated in the Texas State constitution Section 52E.

All employees who are placed on Workers Compensation Indemnify Benefits Leave will fall under the Family Medical Leave Act. Tyler County runs FMLA and Workers Compensation concurrently.

## Claims

All on-the-job injuries must be reported to the Auditor's office.

Employees have twenty-four (24) hours in which to inform their supervisor of an on-the-job injury.

Supervisors have seven (7) days, from the time an employee informs their supervisor that they may have been hurt on the job, to file a first report of the injury (E-1). It is imperative that loss-time injuries be reported as soon as possible. If they are filed late, Tyler County will pay large fines.

## TYLER COUNTY POLICY ON MEAL AND BREAK PERIODS Scheduling

The scheduling of employee meal and break periods shall be determined by the supervisor or his/her designee to facilitate the serving of the public and permitting efficient department operations.

## Length

The "normal" length of the meal period shall be thirty minutes, unless otherwise specified by the supervisor. The "normal" length of the break period shall be fifteen (15) minutes in the morning and afternoon.

## Duty Status

For compensation of hours worked, employees *shall be* considered to be **off duty** during meal periods unless circumstances require them to remain in and on duty status during the meal period as defined by the Fair Labor Standards Act.

All social visits are prohibited during office hours other than breaks and lunch hours as provided.

### **Nursing Mothers**

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk.

Tyler County will provide two reasonable breaks daily for nursing mothers. The nursing mother will be allowed whatever time is needed to express breast milk.

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

Tyler County does not allow any retaliation against nursing mothers for asking for this break.

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

## **EMERGENCY CLOSING POLICY**

Whenever a County Commissioner, the County Judge or Emergency Management Coordinator has reason to believe that an emergency situation exists (or is imminent) necessitating closure of County facilities, if time permits, an emergency meeting (requiring a 2.5 hour posting) of the County Commissioners' Court shall be held to consider official action.

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

Once a decision has been made to close any governmental building, the County Judge or County Commissioner making the decision, or his staff shall make every attempt to notify local media to inform citizens of such closure. Affected County supervisors will also be notified of the closure and to the extent possible, the start and end of the closing. However, each elected official controls the working hours of their employees, even in an emergency.

In the event that an emergency closing is ordered by Commissioner's Court, regular full-time employees will be paid their regular wage as the day will be recorded as an official closed day. This time off is not considered time worked and will not be used to determine eligibility for overtime.

Any employee who is off or scheduled to be off on sick leave, vacation, holiday, compensatory time, personal leave, FMLA or leave without pay during a period of emergency closure shall have their leave recorded as such.

Any employee who fails to report to work as scheduled during inclement weather or disaster shall use (1) vacation, compensatory time or personal leave or (2) time off without pay, at the discretion of the supervisor.

Full-time regular employees who have no available accrued leave and would otherwise be required to use time without pay as a result of inclement weather or other emergency situations, which have not warranted an official emergency closing, may be allowed to make up that time (within the same workweek) at the discretion of the supervisor.

Whenever there is an official emergency closure of all County operations, any non-exempt essential personnel who are required to work will be compensated at 1½ times their hourly rate or awarded compensatory time. Essential personnel 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/Supervisors. Each department is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closing.

There may be instances when only certain buildings/offices are officially closed. In these instances, the affected employees will be compensated in accordance with Paragraph 4 of this policy, and all unaffected employees' compensation will be the same as during regular working conditions.

## **TYLER COUNTY POLICY ON HOLIDAYS**

### **Eligibility**

1. All regular full-time employees (40-hourwork week) of the county shall be eligible to receive a day off with pay for each official county holiday.
2. To receive the paid holiday benefit, an employee shall be required to work the day proceeding the holiday and the day following the holiday in accordance with the employee's normal work schedule unless the absence is an excused absence approved by the employee's supervisor.

### **Amount of Pay**

Regular full-time employees (40-hourwork week) shall receive pay for a regular work day for each official holiday.

### **Holidays**

The official paid county holiday shall be:

- New Year's Day
- Martin Luther King
- President's Day
- Good Friday – Friday before Easter
- Memorial Day – Last Monday in May
- Juneteenth

- Independence Day
- Labor Day – First Monday in September
- Columbus Day
- Veterans Day (Observed on the Monday)
- Thanksgiving Holidays – 4<sup>th</sup> Thursday in November (Thursday & Friday)
- Christmas Holidays – (Christmas Eve, Christmas Day and the day after.)
- Other holidays dates as the Commissioners' Court may designate

Election Day is not to be considered a holiday; therefore, all departments should remain open on that day with exception of those that such election requires that office space.

The holidays are subject to revision by the Commissioners' Court; therefore, you are urged to refer to the minutes of the Commissioners' Court for holidays set each year.

An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 days equivalent to the amount of time worked on the holiday.

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

Holidays do not accrue and if they are not taken, they will not be paid at termination.  
 \*\*Exception being law enforcement. (Dispatchers are not law enforcement.) \*\*

### **Work on a Holiday**

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday. \*Exception being law enforcement. (Dispatchers are not law enforcement.)

### **Weekend Holidays**

1. If a holiday occurs on a Saturday, the preceding Friday shall be observed as the official holiday.
2. If a holiday occurs on a Sunday, the following Monday shall be observed as the official holiday.

### **Holiday Occurring During Leave of Absence**

An employee who is on a leave of absence without pay shall not be paid for any official holidays occurring during such leave.



## TYLER COUNTY POLICY ON VACATION

### Eligibility

All regular full-time employees of the County shall be eligible for paid vacation leave. Part-time and temporary employees shall not be eligible for vacation benefits.

### Amount

Vacation shall be accrued in accordance with the attached vacation accrual schedule.

## TYLER COUNTY VACATION ACCRUAL SCHEDULE

### Full-time Regular Employees

Years of Service	Hrs. Accrued Per Month	Annual Accrual (Hours)
Less than 5	7.00	84
5 and over	10.00	120

### Waiting Period

There shall be no waiting period before an employee can use accrued vacation leave. If an employee breaks service before their 1-year anniversary date they will not be paid for any vacation accrued upon separation.

### Maximum accrual

1. The maximum amount of vacation that an employee shall be allowed to have at any one time shall be the amount the employee would normally accrue in twelve (12) months if employed less than five (5) years (84 hours max.), and eighteen (18) months if employed for five (five) or more years (180 hours max.).
2. Accrual more than the maximum shall be allowed only with prior approval by Commissioners Court.
3. An employee who has been allowed to accrue vacation in excess of the maximum shall promptly take vacation to reduce the balance to or below the maximum as soon as circumstances and needs of the county allow it.

### Pay in Lieu of Time off

An employee shall *not* be allowed to receive pay in lieu of taking time off for vacation.

### Requests for approval

1. Employees shall submit their request for annual vacation leave to their supervisor.
2. Supervisors shall schedule the vacations of their employees with considerations being given to seniority, operating needs of the department, and employee requests.

### Minimum Usage

The minimum amount of vacation that an employee shall be allowed to use at any one time is up to the discretion of the department head or Official.

### **Borrowing Vacation**

In the event an employee has received permission to borrow vacation;

1. Employees shall not be allowed to borrow vacation against possible future years vacation earnings until employee has worked a minimum of one (1) year.
2. In the event that an employee qualifies he/she will only be allowed to borrow the amount that one paycheck would cover [monetarily].

### **Holidays during Vacation**

If a holiday falls during the period, an employee is on vacation. The holiday shall be handled in accordance with the provisions of the policy on holidays and will not be charged against the employee's vacation balance.

### **Illness during Vacation**

If an employee becomes ill while taking vacation leave, the period of illness *may* be charged against the employee's sick leave balance and not vacation if:

1. The employee promptly notifies his/her supervisor of illness;
2. The employee provides the supervisor with acceptable proof of the illness; and
3. The supervisor gives permission to charge the period of illness to sick leave.

### **Vacation Pay at Termination**

1. Employees who have been employed for twelve (12) or more months in a position which accrues vacation *shall* be paid for all unused vacation up to the max allowed under this policy at their regular rate upon termination of employment.
2. Employees who have borrowed vacation within the year's earnings shall be docked for vacation used which was not accrued.

### **Maximum Available Vacation**

The maximum amount of vacation an employee shall have available for use at any given time is the amount of unused vacation the employee had at the end of the previous month.

