

**ROBERTS COUNTY**  
**EMPLOYEE HANDBOOK**  
**AND**  
**POLICY MANUAL**

**August 6, 2010**

**Approved in Open Court  
September 13, 2010**

**Updated  
June 10, 2013  
May 11, 2015  
February 8, 2016  
December 11, 2017  
November 12, 2019**



**ROBERTS COUNTY**  
**EMPLOYEE HANDBOOK**

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## **EMPLOYEE HANDBOOK ACKNOWLEDGEMENT (AMENDED 2/8/16)**

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

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

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

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

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

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

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

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

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

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



**COUNTY OF ROBERTS  
COMMISSIONERS COURT ORDER**

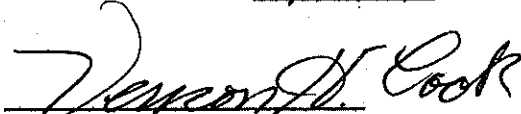
**WHEREAS** the Commissioners Court of Roberts County and the County Judge wish to comply with various laws applicable to public employers in the employment relationship; and

**WHEREAS** the Roberts County Commissioners Court and the County Judge desire to provide the employees of Roberts County with a uniform format for dealing with various employment related issues; and

**WHEREAS** the Roberts County Commissioners Court and the County Judge wish to adequately communicate to employees the policies and procedures of the County:

**THEREFORE, BE IT RESOLVED** that the Roberts County Commissioners Court and the County Judge hereby approve and adopt the **ROBERTS COUNTY EMPLOYEE HANDBOOK**.

ADOPTED THIS 13<sup>th</sup> DAY OF September 2010

  
County Judge

  
Commissioner Pct 1

  
Commissioner Pct 3

  
Commissioner Pct 2

  
Commissioner Pct 4

**Witnessed and Attested By:**

  
County Clerk





## RESOLUTION FOR ROBERTS COUNTY

We the undersigned have read the Roberts County Employee Handbook that the Roberts County Commissioner's Court and County Judge has adopted. As ELECTED OFFICIALS of Roberts County, we endorse and approve the Employee Handbook. We approve the document as it reflects our commitment to Roberts County employees and it reflects our commitment to conform to appropriate state and federal laws. We agree to be bound by the terms and conditions of the Roberts County Employee Handbook, as witnessed by our signatures below.

Don Rankin  
County Clerk

Don Rankin  
District Clerk

Billie J. Lumsford  
County Treasurer

DeAnn Williams  
County Tax Assessor/Collector

Don Miller  
County Sheriff

John S. Snyder  
County Attorney

Josh A. Senks  
Justice of the Peace



## Roberts County Employee Handbook

Welcome to Roberts County!

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

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

This employee handbook contains some key policies, benefits, and expectations of Roberts County, and other information you will need. Each elected official may wish to adopt their department policies which complement our Roberts County employee handbook. Each elected official, appointed official and department head have detailed Roberts County policy and procedures manuals.

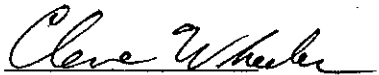
Your job, every job, is essential to fulfilling our mission of serving our county constituents everyday and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Roberts County employee. You should use this handbook as a ready reference as you pursue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

Welcome aboard!

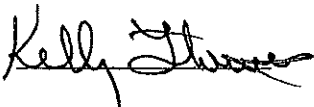
Sincerely,



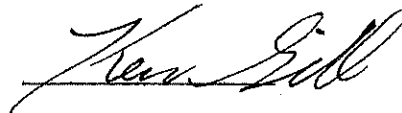
County Judge



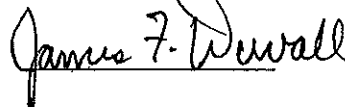
Commissioner Pct. 1



Commissioner Pct. 3



Commissioner Pct. 2



Commissioner Pct. 4



**COUNTY OF ROBERTS  
COMMISSIONERS COURT ORDER**

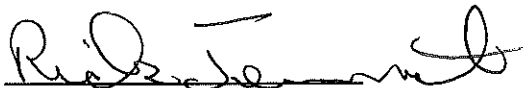
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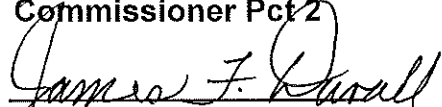
**THEREFORE, BE IT RESOLVED** that the Roberts County Commissioners Court and the County Judge hereby approve and adopt the **ROBERTS COUNTY EMPLOYEE HANDBOOK**.

ADOPTED THIS 8th DAY OF February, 2016

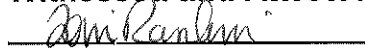
  
County Judge

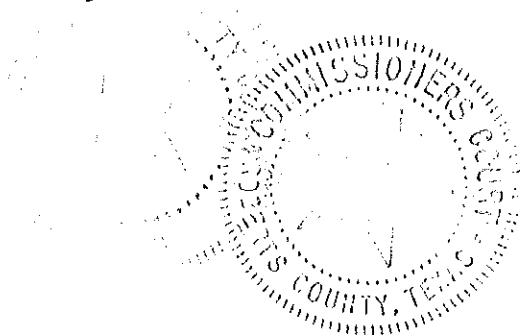
  
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**Witnessed and Attested By:**

  
County Clerk



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\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
District Clerk

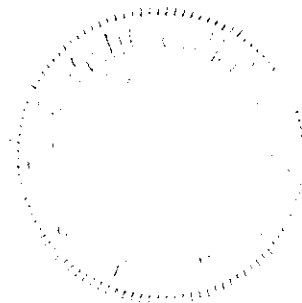
\_\_\_\_\_  
County Treasurer

\_\_\_\_\_  
County Tax Assessor/Collector

\_\_\_\_\_  
County Sheriff

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Justice of the Peace



# **SECTION 1: GENERAL POLICIES**





## **A. COUNTY EMPLOYMENT (Amended by Comm. Court 2/14/11)**

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

All employment with Roberts County shall be considered "at will" employment. No contract of employment shall exist between any individual and Roberts County for any duration, either specified or unspecified.

Roberts 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.

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

### **1A-2 EMPLOYEE STATUS POLICY FOR UNDER 50 EMPLOYEES** **(amended 2/14/11, 2/8/16)**

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 can not be changed without the approval of the Commissioners Court.

**REGULAR FULL TIME:** A full time employee shall be any employee in a position which has a normal work schedule of at least 30 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. Roberts County makes exempt status determination based on the Fair Labor Standards Act.

**REGULAR PART TIME (amended 5/11/15, 1/11/16):** A part time employee shall be any employee in a position which has a normal work schedule of less than 30 hours per week. Part time employees may be eligible for certain Roberts County benefits. All regular part time employees must be placed on TCDRS regardless of the number of hours worked per week.