### **Record Keeping**

The permanent records are kept in the Treasurer's Office. Employees can view and print their vacation history from Tyler Technologies Time Entry program. Should an employee feel his/her time is incorrect they should notify their supervisor. If a correction needs to be made the supervisor shall give a written request to the Treasurer's office to correct the error.

## TYLER COUNTY POLICY ON SICK LEAVE

### Eligibility

All full-time employees shall be eligible for paid sick leave. Part-time and temporary employees shall not be eligible for sick benefits.

### Amount

Full-time regular employees shall accrue seven (7) hours of sick leave per month or a total of 84 hours per year. 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.

### TYLER COUNTY SICK LEAVE ACCRUAL SCHEDULE

Hrs. Accrued Per Month	Annual Accrual (hours)
7.00	84

### Accumulation

240 hours of unused sick leave shall be carried over at the end of the calendar year into the next calendar year.

### Maximum Accrual

The maximum accrual that can be carried over into a new calendar year is 240 hours for full-time employees. The maximum amount of sick leave that an employee will have available at any given time is the unused balance at the end of the preceding month, not to exceed 240 hours.

The minimum amount of sick leave that may be used at any one time is four (4) hours.

### Types of Usage

Eligible employees may use accrued sick leave for absence from work due to:

- A. Illness or injury of the employee
- B. Medical, dental or optical examinations or treatment; or other qualified medical professionals
- C. Medical quarantine resulting from exposure to a contagious disease;
- D. Illness of a member of the employee's immediate household who requires the employee's personal care and attention. For purposes of this policy, immediate household shall be defined as anyone living within your household.

Sick leave cannot be used as vacation or any other reason not addressed this policy.

### Notification of sick leave

1. An employee shall be required to notify his/her supervisor of the intent to use sick leave for non-emergency medical, dental, optical and other appointments as soon as the employee knows of the appointment.
2. An employee shall be responsible for notifying his/her supervisor as early as is practical on the first day of sick leave and request that approved sick leave be granted.

3. If more than one day of sick leave is needed, the employee shall be responsible for notifying his/her supervisor of the expected length of the absence on the first day of sick leave.
4. The employee will be placed on FMLA if the event and employee are eligible.

### **Documentation**

An employee's supervisor shall have the right to request acceptable documentation of an employee's illness or injury or the injury or illness of an immediate household member where it is deemed necessary after three (3) consecutive days of illness or injury.

Employees having a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

### **Borrowing**

1. Employees shall not be allowed to borrow sick leave against possible future years accruals unless approved by Commissioners Court due to extenuating circumstances.
2. In the event that an employee qualifies he/she will only be allowed to borrow the amount that one paycheck would cover [monetarily].

### **Sick Leave Pool**

1. Employees have the option to join the Sick Leave Pool after one year (12mos) of fulltime employment. The Sick Pool Leave Policy is located at the end of the Employee Handbook.

### **New Employees**

1. An employee eligible to earn sick leave who begins employment on or prior to the 15<sup>th</sup> of the month shall earn seven (7) hours sick leave for the month, if the employee is full-time.
2. An employee eligible to earn sick leave who begins employment on or after the 16<sup>th</sup> of the month shall earn 3.5 hours sick leave for the month if the employee is full-time.

### **Maximum Available**

The maximum amount of sick leave that an employee will have available at any given time is the unused balance at the end of the preceding month. Balance cannot exceed maximum accrual amount.

### **Waiting Period**

There shall be no waiting period before an employee can use accrued sick leave.

### **Pay at Termination**

An employee shall receive no pay for any unused sick leave balance at the time of termination of employment.

### **Record Keeping**

The permanent records are kept in the Treasurer's Office. Employees can view and print their sick leave history from Tyler Technologies Time Entry program. Should an employee feel his/her time is incorrect they should notify their

supervisor. If a correction needs to be made the supervisor shall give a written request to the Treasurer's office to correct the error.

## **TYLER COUNTY POLICY ON BEREAVEMENT**

Up to three (3) days paid leave may be authorized by a supervisor in case of a death in the employee's immediate family. For purposes of this policy, immediate family shall be defined as the employee's spouse, parent, child, brother, sister, grandparent, parent-in-law, brother-in-law, sister-in-law and grandchildren of the employee or the employee's spouse.

## **TYLER COUNTY POLICY ON EMERGENCY LEAVE**

### **Emergency Leave**

Emergency Leave Policy: After a Government (Federal, State or Local) Order/Declaration has been put in place and until Commissioner's Court rescinds the Emergency Declaration:

- Tyler county will pay employees (full-time and full-time part-time) that are directly or indirectly effected by the Government Order /Declaration their regular pay without effecting the employees sick, vacation, or comp time balance. This is based on a 40 hour week for regular employees and an 84 hour two week period for law enforcement and the average hours worked by part-time employees. The supervising Elected or Appointed Official Has the authority to adjust according to the needs of their office within the guidelines of the Emergency Declaration/Order.

## **TYLER COUNTY POLICY ON JURY DUTY**

### **Jury Duty**

All county employees shall receive their normal pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time the employee spends serving on the jury. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work – 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.

### **Official Court Attendance**

Employees 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.

### **Private Litigation**

If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time off shall be charged to vacation leave or leave without pay.

## **POLICY ON FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE**

### **ELIGIBILITY**

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

- a. Have worked for the 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
- b. Have worked at least 1250 hours during the previous 12 months.

### **QUALIFYING EVENTS**

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

- a. The birth of a child and to care for that child;
- b. The placement of a child in the employee's home for adoption or foster care;
- c. To care for a spouse, child (under the age of 18 or if over the age of 18, incapable of self-care), or parent with a serious health condition;
- d. The serious health condition of the employee that makes the employee unable to perform the essential functions of their job;
- e. 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 (National Guard or Reserves or Regular) deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;
- f. To care for a covered services member (Regular Armed Forces, National Guard or Reserves) 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;
- g. 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, Reserves, 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**

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.

### **CONTINUING TREATMENT**

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

- a. A period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - i. Treatment two or more times within 30 days of incapacity, or
  - ii. 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.

- b. Any period of incapacity due to pregnancy.
- c. 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.
- d. Any period of incapacity which permanent or long term is due to a condition that treatment is not effective.
- e. Any period of incapacity or absence to receive multiple treatments by a health care provider

## **QUALIFYING EXIGENCY LEAVE**

Eligible employees may take FMLA/MFL 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:

- a. 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.
- b. 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 of a covered military member.
- c. Leave may be taken to attend family support or assistance programs and informational briefings sponsored by / promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active-duty status in a foreign country of a covered military member.
- d. 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.
- e. 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.
- f. 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.
- g. 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 in a foreign country or call to active-duty status of a covered military member.
- h. Leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation.
- i. 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.
- j. 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. 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 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.

- k. 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.

## **LEAVE AMOUNT**

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 this policy during the prior 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 is a single 12-month period of leave is to care for a covered service member with a serious injury or illness.

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

- a. 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.
- b. If an eligible employee does not take all of their 26 work weeks during this 12month period, the remaining part of the 26 work weeks of leave entitlement to care for the covered service member is forfeited.
- c. 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 work weeks of leave if the leave is to care for different covered service members or covered veteran or covered veteran or to care for the same covered service member with a subsequent serious illness or injury, except that no more than 26 work weeks may be taken within any single 12-month period.

## **PAID AND UNPAID**

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

An employee who is 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 all



earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12 weeks 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 earned compensatory time, vacation 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 earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 weeks 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 compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 weeks leave period being unpaid leave.

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

An employee taking leave for the care of a covered service member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26 weeks 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.

## **INSURANCE**

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 insurance coverage for which the employee would normally pay, or the coverage will be discontinued.

Payment for coverage under this policy shall be made through regular payroll deduction while the employee is on 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 AND REDUCED SCHEDULE**

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.