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

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

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

It shall be the policy of Roberts County to be an equal opportunity employer. Race, color, religion, national origin, sex, age, and disability shall not be factors 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 law or where a bona fide occupational qualification (BFOQ) exists.

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

Roberts County is committed to the fair and equal employment of individuals with disabilities. It is Roberts County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. In accordance with the Americans with Disabilities Act (ADA) as amended, reasonable accommodations will 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. Reasonable accommodation shall be determined through consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

It is the policy of Roberts County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney.

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

The Roberts County department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application; pay information, as well as, records concerning performance, discipline and compensation.

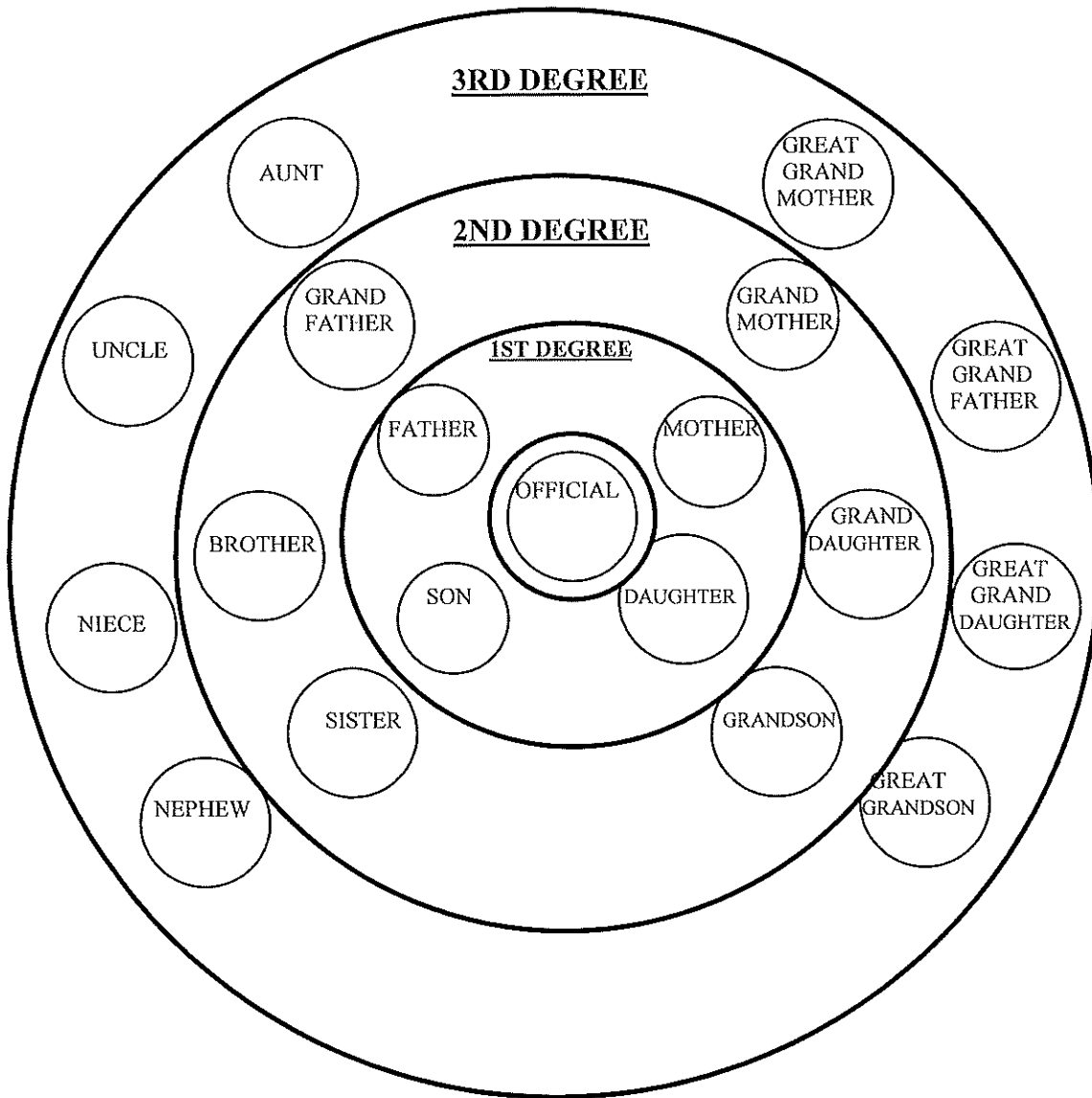
It is important that the personnel records of Roberts County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Roberts County requests employees to promptly notify the appropriate personnel representative of any change in name, home address,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

Texas State Law requires that all governmental entities release the home address and telephone number of employees if requested to do so. You may keep this information private by requesting in writing not to allow this information to be released.