## **CERTIFICATION REQUIREMENTS**

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:

- a. The date the condition began;
- b. Its expected duration;
- c. The diagnosis of the condition;
- d. A brief statement of the treatment; and
- e. 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:

- a. The date the condition began;
- b. Its expected duration;
- c. The diagnosis of the condition;
- d. A brief statement of the treatment; and
- e. 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:

- a. 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;
- b. The dates of the covered military members active-duty service;

- c. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave; d. The approximate date on which the qualifying exigency will start and end;
- e. If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;
- f. 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:

- a. If the injury or illness was incurred in the line of duty while on active duty;
- b. The approximate date on which the illness or injury occurred and the probable duration;
- c. A description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care;
- d. 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;
- e. The relationship of the employee and the covered military service member or veteran;
- f. In lieu of certification, an ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for an 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 certification, 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.

## **REQUESTING LEAVE**

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.

Where practicable, an employee should give his or her immediate supervisor at least 30 days' notice before beginning leave under this policy.

## **REINSTATEMENT**

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.

## **OTHER BENEFITS**

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.

## **OTHER ISSUES**

Any area or issue regarding family medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family Medical Leave Act (FMLA) and 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 employees 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 medical certification may result in denial of FMLA.

Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

## **Part 4**

### **TYLER COUNTY POLICY ON FAIR LABOR STANDARDS ACT SAFE HARBOR**

Tyler County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to Payroll's attention, Tyler 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 timesheet must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your timesheet 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 Tyler County policy for any employee to falsify a timesheet, or to alter another employee's timesheet. 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 timesheet to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to Leann Monk, County Treasurer; 100 West Bluff, Room 103 Woodville, TX 75979; 409-283-3652.

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 Payroll in the Treasurer's Office, 100 West Bluff, Room 103, Woodville, TX 75979; 409-283-3054. 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 (409-283-8136). 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.

## **WAGES AND SALARY ADMINISTRATION**

### **TYLER COUNTY POLICY ON HOURS OF WORK, WORKDAY AND WORKWEEK**

#### **Hours of Work**

1. The normal hours of work for Tyler County shall be from 8:00 A.M. through 4:30 P.M.
2. The normal days of work shall be Monday through Friday except for official holidays.

Hours worked shall include all time spent in the service of the county as defined in the Fair Labor Standards Act.

## **Exceptions**

1. 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 of the county or they may be subject to call in case of emergency or special need.
2. The need for schedules that vary from the normal schedule shall be determined by each supervisor.

## **Workday**

A workday for the county shall be defined as the period beginning at midnight and ending exactly 24 consecutive hours later.

## **Work Period & Work Week**

For purposes of record keeping and compliance with the Fair Labor Standards Act (FLSA), a workweek for the County shall be defined as the period beginning at midnight (12:01) each Wednesday and ending seven consecutive 24-hour periods later (168).

Law enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of (14) fourteen days and 86 hours.

## **TYLER COUNTY POLICY ON PAY PERIODS**

### **Pay Period**

The pay period for Tyler County shall be a 26 pay period cycle 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 or otherwise decided by Commissioners' Court.

The pay period for Tyler County shall be those presented by the County Treasurer and adopted by the Commissioners Court on an annual basis.

## **Salary Advances**

Salary advances shall *not* be made to any employee for any reason.

## **TYLER COUNTY POLICY ON MINIMUM WAGE, OVERTIME PAY AND COMPENSATORY TIME FLSA Compliance**

In administering its wage and salary program, the minimum standards of the county shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to county governments.

## **Applicability**

1. This policy shall apply to all employees of the County who are not specifically exempt from the provisions of the FLSA.
2. The County Judge shall be responsible, with the assistance of other elected officials and supervisors, for identifying the positions exempt under the FLSA.

## Overtime

1. Payment of overtime is discouraged, but it is at the discretion of the Elected Official whether the employee receives payment for overtime or compensatory time accrual.
2. In calculating “hours worked” for purposes of overtime computation, hours worked shall include only hours spent in the service of the county (as defined in the FLSA) and shall exclude all paid leave.
3. Overtime shall be all hours actually worked in excess of forty (40) during the workweek which is defined in the policy on hours of work, workday and workweek, with the exception of Law Enforcement.

## Overtime Compensation

A nonexempt employee who works overtime during a workweek shall:

- A. Be given *compensatory* time at the rate of one and one-half (1 ½) hours compensatory time for each hour worked over forty (40) during the workweek; or
- B. Be compensated at the rate of one and one-half (1 ½) times his/her regular rate for all hours worked in excess of 40 if employed in a position at the Sheriff’s Department which warrants hardship for compensatory time.

## Maximum Compensatory Time

1. The maximum compensatory time accrual for any regular employee shall be the maximum allowed under the provisions of the FLSA (as of 9/28/22 the maximum amount of comp time allowed is 240 hours for non-law enforcement and 480 for law enforcement.)
2. When an employee has reached the maximum compensatory time accrual, he/she shall be compensated in wages at the rate of one and one-half (1 ½) times his/her regular rate for any additional overtime hours worked.
3. Tyler County will pay Comp time based on the guidelines and requirements set by the FLSA.

## Use of Compensatory Time

1. Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee’s absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor approval, including, but not limited to vacation, sick leave and/or personal days.
2. Tyler County shall have the right to require employees to use earned compensatory time at the convenience of the county; including before using their regularly accrued time.
3. If an individual’s employment terminates before all of his/her earned compensatory time is used, he/she will be paid for all unused time at his/her regular rate on his/her final paycheck.

## Buy back

Tyler County shall retain the right to “buy back” all or part of an employee’s unused compensatory time by paying the employee for that time at the employee’s current regular rate. Tyler County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee’s regular rate of pay.



## **Recordkeeping**

1. *Each employee* shall be responsible for recording any compensatory time taken within a pay period on the time sheet for that pay period. The record shall be submitted to the supervisor for approval.
2. Each supervisor shall be responsible for notifying the County Treasurer if overtime worked by his/her employees are to be paid in wages or accumulated as compensatory time.
3. If a supervisor fails to notify the County Treasurer as to how each of his/her employees' overtime is to be compensated, the Treasurer shall assume that overtime is to be accumulated as compensatory time.
4. The supervisor shall be responsible for keeping records of all compensatory time and shall update the balance due for each employee at the end of each pay period.
5. Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

## **Compensatory Time / Employee Notification**

Compensatory Time is earned is entered through Time-Entry with Tyler Technologies. Compensatory time is printed on the payroll stub of the employees check. If an employee would like to receive a compensatory time report they can contact their supervisor or the Treasurer's Office.

## **Compensation and Paid Time off for 207 (k) Employees: Jailers and Deputies**

Over time compensation for Law Enforcement and Fire Protection employees of the county shall at least meet the minimum standards set forth in the Fair Labor Standards Act and any other federal or state Legislation which applies.

1. The annual salary of jailers and sheriff's deputies is intended to compensate the employee for twenty-six (26), 14-day work periods during the year. This salary is based on the employee working 86 hours in each 14-day work period; and, the full salary will be paid if the employee works at least 72 hours in a 14-day work period.
2. Since the county pays on a bi-weekly basis on every other Thursday, the 14-day work period for jailers and deputies coincides with the county's pay periods. Any adjustments to salary for overtime (either cash or compensatory time) or reduction (because the employee did not work or have enough leave time to reach 72 hours during the work period) will be made on the following pay check for the previous work period.
3. In the event that the employee has not worked the minimum 72 hours in the 14-day work period, the employees may use vacation, sick leave, holiday, or federal compensatory time, as appropriate, to reach the 72-hour minimum.
4. In the event that the employee has worked the minimum 72 hours in the 14- day work period and also takes days or hours off using compensatory, vacation, sick leave, or holiday time, the employee will not be charged those compensatory, vacation, sick time, or holiday time hours. These hours will be credited back into their own accrual banks.
5. If the employee has not worked the minimum 72 hours, only the minimum number of hours will be deducted from the appropriate banks to reach the 72-hour minimum.

6. In the event that the employee has worked the maximum 86 hours in the 14- day work period and also takes hours or days off utilizing vacation, holiday, or compensatory time, then the vacation, holiday, and compensatory time will be compensated for on the following pay period with the banks being reduced accordingly.
7. If the employee utilizes a sick day hour while working the maximum 86 hours, the sick day hours will be credited back into the sick leave bank.

\*Dispatchers are not law enforcement employees and will be considered civilian employees and are subject to Fair Labor Laws.

### **TYLER COUNTY POLICY ON PAYROLL RECORDS Time Sheets**

1. 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.
2. Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record is a criminal offense.
3. Each department shall be required to keep an accurate time sheet each pay period which shows all hours worked and all requests for leave used.
4. On the last normal working day of each pay period, each employee shall be required to sign his/her completed time sheet and turn it in to his/her supervisor.
5. When the supervisor receives the time sheets from his/her employees, the supervisor shall review all the time sheets for completeness and accuracy and make any corrections, with the knowledge of the employee involved, which are necessary.
6. When the supervisor finishes reviewing the time sheets, he/she shall sign them and submit them to the County Treasurer before 10:00 am of the last working day of the pay period.

#### **Retention of Records**

The County Treasurer shall be required to keep copies of all time sheets and other payroll records for a minimum of three (3) years.

### **TYLER COUNTY POLICY ON PAY REDUCTIONS**

#### **Reasons**

An employee's pay may be reduced for disciplinary reasons or demotion.

#### **Discipline**

The supervisor shall determine the amount of pay reduction when such a reduction is necessary for disciplinary reasons while still complying with the FLSA.

## **Demotion**

1. If an employee's salary is reduced because of demotion, the salary shall be reduced to the level of an employee in the same or similar job who has equal experience.
2. If an employee is demoted to his/her former job after being promoted, the employee's rate of pay shall be the same as it was prior to the promotion.

## **TYLER COUNTY POLICY OF TERMINATION PAY**

### **Termination Pay**

If an employee leaves the service of the county, his/her final pay check shall include:

- A. Pay for all hours worked, but for which payment has not been received including, where applicable, time and one-half for overtime worked;
- B. Where applicable, pay for compensatory time which has been earned but not yet used;
- C. Pay for any leave time for which payment is due under the provisions of the Tyler County Personnel Policies;
- D. Deductions for any indebtedness to the county which employee may have incurred but which has not been paid.

## **Part 5**

### **SEPARATION**

#### **TYLER COUNTY POLICY ON SEPARATION**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends.

#### **Types**

All separation from employment with the County shall be designated as one of the following types:

- A. Resignation
- B. Retirement
- C. No Fault
- D. Dismissal
- E. Reduction in Force (layoff)
- F. Death
- G. Other

#### **Resignation**

1. A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with the County and the separation does not fall into one of the other categories.
2. To resign in good standing, the employee shall be required to notify his/her supervisor of the intent to resign at least ten (10) working days prior to the last day of work.
3. A supervisor shall be responsible for notifying the County Treasurer as soon as an employee announces his/her intent to resign.

#### **Retirement**

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.

The same requirements for resignation apply to retirement except for the fact that the employee should notify his/her supervisor at least thirty (30) days prior to the last day of work so that any retirement benefits due may be started promptly.

#### **No Fault**

A no fault separation shall be any separation which occurs during the new employee's introductory period in accordance with the provisions of the policy on 90 day Introductory Period.

#### **Dismissal**

1. A dismissal shall be any involuntary separation from employment which does not fall into one of the other categories of separation.
2. A supervisor may dismiss an employee at any time for just cause.

**Reduction in Force**

1. An employee shall be separated because of reduction when his/her position is abolished or when there is lack of funds to support the position or there is a lack of work to justify the position.
2. Separations for reductions in force are subject to the provisions of the policy on layoffs.

**Death**

If an employee dies while in the service of the county, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

**Other**

Type of separation that does not fall into other categories listed in policy.

**TYLER COUNTY POLICY ON LAYOFFS****Reasons**

1. While such action is avoided whenever possible, employees of the County may be laid off where a supervisor deems it necessary because of shortages of funds or work, the abolition of a job or jobs, other material changes in the organization or for other reasons which are beyond the control of the employees.
2. A layoff shall not reflect discredit on an employee or on his/her ability to do the job in which he/she was employed.

**Transfers**

Whenever possible, employees who are laid off in one department shall be integrated into other departments by transfer.

**Sequence**

If layoffs are required, they shall be based on demonstrated job performance and efficiency.

**Re-employment**

Employees seeking re-employment within the County will need to reapply.

## **Part 6**

### **DISCIPLINE**

#### **TYLER COUNTY POLICY ON DISCIPLINE**

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

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

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

- A. Insubordination;
- B. Absence without approval, including failure to notify a supervisor of sick leave;
- C. Repeated tardiness or early departure;
- D. Endangering the safety of others through negligent or willful acts;
- E. Intoxication from alcohol use or drug abuse while on duty;
- F. Unauthorized use of public funds or property
- G. Violation of the requirements of these personnel policies;
- H. Conviction of a felony;
- I. Falsification of documents or records;
- J. Unauthorized use of official information or unauthorized disclosure of confidential information;
- K. Conviction of official misconduct;
- L. Unauthorized or abusive use of official authority;
- M. Incompetence or neglect of duty;
- N. Engaging in outside employment which conflicts or interferes with the performance of duties for the county.

This is **not** an all-inclusive list.

**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.**

Tyler 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.

## **Part 7**

### **COUNTY TRAVEL POLICY**

#### **TYLER COUNTY TRANSPORTATION EXPENSE REIMBURSEMENT**

##### **Personal Automobiles**

Several departments in the county require their employees to travel on official county business. When a county employee uses a personal automobile for this purpose, the employee may be reimbursed for use of personal auto on official county business at the same rate set by the state. Any change in the state rate will be applied to the county on January 1<sup>st</sup>, of the following year.

Reimbursement for the transportation is made from odometer readings on personal auto, description of the purpose of the official county business, and documentation of proof of attendance.

##### **Other expenses**

Reimbursement for meals and other authorized expenses for staying over 12 hours will be paid on a per diem basis of \$50.00 per day (Effective January 1, 2008) without the requirement of presenting receipts.

Adjustments to per diem may be made by department supervisor for meals provided as part of registration etc. Employee will receive prior notice of any reduction in per diem by supervisor.

Per Diem checks will be disbursed to supervisor the Friday before the travel is required.

##### **Travel Out of State**

Prior approval is required by Commissioners' Court to be eligible for reimbursement of out of state training and education travel.

## **Part 8**

### **POST- RETIREMENT EMPLOYMENT**

#### **TYLER COUNTY POLICY FOR POST – RETIREMENT EMPLOYMENT**

**(Texas County and District Retirement System (TCDRS) requires at least a full calendar month break in service with no pre-arranged return)**

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

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

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

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



## **Part 9**

### **TECHNOLOGY / INTERNET USE**

#### **TYLER COUNTY TECHNOLOGY & INTERNET POLICY**

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.

To be in compliance with HSB 38.34 in reference to Cybersecurity each employee must complete a Cybersecurity training course offered by the County as a pre-employment condition. It is up to the department head or Official to oversee the compliance of his or her office and to insure all employees (existing and newly hired) are trained accordingly.

Use of Tyler County computers, networks, and Internet access is a privilege granted by supervisors 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.

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

#### **Definition**

Computers, computer systems and electronic media equipment (including but not limited to all forms of computer accounts, laptop computers, printers, networks, software, electronic mail, Internet, World Wide Web connection, and voicemail) are technology that Tyler County provides to employees who have a business need.

#### **Purpose**

1. Tyler County desires to protect its interest with regard to its electronic records. Employees are expected to exhibit the same high level of ethical and business standards when using this new technology as they do with more traditional workplace communication resources.
2. Tyler County's e-mail and Internet system is intended to be used for business purposes. All e-mail/Internet records are considered County records and should be transmitted only to individuals who have a business need to receive them. Employees should always ensure that the business information contained in e-mail/Internet messages is accurate, appropriate, and lawful.
3. The use of Tyler County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Tyler 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.

## Monitoring

Tyler County owns the rights to all data and files in any computer, network, or other information system used in the county. Tyler 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. Tyler County has the right to inspect 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. Tyler 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.

## Usage

1. Each department shall set their own rules and regulations regarding incidental usage of county automation systems (e.g. computers, copy machines, fax machines, telephones, internet access, etc.) for personal purposes. Any usage which results in actual cost to the county must have prior approval by the supervisor and must be reimbursed to the county by the user.
2. Brief and occasional personal use of the computer systems, electronic mail systems or the Internet is acceptable if it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the county. **Live “streaming” of audio or video is strictly prohibited for any county office using RESNET.** Amended by the Tyler County Commissioners’ Court May 13, 2011.