#### **1A-5 NEPOTISM**

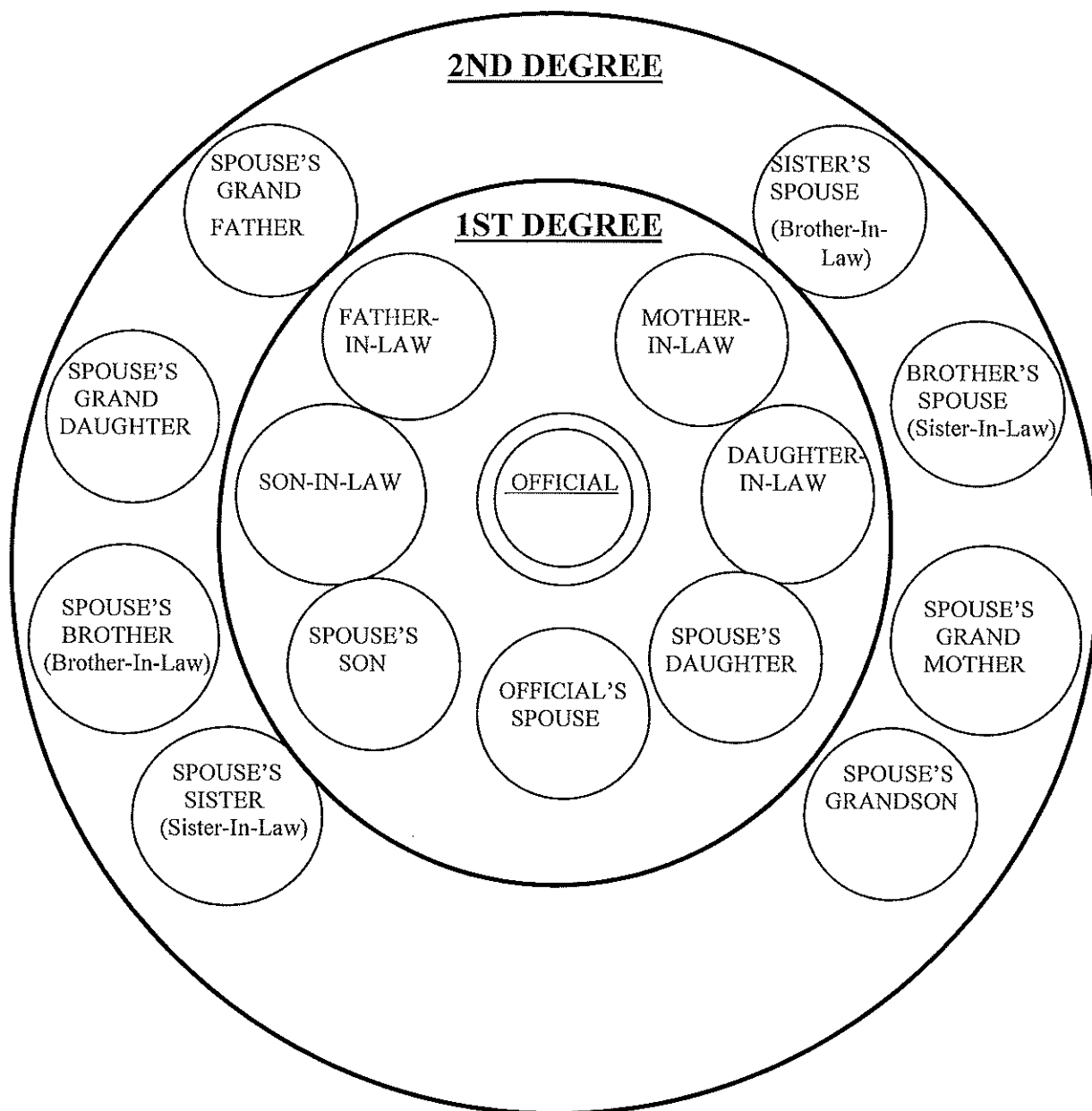
In accordance with the Texas Nepotism Statutes, an elected or appointed official of Roberts County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he or she supervises.

The civil law method, as approved by the Texas Legislature in 1991 to be effective in August of that year, shall be used for determining degree of relationship. (See the charts that follow.)



Consanguinity Kinship Chart  
(Blood)

## TEXAS NEPOTISM CHART CIVIL LAW METHOD



**Affinity Kinship Chart  
(Marriage)**

**TEXAS NEPOTISM CHART  
CIVIL LAW METHOD**

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

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

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

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

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 1 hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

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

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

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

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

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

It is just as essential that you act in a professional manner and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service

### **1B-3 SMOKE FREE WORKPLACE (amended 11/12/19)**

Roberts County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in company buildings is strictly prohibited.

Additionally, no smoking or vaping is allowed within ten (10) feet of the exterior entranceways.

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

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

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination.

Activities which constitute a conflict of interest shall include but not be limited to: 1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance; 2) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties; 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County; 4) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the County; or 5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

#### **1B-5 HARASSMENT**

Roberts County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age, 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 Roberts County whether committed by an elected official, appointed official, department head, co-worker or non-employee the county does business with.



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.

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

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

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

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

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

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

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

All claims of sexual harassment shall be taken seriously and investigated promptly, thoroughly and as is consistent with the investigation; confidentially. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment or those employees who cooperate in the investigation of a complaint.

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

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

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

Use the following procedures so that your complaint 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, Roberts County will take effective remedial action in accordance with the circumstances up to and including termination.

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

#### **1B-7 POLITICAL ACTIVITY**

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

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

owned by the County for political activity or engage in political activity while on duty for the County.

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

Roberts County employees are expected to give their full and undivided attention to their job duties. They should not use Roberts County facilities or equipment or their association with Roberts County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor county employees should not engage in a profit-making business or become involved with a non-profit organization outside of their employment with Roberts County that interferes with the employee's assigned duties with Roberts County.

### **1B-9 BREAKS**

Each department will determine the appropriate employee breaks. If your department provides you with a break, they may not be accumulated or used for time off.

The new Patient Protection and Affordable Care Act (Healthcare Reform) has amended the FLSA to include an unpaid break for breast feeding mothers.

Roberts County will provide the following:

- A reasonable break period to allow mothers to express breast milk
- A private location, not a bathroom, for the mother to express breast milk
- No retaliation against nursing mothers for asking for break
- The breaks should be given for up to 1 year following the birth of the child

### **1B-10 GRIEVANCES**

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

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

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

### **1B-11 DISCIPLINE**

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

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

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

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

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

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

### **1B-13 WEATHER CLOSINGS AND EMERGENCIES**

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

The County Judge will notify the following entities for a public announcement: KGRO/KOMX Radio and/or KVII TV. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing.

Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as

essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

#### **1B-14 CONFIDENTIALITY**

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

Roberts County will adhere to all open record requests and such will requests will be reviewed and approved by the County Attorney. Information will be released in accordance with Texas State Law.

#### **1B-15 WHISTLEBLOWER (amended 2/8/16)**

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

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

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

An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact the County Judge.

An employee with a question regarding this policy should contact the County Treasurer.

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

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

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to him/her. County

employees shall only use equipment, tools, and other County property that they are authorized to use. Personal use of county equipment, supplies, tools, and any other county property is not permitted.

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

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

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

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

### **Texting Ban**

It is the policy of Roberts County that all employees who drive county owned vehicles operate said vehicles in a safe manner. Employees should always drive county vehicles with their full attention on the road. Cell phones should be used with a hands free device and texting while driving is never allowed while operating any county vehicle.

County employees are also forbidden from texting on any county owned device while driving their personal vehicles. Violators can be disciplined up to and including termination at the discretion of the employee's supervisor and/or Elected Official.

If an employee has an accident in a county owned vehicle and it is due to texting while driving the employee will be subject to discipline up to and including termination at the discretion of the employee's supervisor and/or Elected Official. CDL holders who are caught texting while driving will also be subject to discipline up to and including termination. CDL drivers who violate this policy may also be subject to fines as imposed by the federal transportation department, and could lose their license for a period of 60 days or permanently if there are multiple violations.

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

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

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

Roberts County determines on a case by case basis the need for the county to pay a stipend to those employees who use their personal cell phones for business purposes. Each Elected Official can present to the Commissioners Court at budget time the need to include an employee or Elected Official for stipend consideration.

The cell phone stipend amount determined appropriate by Commissioner's Court, if any, is a taxable fringe benefit and will be treated accordingly to comply with IRS regulations.

The Roberts County Commissioner's Court reserves the right to end any stipend at any time for any reason deemed appropriate by the Court.

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

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

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

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

Use of Roberts County computers, networks, and Internet access is a privilege granted by management 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.

Roberts County owns the rights to all data and files in any computer, network, or other information system used in the county. Roberts County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) 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. Roberts County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official.

#### **1C-5 Personal Digital Assistant (PDA) AND CAMERA USAGE**

Roberts County prohibits the use in the workplace of any type of camera phone, cell phone camera, digital camera, video camera, or other form of image-recording device without the express permission of each department head and of each person whose image is recorded. Employees with such devices should leave them at home unless expressly permitted by their department head to do otherwise. This provision does not apply to designated Roberts County personnel who must use such devices in connection with their positions of employment.

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

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

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

All Roberts County employees are covered by workers' compensation insurance while on duty for the County. Workers' compensation insurance pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job. Workers' compensation also pays a Temporary Income Benefit (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses.



Employees may use paid leave for all time off less than 7 days.

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

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

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

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

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

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

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

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

### **1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES** (amended 11/12/19)

Roberts 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 Roberts 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).

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

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

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

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide in treatment facility, the employee will be subjected to a

volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

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

CDL Drivers are an extremely valuable resource for Roberts 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 prevent substance use or abuse from having an adverse effect on our drivers. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property.

The adverse impact of substance abuse by CDL drivers has been recognized by the federal government. 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 regulations and is committed to maintaining a drug-free work place. 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 Roberts County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) 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. FHWA stated that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Roberts County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

### **Texting Ban**

It is the policy of Roberts County that all employees who drive county owned vehicles operate said vehicles in a safe manner. Employees should always drive county vehicles with their full attention on the road. Cell phones should be used with a hands free device and texting while driving is never allowed while operating any county vehicle. County employees are also forbidden from texting on any county owned device while driving their personal vehicles. Violators can be disciplined up to and including termination at the discretion of the employee's supervisor and/or Elected Official.

If an employee has an accident in a county owned vehicle and it is due to texting while driving the employee will be subject to discipline up to and including termination at the discretion of the employee's supervisor and/or Elected Official. CDL holders who are caught texting while driving will also be subject to discipline up to and including termination. CDL drivers who violate this policy may also be subject to fines as imposed by the federal transportation department, and could lose their license for a period of 60 days or permanently if there are multiple violations.

EMPLOYEE INFORMATION  
AND  
PERMISSION

DRUG AND/OR ALCOHOL TESTING

As explained in the ROBERTS COUNTY EMPLOYEE POLICY MANUAL and further in the County's DRUG AND ALCOHOL POLICY, the use, manufacture, distribution, dispensing, possession, sale, or purchase of any controlled substance, including alcohol, on County property is strictly prohibited and could result in disciplinary action and/or possible immediate termination. Also, according to this policy, County property shall include all County owned or leased property including vehicles, equipment, lockers, desks, or closets, etc.

By signing this document I hereby agree to be tested by either breath or urine test to determine chemical or drug content. Such test may be conducted on a random basis or at such time that there is "reasonable cause/reasonable suspicion that:

(1) use of a substance is affecting performance; or,

(2) the employee is engaged in any of the prohibited acts or activities listed in current County Policy.

I do hereby agree and accept the terms and conditions of possible drug and/or alcohol testing by Roberts County as specified in the Drug and Alcohol Policy and the Roberts County Employee Policy Manual.

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Employee Signature

In the event an employee is under 18 (eighteen) years of age the signature of Parent or Guardian is required as part of this agreement.

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Parent or Guardian

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

## **A. EMPLOYEE PAYROLL**

### **2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR (amended 2/8/16)**

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

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

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is 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. If anyone directs you to work without documenting your time worked, you must tell the County Treasurer.

It is a violation of Roberts County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the County Judge at 300 E. Commercial, Miami, TX, telephone number (806)-868-3721.

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 insurance 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 the County Judge at (806)868-3721 or the County Treasurer at (806)868-2411. 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 at (806)868-2019. 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 will result in disciplinary action, up to and including termination.

## **2A-2 IRS FRINGE BENEFITS**

Roberts County will comply with the IRS in regards to fringe benefits such as county cell phones, county uniforms, and county vehicle usage and day-trip



meals. You may be responsible for paying taxes when you receive such fringe benefits.

### **2A-3 COMPENSATION** (amended 11/12/19)

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

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

Law Enforcement personnel are handled in accordance with the small department exemption (less than 5) to overtime as outlined under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption.

All non-exempt County employees shall be paid an hourly salary. Some employees may have the classification of hourly employees paid on a salary basis. Exempt employees shall receive a weekly salary for all hours worked. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in any workweek.

For part time regular employees, the monthly salary compensates the employee for all hours worked in a workweek up to the amount designated by the County for the position.

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

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

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

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

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Roberts County shall begin at 12:01 a.m. on each Monday and end seven (7) consecutive work days later (173.33 hours).

## **2A-6 TIMESHEETS**

Each employee shall be required to 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 as been completed and turned into the payroll department. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

Time sheets are governmental documents and as such require accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a time sheet, a governmental record is a Class "A" Misdemeanor.

## **2A-7 PAYPERIODS**

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

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

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

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

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

## **2A-10 LAW ENFORCEMENT PAY AND OVERTIME (amended 2/8/16)**

Roberts County pays Law Enforcement according to the rules of the FLSA, Section 13(b)(20) that provides an overtime exemption to law enforcement employees of a public agency that employs less than 5 employees during the workweek. All hours worked will be paid at an hourly rate that will never be less than the federal minimum wage.

## **2A-11 OVERTIME CALCULATIONS AND RULES**

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement.

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

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half ( $1\frac{1}{2}$ ) times the amount of overtime worked. Employees can choose to be paid in cash in lieu of earning compensatory time.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half ( $1\frac{1}{2}$ ) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Employees shall be allowed to 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. Roberts County shall have the right to require employees to use earned compensatory time at the convenience of the county.

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

Roberts 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. Roberts 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 ( $1\frac{1}{2}$ ) the employee's regular rate of pay.

Roberts County shall also retain the right to send an employee home in order to reduce comp time that has already been earned.

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

## **2A-12 DEMOTIONS**

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

## **2A-13 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary. Elected officials, appointed officials or department heads may transfer a qualified employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-14 PROMOTIONS**

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

## **2A-15 SEPARATIONS**

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

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

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

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Roberts County is an "at will"

employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

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

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

#### **2A-16 RETIREE REHIRES (amended 2/8/16)**

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

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

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

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

## **B. EMPLOYEE BENEFITS**

### **2B-1 HEALTH INSURANCE** (amended 2/8/16)

All full time regular employees of Roberts County shall be eligible for the group medical insurance benefits.