## Revelation to Law Enforcement

The County reserves the right to disclose employee’s electronic records to law enforcement officials or to other third parties, through subpoena or process, without notification to or permission from the employees sending or receiving the messages. As a condition of initial and continued employment, all employees consent to Tyler County’s review and disclosure of electronic records.

## Illegal Material

Using Tyler County’s automation systems to create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. “Material” is defined as any visual, textual, or auditory entity. Such material violates Tyler County anti-harassment policies and is subject to disciplinary action. Tyler County’s electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province or other local jurisdiction in any way. If needed in a criminal investigation, Tyler County Law Enforcement will go into certain sites on the internet for investigation purposes. A log must be maintained citing case number and site visited.

The use of Tyler County resources for illegal activity can lead to disciplinary action up to and including dismissal and criminal prosecution. County equipment is not to be used to promote political candidates or issues.

### **Inappropriate Material**

1. Activities that could damage Tyler County's reputation or potentially put the employee or Tyler County at risk for legal proceedings by any party are forbidden. "Chain letters", solicitations, and other forms of mass mailing are not permitted.
2. An employee who receives inappropriate communications on the e-mail system should notify his/her supervisor immediately.

### **Passwords**

Employees are responsible for protecting their own passwords. Sharing user ID's, passwords, and account access codes or numbers is discouraged. Employees may be held responsible for misuse that occurs through such unauthorized use.

### **Outside Software**

Introducing or using software designed to destroy or corrupt the County's computer systems with viruses or cause other harmful effects is prohibited. Down-loaded software may have viruses or worms and must be scanned with a virus detection program prior to execution.

### **Violation of Policy**

An employee who violates this policy is subject to disciplinary action, up to and including termination of employment.

## **TYLER COUNTY SOCIAL MEDIA POLICY**

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

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

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

- If your posts on social media mention Tyler County make clear that you are an employee of Tyler County and that the views posted are yours alone and do not represent the views of Tyler County.

- Do not mention Tyler County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Tyler County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
- Employees may not use Tyler County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. Tyler County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws and cite or reference sources accurately.
- Do not link to Tyler County's website or post Tyler County material on a social media site without written permission from your supervisor.
- All Tyler County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Tyler County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

## **Part 10**

### **ALCOHOL AND DRUG ABUSE FOR ALL EMPLOYEES**

#### **TYLER COUNTY POLICY ON ALCOHOL AND DRUG ABUSE**

Tyler 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 are 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 Tyler 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.

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 used appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify company doctor).

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.

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

## **TYLER COUNTY POLICY ON ALCOHOL AND DRUG ABUSE FOR CDL DRIVERS**

### **Statement of Purpose and Policy**

CDL Drivers are an extremely valuable resource for Tyler 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. The County will comply with these. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Tyler 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. Tyler County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

## **ADMINISTRATION GUIDE TO PERSONNEL**

### **Alcohol and Drug Testing Procedures**

#### **I. Purpose**

The purpose of this administration guide is to set forth the procedures for the implementation of controlled substances and alcohol use and testing of applicants, employees / drivers pursuant to the TYLER County Alcohol and Drug Abuse Policy. These procedures are not intended to alter any existing relationship between Tyler County and any employee / driver.

The County's Alcohol and Drug Program Administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the County Treasurer.

## II. Definitions

When interpreting or implementing these procedures, or the procedures required by the Federal Highway Administration (“FHWA”) controlled substance testing regulations, the following definitions apply:

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

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

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

“**Commercial motor vehicle**” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material Regulations (49 CFR part 172, sub-part F).

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

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

“**Employee**” means any person (excluding Elected Officials) who operates a motor vehicle that is insured for liability by the County.

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

“**FHWA**” means the Federal Highway Administration, U. S. Department of Transportation.

**“Owner-Operator(s)”** means a driver(s) who has been contracted for services with the County. For the purpose of these procedures the County’s Alcohol and Drug Abuse Policy, owner-operators are not to be considered employees, but will be required to participate in the County’s Alcohol and Drug Abuse Policy like all County drivers.

**“Medical Review Officer”** (“MRO”) means a licensed M.D. or D.O. or approved testing facility with knowledge of drug abuse disorders that is employed or used by TYLER County to conduct drug testing in accordance with this part.

**“Performing (a safety-sensitive function)”** means an employee / driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety sensitive function.

**“Random selection process”** means that alcohol and drug tests are unannounced; CDL drivers are subject to their required test while in the CDL required capacity. Urine drug and alcohol breathalyzer screen test for CDL licensed employee / drivers will be conducted annually and shall equal or exceed twenty-five percent (25%). Urine drug and alcohol screen test for non-CDL licensed employee / drivers will be conducted annually and shall equal or exceed fifty percent (50%) of employees / drivers subject to testing by the county.

**“Reasonable suspicion”** means that the supervisor believes the actions or appearance or conduct of an employee or required motor vehicle driver who is on duty as defined below, are indicative of the use of a controlled substance.

**“Safety-sensitive function”** means any of those on-duty functions set forth in CFR 49 section 395.2.

**“On duty time”** means all time from the time an employee / driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. “On duty time” shall include:

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



### III. Substance Prohibited / Prescription Medications

- I. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol which, when consumed causes an alcohol concentration of 0.04 or greater.
- II. **Controlled Substance:** In accordance with Tyler County and FHWA rules, urinalyses will be conducted to detect the presence of the following substances:
  - Marijuana
  - Cocaine
  - Opiates (including heroin)
  - Amphetamine/Methamphetamine
  - Phencyclidine (PCP)
  - Barbiturates
  - Benzodiazepines
- III. **Prescription Medication:** Employees / drivers taking legally prescribed medication issued by a licensed health care professional familiar with the employee / driver's work-related responsibilities must report such use to their immediate supervisor and may be required to present written evidence from the health care professional which describes the effects such medication may have on the employee / driver's ability to perform his/her tasks.

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

### IV. Prohibitions

- A. **Alcohol Prohibitions:** The new alcohol rule prohibits any alcohol misuse that could affect performance of a function, including:
  1. Use while performing safety-sensitive functions.
  2. Use during the 4 hours before performing safety-sensitive functions.
  3. Reporting for duty or remaining on duty to perform functions with an alcohol concentration of 0.04 or greater.
  4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines that contain alcohol (prescription or over-the-counter), unless the packaging seal is broken.
  5. Use during 8 hours following an accident, or until he/she undergoes a post-accident test.
  6. Refusal to take a required test.

NOTE: An employee / driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that County policy has been violated and could result in disqualification of a driver.

- B. Drug Prohibitions:** The regulations prohibit any drug use that could affect performance of functions, including:
1. Use of any drug, except by doctor's prescription, and them only if the doctor has advised the employee / driver that the drug will not adversely affect the employee / driver's ability to safely operate the motor vehicle.
  2. Testing positive for drugs; and
  3. Refusing to take a required test.

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

## V. Applicant, Employee and Driver Testing

- A. Applicant Testing:** All full-time and part-time County applicants will be required to submit to and pass a urine alcohol and drug test as a condition of employment. All CDL licensed applicants will be required to submit to and pass a breath alcohol and urine drug test as a condition of employment. Job applicants who are denied employment because of a positive test may reapply for employment after six months.

Offers of employment are made contingent upon passing the County's medical review, including the alcohol and drug test. Applicants who have received firm employment offers are to be cautioned against giving notice at the current place of employment, or incurring any costs associated with accepting employment with TYLER County until after medical clearance has been received. All newly hired employees / drivers shall not be permitted to start work until a confirmed result has been obtained by the *Alcohol and Drug Program Administrator*.

Driver applicant drug testing shall follow the collection, chain of custody, and reporting procedures as set forth in CFR 49 Part 40.

- B. "Owner-operators":** Owner-operators engaged by the County are not employees of the County, nor are they to be considered as such under this Policy. However, every owner-operator engaged to provide services to the county who are not under a COT approved drug and alcohol testing program must agree to, and successfully participate in the county's alcohol and drug testing program. All owner-operator agreements will be entered into by the County contingent upon the operator's successful completion of urinalyses and breath analysis under all phases of the County's program and are contingent upon the owner-operator's continued status as a medically qualified driver.

The term "**driver**" as used in these procedures includes owner-operators.