Premiums for the coverage for eligible employees shall be paid entirely by the County.

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

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

Employees who leave the employment of Roberts County or who lose their coverage eligibility, may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Treasurer'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

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

Employees shall have a limited amount of life insurance on themselves as part of their group medical insurance coverage. Roberts County makes available supplemental insurance coverage with companies approved by the Commissioner's Court. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from the County Treasurer.

### **2B-3 VACATION (amended 2/8/16)**

All full-time regular and part-time regular employees shall be eligible for vacation benefits. Temporary employees shall not be eligible for vacation benefits.

Employees who have worked for less than 10 years in a position eligible to receive vacation shall earn 80 hours vacation per year after the first full year of employment.

Employees who have worked for 10 or more years in a position eligible to receive vacation shall earn 120 hours vacation per year.

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

The maximum amount of unused vacation an employee shall be allowed to have at one time is the amount an employee would earn in a year. When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until sufficient time has been used to bring the balance below the maximum allowed under this policy.

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

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

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

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

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

#### **2B-4 SICK**(amended 2/8/16)

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

Eligible employees shall accrue sick leave at a rate of 8 hours per month. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

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

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, or other relative living in the employee's home who is dependent on the employee for care.

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

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

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

#### **2B-5 HOLIDAY**-(amended 6/10/13, 2/8/16, 12/11/17)



All full time regular and part time regular employees shall be eligible for the paid holiday benefit. The paid holiday benefit will be paid at time and a half and the employee must work on the regularly scheduled holiday to receive this benefit. All hourly full time employees shall be paid equivalent to the regularly scheduled hours at the regular hourly rate. (update 12/11/17)

The County holidays for the following calendar year shall be determined by the Roberts County Commissioners' Court at its first meeting of each January.

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.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Roberts 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.

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

Employees of Roberts County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

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

## **2B-7 EMERGENCY LEAVE** (amended 2/8/16)

Employees shall be allowed up to 24 hours leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse and the child, parent, brother or sister of the employee or the employee's spouse. Employees may be allowed time off with pay, up to a maximum of 4 hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay.

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

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

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

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

## **2B-9 RETIREMENT**

All part time and regular employees shall be eligible for the retirement benefit through the Texas County and District Retirement System. Temporary employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Roberts County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office. As an additional employee benefit Roberts County pays for employee and retiree life insurance as part of the TCDRS retirement program.

## **2B-10 SOCIAL SECURITY/MEDICARE**

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits.

## **2B-12 LEAVE OF ABSENCE**

Employees may request a personal leave of absence to a maximum of 30 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health insurance but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in insurance termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

# **SECTION 3: MISCELLANEOUS POLICIES**

### **3A-1 Roberts County Flag Policy**

In an effort to provide uniformity in the display of the flag of our nation and state; to show as clearly and as often as possible the national and state colors in an orderly manner, and, to demonstrate in dignity that the facilities of this county are a seat of the government of its people, the Commissioners Court of Roberts County does hereby on this the 12<sup>th</sup> day of January adopt the following as its policy in the flying of the said emblems:

1. the flags flown will be in good condition. They shall not be tattered and kept in reasonable state of cleanliness and repair;
2. the flags flown will be of a suitable size to suit the size and status of the courthouse;
3. any flag not in suitable condition shall be destroyed but only in accordance with accepted military procedure for same;
4. the flags shall be flown on all days where the weather allows;
5. the flags shall be flown at half mast on the following occasions:
  - Memorial Day;
  - Veteran's Day;
  - Any day(s) declared by the President of the United States or the Governor of Texas in honor of the passing of any citizen of the nation or state; and,
  - Any day(s) declared by order of the Commissioners Court of this county in honor of the passing of any citizen of this county.
6. The national flag shall always be flown as the uppermost flag when it is flown with any other flag. The next flag flown below it should be the state flag when it is flown.
7. The state flag is flown with the red band on the bottom and with the star standing on two points.
8. When raising and lowering the flag(s), they should be raised briskly and lowered slowly.
9. When flown at half mast, they should be raised each time to the top of the pole and then lowered to half mast.
10. No other flags shall be flown except they be authorized by the Commissioners Court.

11. The Sheriff's Office or its agents shall discharge these duties.

### **3A-2 Returned Check Policy**

The Roberts County Treasurer or another County Officer who receives revenue in place of the county treasurer, shall collect a \$30.00 fee for services rendered for any person who has a check returned.

The fee for "Returned Check" is for a check that is presented to Roberts County in payment for any service, fee, claim, registration, fine, or other cost of the county and is returned by the depository bank or another bank for any reason considered to be the fault of the drawer, including:

- (1) insufficient funds to cover the check;
- (2) closed account;
- (3) unauthorized signature; or
- (4) drawn on uncollected funds.

## ADDENDUM ROBERTS COUNTY EMPLOYEE HANDBOOK AND POLICY MANUAL

### **TEXT MESSAGING**

#### **POLICY:**

In accordance with rules established by Senate Bill 944, some text messages must be retained by the County. Further, any text message that relates to County business that exists at the time a public records request is submitted is subject to the disclosure requirements of the Texas Public Information Act ("PIA") found in Subchapter E, Chapter 552, Texas Government Code.

The purpose of this policy is to address the use of text messaging for County business and the retention requirements of text messages relating to County business that are received or transmitted on personally-owned cell phones and devices. This policy is intended to assure the County's compliance with records retention and disclosure requirements. The failure to follow this policy may expose the County to damages and attorney's fees under the PIA, and therefore, the failure to follow this policy may subject the employee to appropriate discipline.

#### **REFERENCE:**

- Chapter 441, Government Code, Preservation and Destruction of Public Records
- Title 6, Subtitles B and C, Texas Local Government Code, County Records
- Subchapter E, Chapter 552, Government Code, Public Information Act
- Your Offices Elected Government Official, Offices Record Retention Policy
- <https://www.tsl.texas.gov/slrn/localretention>, Texas Library and Archives Commission, Local Retention Schedule and further information and training on record retention
- <https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>, Texas attorney General further information and training Public Information Act

### **DEFINITIONS**

The following terms shall have the meaning provided:

- A. The term "County business" in relation to text messages means a text message sent or received by a County employee relating to the work of the employee or the business of the County. County business text messages include:
  - 1. Texts between employees discussing the employees' work or the business of the County. Examples include a text acknowledging an employee will be late for work; a text asking another employee to call to discuss County business; a text by a supervisor asking another employee to respond to a specific location; a text notifying a coworker that someone would like to talk; a text notifying a coworker of a workplace injury; etc.