- C. "Employee Drivers":** Under all circumstances, when a driver is directed to provide either a breath test or urine sample (Appendix C) in accordance with these procedures, he/she must immediately comply as instructed. Refusal will constitute a positive result, and the driver / employee will be terminated.

## A. Suspicion-Based Testing:

**A. Reasonable Suspicion:** If an employee or driver is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this Policy where immediate management action is necessary, a supervisor, with the concurrence of the *Alcohol and Drug Program Administrator*, will require that the employee / driver submit to a breath test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):

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

**B. Supervisors or dispatchers must take action** if they have reason to believe one or more of the above-listed conditions is indicated, and that the substance abuse is affecting an employee / driver's job performance or behavior in any manner. A supervisor observing such conditions will take the following actions immediately:

- Confront the employee involved, and keep under observation until the situation is resolved.
- Secure *Alcohol and Drug Program Administrator's* concurrence to observation; job performance and County policy violations must be specific.
- After discussing the circumstances with the supervisor, the *Alcohol and Drug Program Administrator* will arrange to observe or talk with the employee / driver, which the conduct or performance problem could be due to substance abuse, the employee / driver will be immediately required to submit to a breath test or urinalysis. If the employee /driver refuses to submit to testing for any reason, the employee / driver will be informed that continued refusal will result in their immediate termination.
- Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply will subject the employee to immediate

termination. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider. If upon confrontation by the supervisor, the employee / driver admits to using alcohol or drugs in violation of this policy, it will be considered that they are resigning their position. They will be asked to complete a written resignation and if they fail to do so, the County will terminate them.

- C. The supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems, and present such documentation to the *Alcohol and Drug Program Administrator*.
- D. The *Alcohol and Drug Program Administrator* will remove or cause the removal of the employee / driver from the vehicle and ensure that the employee / driver is transported to an appropriate collection site and thereafter to the employee / driver's residence or, where appropriate, to a place of lodging. Under no circumstances will that driver be allowed to continue to drive a County vehicle or his/her own vehicle until a confirmed negative test is received.
- E. If, during employment, the employee / driver acknowledges a substance abuse problem and requests assistance, the problem may be treated as if it were an illness, subject to the provisions set forth below:
  - The decision to seek diagnosis and accept treatment for the substance abuse problem is the responsibility of the employee / driver;
  - The diagnosis and prescribed treatment of the employee / driver's condition will be determined by health care professionals designated by the *Alcohol and Drug Program Administrator* in conjunction with the employee / driver's physician; and
  - The employee / driver might be placed on medical leave for a predetermined period recommended by those medical professionals.

## **B. Post-Accident Testing:**

Currently, federal regulations place the burden of compliance with post-motor vehicle-accident alcohol and drug testing regulations on the employee / driver. Therefore, all employee / drivers are required to provide a breath test and a urine specimen to be tested for the use of controlled substances "as soon as practicable" after a motor vehicle / equipment accident. The employee / driver shall remain readily available for such testing or may be deemed by the *Alcohol and Drug Program Administrator* to have refused to submit to testing. No alcohol may be consumed for 8 hours after the accident or until a test is conducted. If the employee / driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital report and other documents that would indicate whether there were any controlled substances in his/her system.

An accident is defined by FHWA regulations as an accident which results in the death of a human being or bodily injury to a person who, because of the injury, immediately receives medical treatment away from the scene of the accident; or which has had one of the vehicles towed from the scene of the accident. Except for

a fatality accident, verification of the driver's responsibility in the above accident scenario must be established by a citation to the driver.

Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment. (The failure of an owner-operator to comply with DOT post-accident and specimen collection rules will be considered a breach of his/her contract with the County, and the contract is invalid until appropriate substance abuse professional counseling has been complete.)

**3. Random Testing:** The County will conduct random testing for all CDL drivers as follows:

- A. A County-wide selection process which removes discretion in selections from any supervisory personnel will be adopted by the County. This process will select covered employees / driver through the use of a computerized program;
- B. The random testing, once begun, will provide for alcohol testing of at least twenty-five percent (25%) and for drug testing of at least fifty (50%) of all covered employees / drivers.
- C. The random testing will be reasonably spaced over any twelve (12) month period.
- D. Once notified, an employee / driver must proceed immediately to the assigned collection site.
- E. Employee / driver must provide a driver's license and a social security card to the assigned collection site for proper identification.

**4. Designation of Appropriate Substance Abuse Professional:**

The *Alcohol and Drug Program Administrator* will be responsible for designating the appropriate substance abuse professional whom, in conjunction with the employee / driver's physician, will diagnose the problem and recommend treatment.

- A. The employee's / driver's successful completion of the approved treatment program is a condition of continued employment.
- B. Following successful completion of any approved treatment program, the employee / driver will be required to submit to at least six random drug tests during the first year, and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition and/or testing positive is grounds for immediate termination.
- C. All supervisors will receive training to assist them in identifying alcohol and drug use behavioral characteristics.
- D. All substance abuse treatment will be at the employee's / driver's expense.

**5. Return-To-Duty Testing:**

Before an employee / driver, who has entered a voluntary rehabilitation program returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy and Part 382 Subpart B (FMCSR), the driver shall undergo a return to duty alcohol test with a result of less than a 0.002 BAC or receive a confirmed negative result from a controlled substance urinalysis test.

## VI. Collection of Breath and Urine Specimens and Laboratory Analysis

- A. **Breath Alcohol Testing:** Breath alcohol testing will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49, Part 40 procedures. Refusal to complete and sign the testing form or refusal to provide breath will be considered a positive test, and the employee / driver will be terminated.
- B. **Specimen Collection:** Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designated to ensure the security and integrity of the specimen provided by each employee / driver, and those procedures will strictly follow federal chain-of custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each employee / driver submitting a specimen for analysis in accordance with these procedures.
- C. **Laboratory Analysis:** As required by FHWA regulations, only a laboratory certified by Department of Health and Human Services (DHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the County. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance and scientific analytical methodologies.

## VII. Consequences: Appeal of Test Results

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of TYLER County, but causes serious individual health consequences to those whom use them. Attachment #1 outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.
- B. Any employee / driver testing positive for the presence of a controlled substance will be contacted by the County's MRS. The employee / driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to or have access to matters discussed between the employee / driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.
- C. Within 72 hours after the employee / driver has been notified of a positive test result for drugs he/she may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's *Alcohol and Drug Program Administrator* will be notified. A retest may be initiated as appropriate.

## VIII. Confidentiality

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

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

Collection of breath and urine sample must always be documented and sealed with a tamper-proof sealing system in the presence of the employee / driver, to ensure that all test can be correctly traced to the employee / driver.

Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the *Alcohol and Drug Program Administrator*.

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

The fact of the test, and any test results, will be kept strictly confidential. The District Attorney will be designated to receive test results and will notify the appropriate Elected Official or supervisor, of drug test results on a need-to-know basis.

## Part 10 Appendix A

### Alcohol and Drug Effects

Section 382.601(b)(11) FMCSR mandates that all employees be provided with training material discussing the effects of alcohol and controlled substance use on the individual's health, work and personal life.

This is intended to help individuals understand the personal consequences of substance abuse.

### ALCOHOL

Alcohol is a central nervous system depressant found in beer, wine, hard liquor and in some over-the-counter medications (e.g. cold medicine).

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

#### Signs of Abuse

- Dulled mental processes;
- Lack of coordination;
- Odor of alcohol on breath;
- Pupils may be constricted;
- Sleepy or stuporous condition;

- Slowed reactions;
- Slurred speech
- Great impaired driving ability;
- Reduced coordination and reflex actions

## Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 ½ oz.), or wine (5 oz.) over time may result in the following health hazards.

- Liver damage
- Inflammation of the esophagus
- Peptic ulcers
- Pancreatitis
- Malnutrition
- Heart Attack;
- Hypertension;
- Stroke;
- Immune system depression;
- Cancer;
- Brain damage

\*\*Heavy drinkers shorten their life by about 10 years.

## ALCOHOL'S TRIP THROUGH THE BODY

**Mouth and Esophagus:** Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

**Stomach and Intestines:** Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B2, and amino acids.

**Bloodstream:** 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

**Pancreas:** Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin this resulting in diabetes.

**Pancreas:** Alcohol irritates the cells of the pancreas, causing them to swell and block the flow of digestive enzymes. Unable to enter the small intestine, the digestive juices begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five people who develop this



disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin, resulting in diabetes.

**Liver:** Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. About 30,000 people die of liver disease each year. The disease is eight times more frequent among alcoholics than among non-alcoholics.

**Heart:** Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

**Urinary Bladder and Kidneys:** Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

**Sex Glands:** Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

**Brain:** The most dramatic and noticed effect of alcohol is on the brain, reaching and affecting it within 15 minutes of consumption. Alcohol kills brain cells and brain damage is permanent. It depresses brain centers, producing progressive lack of coordination, confusion, disorientation, stupor, anesthesia, coma and even death. Drinking over a period of time causes loss of memory, judgment and learning ability. About 40,000 people die each year from brain disease.

## **Social Issues**

- The majority of people convicted of driving under the influence – 75 percent – are considered either heavy drinkers or alcoholics.
- About two in every five Americans will be involved in an alcohol-related vehicle accident in their lifetime.
- The risk of a traffic fatality per mile driven is at least either times higher for a drunk driver than a sober one.
- A 12-ounce can of beer, a 5-ounce glass of wine and a 1½ ounce shot of hard liquor all contain the same amount of alcohol.
- Each 1½ ounce of alcohol takes the average body about one hour to process and eliminate.
- Coffee, cold showers and exercise do not quicken sobriety.

## **DRUGS**

### **MARIJUANA**

#### **Health Effects**

- Lung Irritations
- Emphysema-like conditions
- Cancer
- Heart conditions
- Respiratory tract and sinus infections caused by the fungus *Aspergilli's*, a common contaminant or marijuana

- Lowered immune system response
- Aggravation of ulcers
- Brain damage

## **Workplace Issues**

- 
- Marijuana remains in the body for 28 days. This contrasts with alcohol which dissipates in a matter of hours.
- Marijuana smoking has long-term effects on performance.
- Combining alcohol or other depressant drugs with Marijuana increases the impairing effect of both.

## **COCAINE**

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscle's tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

## **Health Effects**

- Accelerate pulse, blood pressure and respiration. May cause spasms of blood vessels in the brain and heart leading to ruptured vessels that lead to heart attack and stroke.
- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's disease could also occur.
- Mental dependence on crack cocaine occurs within days (within several months when coke is snorted).
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid and the fatal effects of an overdose are usually not reversible by medical intervention.

## **Workplace Issues**

- Cocaine chemically alters the brain and gross motor functioning of the body, having a direct impact on the complex system of critical thinking skills and reflexes that allow people to drive safely and conscientiously.
- Impaired driving, fatigue, anxiety and agitation
- Hallucinations
- Paranoia
- Lapses in attention and ignoring warning signals increases probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

## **OPIATES**

Narcotic drugs which alleviate pain and depress body functions and reactions.

## **Health Effects**

- IV needle users have a high risk of contracting hepatitis or HIV when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- Because of tolerance, there is an ever-increasing need for more.
- Strong mental and physical dependence occurs.
- With increased tolerance and dependency combined, there is a serious financial burden for users.

## **Workplace Issues**

- Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

## **AMPHETAMINES**

Central nervous system stimulant that speeds up the mind and body.

## **Health Effects**

- Regular use causes strong psychological dependency and increased tolerance.
- High dose may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to increased blood pressure.
- Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk-taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

## **Workplace Issues**

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use to increasing fatigue, the short-term mental or physical enhancement reverses and becomes impairment.

## **PHENCYCLIDINE (PCP)**

Often used as a large animal tranquilizer. Abused primarily for its mood-altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, violent behavior and an inability to speak or comprehend.

## **Health Effects**

- The potential for accidents and overdose emergencies are high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced, and treating with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

## **Workplace Issues**

- Not common in workplace primarily because of the severe disorientation that occurs.
- There are four phases to PCP abuse:
  - Acute toxicity causing combativeness, catatonia, convulsions and coma. Distortions of size, shape and distorted perception are common.
  - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
  - Drug induces schizophrenia.
  - Induced depression which may create suicidal tendencies and mental dysfunction.

**Part 10**

**Appendix B**

**EMPLOYEE NOTIFICATION LETTER FOR REQUIRED EMPLOYEE /  
DRIVER (CDL)**

I certify that I have received and read a copy of the Tyler County Alcohol and Drug Abuse Policy. I also understand the required testing procedures of said policy and agree that as a condition of my employment, I must comply with the policy and remain medically qualified to perform my duties. If I develop a problem with alcohol or drug abuse during my employment with Tyler County, I will seek assistance through the District Attorney; the county's designated *Alcohol and Drug Program Administrator*.

\_\_\_\_\_  
Print Name of Employee / Driver

\_\_\_\_\_  
Employee / Driver Signature

\_\_\_\_\_  
Date



# Part 10

## Appendix D

### OBSERVED BEHAVIOR REASONABLE SUSPICION

Personnel Office Use Only

Employee Number: \_\_\_\_\_

Location: \_\_\_\_\_

Incident Number: \_\_\_\_\_

Driver's Name				Date Observed			
Address of Incident: Street				Time Observed			
City		State		Zip Code		From _____ a.m. p.m.	
						To _____ a.m. p.m.	
<p>Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. According to 49 CFR §382.307 (Reasonable Suspicion Testing) the employer shall require the driver to submit to a controlled substance or alcohol test if a supervisor or county representative who is trained in accordance with §382.603 determines that reasonable suspicion exists.</p>							
<p>Reasonable Suspicion determined for:     ___ Alcohol                     ___ Controlled Substance</p> <p style="text-align: center;">Mark items that apply and describe specifics</p>							
<p>1. Appearance:     ___ Normal   ___ Sleepy   ___ Tremors   ___ Clothing   ___ Cleanliness</p> <p>Description _____</p>							
<p>2. Behavior:     ___ Normal   ___ Erratic   ___ Inappropriate gaiety   ___ Mood swings   ___ Lethargic</p> <p>Description _____</p>							
<p>3. Speech: Description: _____</p>							
<p>4. Body Odors:</p>							
<p>5. Indications of the chronic and withdrawal effects of controlled substances:</p> <p style="text-align: center;">___ Yes                     ___ No.</p> <p>Explain: _____</p>							
<p>6. Other observations for reasonable suspicion:</p> <p>_____</p>							
Witnessed by:							
Signature _____		Title _____		Preparation Date _____		Time _____ A.M. P.M.	
Signature _____		Title _____		Preparation Date _____		Time _____ A.M. P.M.	
<p>The alcohol test must be administered within eight (8) hours following a reasonable suspicion determined.</p> <p>Employer retain in employee's confidential file.</p>							

## Part 10

### Appendix E

#### ALCOHOL AND CONTROL SUBSTANCE EMPLOYEE'S CERTIFIED RECEIPT

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Employee's Name

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County/Department

This is to certify that I have been provided educational materials that explain the requirements of) (382.601 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked (4) items:

- 1. The designated person to answer questions about the materials.
- 2. The categories of drivers subject to Part 382.
- 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- 4. Specific information concerning prohibited driver conduct.
- 5. Circumstances under which a driver will be tested.
- 6. Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
- 7. The requirement that test are administered in accordance with Part 382.
- 8. An explanation of what will be considered a refusal to submit to a test and the consequences.
- 9. The consequences for Part 382 Subpart B violations including removal from safety sensitive functions and) (382.605 procedures.
- 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.004.
- 11. Information on the effect of alcohol and controlled substances use on:  
\*An individual's health \*Signs and symptoms of a problem \*Work \*Available methods of intervening when a problem is suspected \*Personal Life
- 12. Optional information: \_\_\_\_\_



## Part 10

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Employee's Signature

---

Date

---

Authorized Employer Representative

---

Date

(Retain in employee's Confidential File)

## **Part 11**

### **Anti-Harassment Policy and Complaint Procedure**

#### **Policy**

Tyler County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, including lesbian, gay, bisexual 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 Tyler County whether committed by an elected official, appointed official, supervisor, 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 supervisor may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. The official or supervisor 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 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 supervisor may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

It is the policy of the County to treat all employees with respect and dignity and not to discriminate against any employee on the basis of any protected class. The County prohibits any form of harassment.

Harassment is prohibited by federal and state laws. This policy prohibits harassment of any kind; and, the County will take appropriate action swiftly to address any violations of this policy.