2. Texts between an employee and a non-employee discussing a matter related to the employee's work or the business of the County. Examples include a text with a vendor asking it to increase an order of supplies; a text to a service provider advising it that its assistance is needed to fix a cattle guard; a text to a citizen or vendor setting a meeting; etc.

- B. The term "County employee" means an employee of Roberts County and also means, for purposes of this policy only, an elected official, volunteer, intern, or appointee of Roberts County.
- C. The term "personal text message" means a text message sent or received by a County employee that does not discuss a matter of County business. Examples include texts between employees, friends or family agreeing to meet for lunch, inviting another to an after-work party, or thanking another for a gift; texts between parents and children, teachers or daycare providers; text messages with doctors, dentists, auto repair or home repair providers; etc.
- D. The term "personally-owned cell phone or device" means a cell phone or other device that is used by the employee in part to send or receive text messages related to County business, but is not owned by the County.
- E. The term "text" or "text message" is a brief message that is composed and sent between two mobile phones or portable devices such as a computer or tablet.

Allowed to Text	Not Allowed to Text
I'll be late to the meeting.	I'll be late, but I think we should appoint "_____" to the "XYZ" committee.
I just sent you an email.	We need a decision on the preferred alternative for this "_____" public contract. What do you think?
Could you please call me?	Use the following language in the press release "Announcing...."
The County Judge is trying to get in touch with you.	The Judge wants to know your thoughts on the Commissioners' Court proposal for "_____"
Can you pull the elected/appointed official out of this meeting?	We need to schedule a closed door meeting with So and So Official and the other board members for later today.
Can you cover me in today's meeting?	We need to meet with all the stake holders about this issue.
I emailed you a draft, please review.	Use this language in the staff report: "_____"
We're out of paper clips.	Office Depot has a best price on paper clips. I'll send you the link so you can buy some for us.
Please review the list of Roads to be bladed in your box at the Courthouse.	Please remove the hazardous tree at _____ park.



- F. The term “transitory text” means a text message of temporary usefulness that is not an integral part of a records series of an agency, that is not regularly filed within an agency’s recordkeeping system, and that is required only for a limited period of time for the completion of an action by an employee of the agency or in the preparation of an on-going records series.

Transitory texts are not essential to the fulfillment of statutory obligations or to the documentation of agency functions. Some general examples of transitory texts are routine messages; internal meeting notices; and similar routine information used for communication, but not for the documentation, of a specific agency transaction. Below is a list of examples that show when text messaging can be used and when it should not.

1. Transitory texts also include texts that contain information that is later included in another County record. Examples include:
  - a. The Road Supervisor receives a text from a coworker informing him of a broken cattle guard on Quarter Horse Road. The Supervisor later prepares a work report noting the cattle guard on Quarter Horse Road, and that he sent a crew to replace the cattle guard. Once the work report is prepared, the text becomes transitory.
  - b. A Sheriff’s Deputy receives a text from the Sheriff explaining that he talked with a witness in an investigation, and asking the Deputy to follow up and take a statement from the witness. The Deputy then takes a statement from the witness. Once the statement is taken, the text becomes transitory.

### **TEXTS REGARDING COUNTY BUSINESS ARE PUBLIC RECORDS**

Senate Bill 944 (and Texas Government Code 552.004(a)) categorize certain text messages regarding County business as public records that must be retained (as explained below, whether a text must be retained depends on whether it is transitory (transitory texts need not be retained once they serve their purpose) or non-transitory (non-transitory texts must be retained)). Texts that are retained, or texts that exist on a cell phone at the time a public records request is received, may be subject to disclosure under the Public Information Act. This applies whether text messages regarding County business are sent or received on a County-owned or personally-owned cell phone or device.

#### **Personally-Owned Cell Phone or Device**

Personal cell phones and devices are the private property of County employees. Personal text messages do not relate to County business, are not a public record, and need not be retained on a personally-owned cell phone or device. However, text messages sent using a personal cell phone or device that pertain to County business are public records.

While the County may not be permitted to inspect an employee's personal cell phone or device without the employee's consent, an employee who uses his or her personal cell phone or device to send or receive text messages related to County business is required to follow this policy, and shall be required to produce, transcribe, or note in another document texts relating to County business in accordance with this policy. County employees are also required to cooperate with the County and provide their fullest assistance in fulfilling the County's duties and obligations under the Public Information Act.

## **TRANSITORY TEXTS V. NON-TRANSITORY TEXTS**

Text messages regarding County business are of two types: (1) transitory texts; and (2) non-transitory texts. In accordance with this policy, transitory texts may be deleted by the user once the texts have served their purpose. On the other hand, non-transitory texts may not be deleted from a cell phone or device until they have been produced, transcribed, archived or retained in some other manner.

- A. Texting Should be Limited to Transitory Texts. An employee should limit his or her texting regarding County business to transitory texts that can be deleted once the message serves its purpose. In the event communications that are more than transitory are necessary, such communications should occur in person, by telephone, by email, or by memorandum, but not by text. Using this approach will avoid complications with archiving and producing texts for the purposes of responding to public records requests.

1. Transitory Texts

- a. Delete Once No Longer Needed, Unless Public Records Request Received.

According to the Texas State Library and Archives Commission, transitory texts are categorized as AV. AV record need only be retained as long as the records are administratively valuable or until the purpose of record has been fulfilled. In other words, transitory texts need not be retained once they are no longer needed for County business. As a result, a transitory text may be deleted once it serves its purpose.

Furthermore, transitory texts need not be documented through destruction signoffs (1.2.001) or in records disposition logs (1.2.010).

In many cases, a transitory text may be deleted once it is sent or read by the receiver.

Example: An employee texts his supervisor that he will be late to a meeting. This text is transitory and serves its purpose once read by the supervisor. The text message may be deleted by the sender and receiver once it is read.

In other cases, the transitory text may not be deleted immediately, but it may be deleted at a later time when it then becomes transitory.

Example: An employee sends a text to a supervisor advising the supervisor that she witnessed another employee at a local restaurant when the employee was supposed to be working. Assuming the supervisor would be investigating the incident, the supervisor would only be permitted to delete the text once the text was produced, transcribed, or noted in some other document or report. Once produced, transcribed, or noted in another document or report, the text message becomes transitory and may be deleted from the cell phone or device. Thus, if immediately after the incident, the supervisor sent an email to the Human Resources Director explaining the content of the text, the text could be deleted.

b. Transitory Texts May Not be Deleted if there is a Public Records Request.

In the event a records request is submitted that may include within its scope text messages transmitted on a personally-owned cell phone or device, the employee, once put on notice of the request, shall not delete any text messages from the cell phone or device, even if such text is transitory or personal. In this case, the employee must work with the employee's department head and records management officer to produce the requested public records or other necessary response.

Additionally, the employee must describe the following to the employee's department head and records management officer:

- (1) A detailed description of the search method used to search the personally-owned cell phone or device for responsive public records.
- (2) An indication of whether any responsive records were located.
- (3) If no responsive records were found, an explanation of why (e.g., you only have text messages that post-date the time period requested because the texts were deleted before you received notice of the request, no text messages were sent to or received from the person identified in the request, no text messages exist on the cell phone or device that discuss the topic identified in the request, etc.).
- (4) If records were found on the cell phone or device that are within the scope of the request but are personal to the employee and not related to County business, the employee must provide specific and detailed facts that support the personal nature of those texts (e.g., the texts are to or from the person identified in the request, but the texts pertain to personal medical appointments, private family matters, etc. and do not discuss County business).

(a) The employee should identify each text generically, including date, time, size, an indication of an attachment, etc.

(b) If the text is to or from a County employee, a public official of another public agency, or a County contractor, the employee shall identify the text message's sender or recipient by name. However, the employee need not identify family members, personal friends, or others by name.

(c) If requested by the employee's department head and records management officer, the County Attorney, or another authorized County representative, the employee may be required to provide additional information to support the personal nature of any text message.

(5) If responsive public records are found during the employee's search of his or her personal cell phone or device, the employee shall produce those public records as this policy provides.

The employee may choose to comply with this policy by providing his or her personal cell phone to an authorized County employee to conduct the necessary search. Nothing in this policy requires the employee to allow such an inspection, and no adverse action may be taken against an employee if he or she chooses not to produce his or her personal cell phone and instead complies as otherwise provided for within this policy.

Example: An employee texts his supervisor, on the supervisor's personal cell phone, that the employee will be late to a meeting. This text is transitory and serves its purpose once read by the supervisor. Assume the supervisor did not delete the text from her phone, and one week later, receives notice that a person has requested all emails and text messages that discuss or mention employees being late to meetings. In this case, even though transitory, since the record exists at the time the public records request is submitted, the supervisor may not delete the text. Rather, the supervisor must produce the text in accordance with this policy.

## 2. Non-Transitory Texts

As noted above, employees should not send non-transitory texts relating to County business through a cell phone or device. Rather, an employee should limit his or her texting regarding County business to transitory texts that can be deleted once the message serves its purpose. In the event a person sends or receives a non-transitory text, it shall be produced in accordance with this policy, and the employee's department head and records management officer shall be responsible for archiving and retaining the non-transitory text in the manner and for the time specified in the department's retention policy and in accordance with State laws, rules, and regulations.

## **REPRODUCING TEXT MESSAGES**

### **When is the Employee Required to Produce a Text?**

There are three instances in which an employee is required to produce a text message:

- When the text message is non-transitory and must be retained;
- When a supervisor orders the employee to produce the text message; or
- When the text message is maintained on a cell phone or device and the employee is notified of the existence of a public records request for the text message.

### **How is a Text Message Produced?**

When any of the three requirements is met, the employee shall produce the text message by either of the following means:

- Forwarding the text **and** taking a screen shot of the text and emailing the texts and screen shots to the County email address designated by the employee's department head and records management officer; or
- Utilizing a pre-approved application on a cell phone or devices that stores or disseminates the message to County-owned servers or networks.

## **EXEMPTION**

If an Elected Official or Department Head determines that the County's ban on non-transitory text messages relating to County business will substantially interfere with the operation of their Office or Department, said Elected Official or Department Head may request that the Commissioners' Court grant their Office or Department an exemption from this policy. Any such exemption must be approved in Commissioners Court. Such approval will only be considered when the benefits of texting outweigh the burdens and risks of texting. Any requests for an exemption must include proposed policies and procedures that ensure employees have received PIA and records retention requirements, and that texts will be archived in a way that meets records retention requirements of said Office or Department.



# **ROBERTS COUNTY SICK LEAVE POOL POLICY**

Adopted March 11, 2019  
Amended November 12, 2019

## **PURPOSE**

The Sick Leave Pool Policy is to provide additional sick leave days to County employees in the event of a catastrophic/debilitating illness or injury, surgery, or disability that prevents an employee from active employment. Hours may be applied from the pool only after the Employee has exhausted all accrued sick leave, emergency leave, comp time, and vacation leave.

## **DEFINITIONS**

"Eligible Employee" means a Regular Full or Part Time County employee with twelve (12) or more months of continuous employment with Roberts County.

"Member" is an eligible employee who voluntarily contributes eight (8) to forty (40) hours of accumulated sick leave per calendar year to the pool.

Catastrophic/debilitating illness or injury is defined as terminal, life-threatening, and/or severe condition or conditions affecting the physical/mental health of the member that prevents the employee from performing normal work related tasks, that requires the services of a licensed physician for a prolonged period of time and that forces the member to exhaust all of his/her accrued leave time (sick leave, emergency leave, and vacation leave) and to lose compensation from the County.

"Licensed Physician" as defined by the Texas Insurance Code, is one who is practicing within the scope of his/her license.

"Sick Leave Days from the Pool" are those days granted to a member who has a qualifying condition and is unable to perform the duties of his/her position.

Qualifying conditions are a catastrophic/debilitating condition or combination of severe conditions affecting the physical/mental health of a member as authenticated by a licensed physician.

"Unit of Sick Leave Days" is the number of sick days which are awarded from the pool and shall be, within the discretion of the Committee, up to eighty (80) hours per sick leave pool request.

"Preliminary Term" is the initial period of eligibility for this policy, April 1, 2019 through September 30, 2019.

## **EXAMPLES** (amended 11/12/19)

Qualifying catastrophic/debilitating illness/injuries or conditions generally considered include, but are **NOT** limited to:

- Stroke with residual paralyses or weakness
- Incapacitating heart attack
- Major life saving surgery (mastectomy, heart bypass, prostate surgery)
- Cancer
- Hepatitis, broken hip, car wreck requiring hospitalization
- Other life threatening conditions that prevent an employee from performing normal work tasks and that require the ongoing care/treatment from licensed medical personnel.

Examples of illness/injuries that generally would not be considered severe enough to be catastrophic/debilitating include but would **NOT** be limited to:

- Certain broken bones
- Cold/flu/allergy
- Minor surgery with no complications such as appendectomy, tonsillectomy, day surgery
- Pregnancy with minor or no complications

Normal pregnancies without complications and routine surgeries without complications are not considered by the County to be catastrophic/debilitating illnesses.