## **Definition**

The definition of harassment is: verbal or physical conduct designed to threaten, intimidate, or coerce; also, unlawful, unwelcome words, acts, or displays based on sex, race color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status, or veteran's status. Such conduct becomes harassment when:

Harassment shall include, but not be limited to, verbal or physical conduct of a nature where:

- a. Submission to such conduct is either an expressed or implied condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision; or
- c. Such conduct creates an intimidating, hostile, or offensive working environment or interferes with work performance.

Examples of harassment include but are not limited to:

- (1) Verbal: Comments which are not flattering regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, disability, veteran status, or appearance. This includes epithets, slurs, and negative stereotyping.
- (2) Non-verbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual, or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance of disability, marital status, veteran status, or other protected status.

## **Claims**

All claims of harassment shall be taken seriously and investigated promptly.

It is the intent that the privacy of the person involved will be protected to the extent necessary to conduct a proper investigation. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

If the investigation substantiates that the complaint is valid, immediate corrective action to stop the harassment and prevent its reoccurrence will be taken. Such corrective action may, in appropriate instances, include discipline up to and including discharge of the offending person.

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.

## **Reporting**

An employee who feels he/she has been or is being subjected to harassment should immediately report the situation to:

1. his/her immediate supervisor; or

2. the elected official or supervisor who is responsible for the department in which they work.

If, for any reason, the employee feels that reporting the harassment to the supervisor or elected official may not be the best course of action, the report should be made to the County Judge and/or the District Attorney.

The elected official, or supervisor to whom 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**

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- a. filing or responding to a bona fide complaint of discrimination or harassment;
- b. appearing as a witness in the investigation of a complaint; or
- c. serving as an investigator.

Retaliation or attempted retaliation is prohibited by law as well as a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

### **Other Rights**

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 harassment charges.

This policy amends and supersedes all other previously adopted policies on harassment.

## **Policy on Sexual Harassment**

### **Purpose**

Sexual harassment is strictly prohibited by Tyler County, whether committed by elected official, appointed official, supervisor, co-worker or non-employee the county does business with. It is the policy of Tyler 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.

### **Policy**

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, nonverbal 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.

## Procedure

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

Every reported complaint will be investigated promptly and thoroughly. The official or supervisor 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, Tyler 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 supervisor may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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

**Part 12**

**Tyler County Sick Leave Pool Policy**



**MODIFIED IN COMMISSIONERS COURT  
8/15/2022**

# Tyler County Sick Leave Pool Policy

## 1. Policy

- Tyler County, consistent with Chapter 157.071 of the Texas Local Government Code, provides for a Sick Leave Pool, which will enable County Employees to contribute accumulated sick leave and also will allow Tyler County Employees to use time from the Sick Leave Pool for their own or dependent's catastrophic illness. Employees have the option to utilize the Sick Leave Pool only after all of their vacation, sick, and comp time have been exhausted. The Tyler County Sick Leave Pool Policy is effective January 1, 2021. Enrollment will begin in the "Open Enrollment" Season preceding the January 1, 2021 effective date.

## 2. Definitions

- At the direction of the Tyler County Commissioner's Court, the "Administrator" is the Tyler County Treasurer.
- "The Pool Committee" is comprised of seven voting members, one of whom shall be elected as chairperson. In addition, the Administrator shall be included on the board in an advisory capacity as a non-voting member. A quorum will consist of four voting members. This committee shall be responsible for considering all denied requests for use of leave from the Pool.
  - i. The "Committee" will be designated from a list of full-time employees who are members of the Pool. Duration of the membership will be at the discretion of the Commissioners Court, but normally for two years, with staggered terms.
- "Eligible employee" means a non-elected district, county or precinct employee paid from the fund of the county or from special grants paid through the county with twelve (12) or more months of continuous service with the County. This includes Community Supervision and Corrections Department employees. •
  - "Dependent" means an employee's parent, spouse or child.
- "Catastrophic Illness or Injury" is a severe, terminal, or life-threatening condition or combination of conditions which is non job related and which has a prolonged negative effect on the mental or physical health of the employee. Such conditions require in-patient hospital care, hospice care, prolonged outpatient care or home health care as determined medically necessary by a licensed physician. The condition forces the employee to exhaust all accrued leave time (PTO, sick, vacation, and comp time) and to lose compensation from the County.
  - i. Such conditions include, but are not limited to, cancer, heart attack, stroke, or major accident.
- A "Licensed Practitioner/Physician" is a practitioner, as defined by the Texas Insurance Code, who practices within the scope of his or her license.

## 3. Administration of the Pool

- The Pool Administrator (County Treasurer) is charged with notifying the employee of approval or denial in writing. Upon receipt of the request, the Administrator will review each request for Sick Leave Pool on an individual basis along with the physician certification to determine whether or not the condition is catastrophic. The Administrator may require the employee to provide additional

information or documentation and/or may consult with a medical expert to determine whether the condition is to be considered catastrophic.

- The Administrator shall send written notice to the employee, the payroll services section of the County Treasurer's Office and the respective department head or Official of the denial or approval. Where leave has been approved, such notice shall include the amount of leave.

#### **4. Pool Membership**

- All regular full-time employees are eligible to **join** the Sick Leave Pool by contributing a minimum of eight (8) hours or up to a maximum of 80 hours accrued sick leave.
- New Employees may join the pool after 12 months of continuous employment during the Benefits Open Enrollment period following their eligibility. Days donated will be subtracted from their accrued leave.
- After the Pool is established, employees will only be able to join at a time designated each year by the Pool Administrator. This will fall during open enrollment season (October annually).
- Membership enrollment forms must be submitted to County Treasurer's Office. Days donated will be subtracted from each member's accrued sick leave.
- Days donated become the property of the Tyler County Sick Leave Pool and cannot be returned in the event of membership cancellation.
- Employees on approved leave of absence will retain membership in the Pool and will not be required to donate additional days.
- To maintain the Sick Leave Pool, all members must donate a minimum of 8 hours or up to a maximum of 40 hours of sick leave for the period of January 1<sup>st</sup> through December 31<sup>st</sup> annually. Only one donation during the fiscal year is required to maintain membership in the Pool.

#### **5. Days Granted**

- Days will be granted only for catastrophic illness or accident, which necessitates an absence from work for five consecutive days or longer. In case of chemotherapy for cancer treatment, days can be granted for 1-4 days absence.
- Pregnancy will not be covered by the Sick Leave Pool, but complications due to pregnancy or delivery will be considered.
- The Pool may be used only by members for his/her personal illness or for an immediate family member (as defined in definitions).
- Days requested for stress related illness will be granted for hospitalized days only.
- The maximum number of days granted to an employee each year shall not exceed one-third of the total amount of in the Pool at the time of the request or 90 days, whichever is less.

#### **6. Procedure**

- An eligible employee must apply to the County Treasurer/Pool Administrator for permission to use time in Pool.
- If the employee is determined to be eligible, the Pool Administrator shall approve the transfer of time from the Pool to the employee. The time shall be credited to the employee and shall be used in the same manner as accrued sick leave.



- An employee absent and on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave.
- If a member is critically ill and unable to file an application for leave from the Pool, his/her department head may submit an application at the request of the employee's family.
- Should the employees request be denied, the employee has the right to request a review from the Pool Committee. The Pool Committee shall review the request and make a decision. This decision will be final and the employee will be notified of the decision via written correspondence from the administrator.
  - i. Due to HIPAA rules, requesting employee's names are confidential and are not revealed to the committee administering the sick leave review.
  - ii. Requesting employees may not appear in person before the committee.

### **7. Special Exception**

- Employees can donate a minimum of eight (8) hours and not more than 40 hours specifically by department.
- The employee/member must split the donation and specify at the time of membership enrollment should they wish to participate in the Pool as a whole or by department.
- Should the employee/member only wish to donate specifically to a department, he/she will only be eligible to receive Sick Leave time for themselves from the department they donated to.
- The employee/member should understand the specific departments will have very limited time available. No additional donations will be allowed outside of the open enrollment period.

### **8. Applications**

- Applications for donation of accrued sick time to the Tyler County Sick Leave Pool are available in the County Treasurer's Office.
- Applications for withdrawal from the Tyler County Sick Leave Pool are available in the County Treasurer's Office.