## **ADMINISTRATOR**

The Commissioner's Court shall appoint the County Treasurer to be the Administrator. The Administrator will be responsible for developing forms for contributing leave to or using leave from the Roberts County Sick Leave Pool. The Pool Administrator will issue memos as necessary within the Departments to advise employees of how the Committee interprets or administers provisions

of this policy.

### **COMPOSITION OF COMMITTEE** (amended 11/12/19)

The Committee shall be composed of five (5) Committee Members as appointed by the Commissioner's Court.

- County Judge
- County Attorney
- County Treasurer
- Administrative Assistant (Judge's Office)
- County Extension Agent

### **COMMITTEE DUTIES RESPONSIBILITIES** (amended 11/12/19)

The Committee Members reserves the right to approve, disapprove, or modify the number of days requested from the pool.

The decision of the Committee Members shall be based on a majority vote of the members. A quorum shall be based on at least three (3) Committee Members.

All Elected Official approved Sick Leave requests SHALL be delivered to the Administrator.

### **PROCEDURES FOR JOINING**

Eligible employees may join by contributing eight (8) to forty (40) hours of accumulated sick leave per year. Application for membership must be submitted to the Pool Administrator for approval by the Commissioner's Court.

After approval from the Commissioner's Court, applications for membership will be given to the County Treasurer's Office for adjustment of sick leave on the members' records. Open enrollment for the Preliminary Term will be March 15, 2019 through April 1, 2019, for each subsequent year, open enrollment will be during the month of September each year.

### **CONTRIBUTION OF DAYS**

To maintain eligibility, a participating member must contribute at least eight (8) hours, but **NOT** more than forty (40) hours, from his/her accumulated sick leave per year. The hour(s) donated will be subtracted from the member's accumulated sick leave record by the County Treasurer's office.

The donated sick leave hours(s) will become property of the pool and **CANNOT** be returned. If the pool falls below two hundred forty (240) hours, the Committee shall request that members contribute extra hour(s), up to forty (40) hours.

If the sick leave pool accumulates a reasonable level of sick days, as determined by the Commissioner's Court, the Commissioner's Court may decide to not accept additional donations of sick leave and all current members shall remain eligible for withdrawals from the pool until the next signup period.

To ensure all Eligible Employees are able to participate in the Preliminary Term, the Court hereby grants each Eligible Employee eight (8) additional hours of sick leave. The County Treasurer's office shall record this additional eight (8) hours as being accumulated by each Eligible Employee as of March 15, 2019. Furthermore, the County Treasurer's office shall ensure that as of April 1, 2019, no Eligible Employee has more than four hundred eighty (480) accumulated hours of sick leave recorded.

### **GENERAL PROVISIONS**

Members who terminate employment with Roberts County or who are terminated forfeit membership in the pool at the effective date of their termination.

Members on approved leave of absence shall retain membership in the pool during the year in which they contributed.

An employee who voluntarily terminates his/her employment with Roberts County may donate up to eighty (80) hours of his/her accumulated sick leave days to the pool regardless of membership in the pool. The Commissioner's Court may accept or reject the donated days based on the "reasonable level" of the pool considerations.

Employees who make contributions to the pool **MAY NOT** stipulate who is to receive their contributions. Members who use the Sick Leave Pool are **NOT** required to pay back Sick Leave Days from the Pool. Employees shall not accrue vacation or additional sick leave while using approved sick leave from the Pool.

### **APPLYING FOR SICK LEAVE DAYS**

If a member has a qualifying condition requiring additional sick leave days after all accumulated Sick Leave Days, vacation, and personal leave time have been used; the member may submit a request for Sick Leave Days from the Pool. Sick leave pool request forms are available from the County Treasurer's Office.



A member who requests Sick Leave Days from the Pool must submit to the Administrator a Sick Leave Pool request form which includes the attending licensed physician's statement which: a) identifies the nature of the qualifying condition; b) the date of initial onset of the qualifying condition; and c) the anticipated date the member will be eligible to return to work on either an unrestricted full- time or on a part-time performance basis per requirements of the member's department. Sick leave pool request forms must be submitted no more than ten (10) working days before the exhaustion of the member's accumulated sick leave and /or vacation days.

The Committee may refuse to consider a request that does **NOT** have the required information. If a member is critically ill and unable to file a request for Sick Leave Days from the Pool the Elected Official may submit an application at the request of the employee's family.

#### **GRANTING OF SICK LEAVE DAYS FROM THE POOL** (amended 11/12/19)

Under no circumstances will sick leave days be credited to an employee until the Committee has formally approved a request for sick leave days from the pool.

It is important that the requesting employee and the Elected Official, for whom they work, carefully monitor the requesting employee's sick leave balance to allow time for proper Committee meeting postings to occur, before a request for sick leave days from the pool can be formally considered and approved.

Days granted from the pool shall be in units of not more than eighty (80) consecutive working hours. At the end of the Unit of Sick Leave Days, the member may apply for an extension by submitting an updated statement from the licensed physician. A member may draw out up to a maximum of three hundred sixty (360) hours or one-third of the total amount of hours in the pool at the time of the member's request, whichever is less.

Sick Leave Days from the Pool shall be granted only for absences from working days and shall not be granted for holidays.

The Pool may be used only by the individual member for his/her personal qualifying condition. The pool may **NOT** be used by a member to assist with a family member who is ill or disabled.

The Committee shall review and forward to the County Treasurer's office its decisions on all requests to draw on the pool within five (5) working days after a request is received.

Total Sick Leave Days from the Pool may **NOT** be granted that exceed one-third of the hours in the pool at the time of the members request or three hundred sixty (360) hours, whichever is less. The Committee Members shall determine the exact amount of Sick Leave Days from the Pool that a member is awarded/granted/assigned.

Pregnancy will **NOT** be covered by the pool, but complications due to the pregnancy or delivery will be considered.

Sick leave hours from the pool may **NOT** be granted for the period of disability when monies are payable to the member under the Worker's Compensation Act.


#### **APPEALS** (amended 11/12/19)

A member may appeal the Committee's decision only by submitting a written request to appear before the Committee. The decision of the Committee, after it has heard the member's presentation, is final. There shall be no appeal of this second decision of the Committee.

#### **AMENDMENTS**

This Policy may be amended at any time upon the recommendation of the Commissioner's Court. Any such recommended amendments must be approved by the Commissioner's Court. The Commissioner's Court reserves the right to amend this policy upon its own initiative.

Approved in Open Court this 12<sup>th</sup> day of November, 2019

  
Signature

