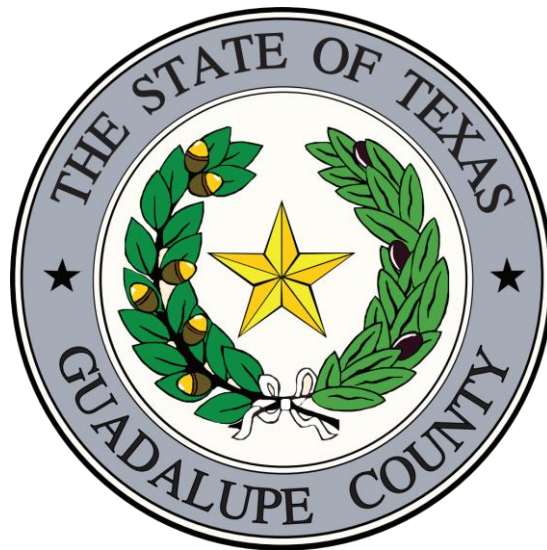


Guadalupe County Employee Personnel Policy

Adopted and Approved: 12/17/2019

With Addendums



Welcome

We are pleased to offer this Personnel Policy Manual to both long term and recently hired employees of Guadalupe County. It gives us the opportunity to acquaint or re-acquaint you with the County's goal of providing all of our citizens with a wide range of vital services in an efficient and courteous manner. In this team effort, County employees are guided by the following principles:

- The public merits our respect and the courtesy of our prompt, competent and willing service.
- As employees and citizens of the community, we share the responsibility to contribute toward Guadalupe County's vitality.
- We are responsible for improving the overall quality of life through sound management and preservation of the environmental resources entrusted to us.
- Every employee's work is valuable and necessary to accomplish our goal of better public service.

These policies were developed to describe some of our expectations of our employees and to outline the policies, programs and benefits available to eligible employees.

We are proud of Guadalupe County Government's tradition of excellence in public service and look forward to your joining with us as we continue to meet the needs and concerns of our citizens of today and tomorrow. We hope your career with us is a long and rewarding one.

Kyle Kutscher
Guadalupe County Judge

Greg Seidenberger
Commissioner, Precinct No. 1

Jim Wolverton
Commissioner, Precinct No. 3

Drew Engelke
Commissioner, Precinct No. 2

Judy Cope
Commissioner, Precinct No. 4

*This Personnel Policy Manual is simply an explanation of County Policy.
It is not to be construed as an express or implied contract for your employment.
No employee rights are created by its adoption.*

About Guadalupe County Government

Guadalupe County's government organization is established by the Constitution of the State of Texas and by state statutes. Its operations are governed by state and federal law and by actions of the Commissioner's Court.

Commissioner's Court

The Commissioner's Court consists of four County Commissioners, each elected by the voters of a Commissioner's precinct, and the County Judge, elected by the voters of the County. Each member of the court serves a four-year term of public service.

The Commissioners' Court is the chief policy, administrative or executive branch of county government. The Commissioners' Court meet in regular sessions and decisions of the court require a majority vote. Among its many functions, the Court:

- Sets the tax rate
- Adopts the annual budget
- Approves new programs or changes existing ones
- Adopts regulations and policies
- Approves and manages County facilities

Elected Officials

There are many other elected officials that make up the county structure. These would include: County Sheriff, County Tax Assessor/Collector, County Treasurer, County Clerk, County Attorney, District Clerk, County Court at Law Judges, District Judges, Justices of the Peace, Constables. These officials are elected by the voters in the county and serve four-year terms of public service. The duty of each elected official is established in the Constitution of the State of Texas. Each elected official is responsible for establishing and directing a staff to perform the duties assigned to their office.

County Operations

County operations are conducted through different departments. Elected Officials administer most departments but Appointed Officials manage others. Commissioner's Court appoints all department heads except the County Auditor who is appointed by the District Judges.

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General Policies

1.01 PURPOSE

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by Guadalupe County Commissioners' Court. The policies are not a contract of employment between Guadalupe County and any of its employees, they are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind. Guadalupe County Commissioners' Court adopted these policies to promote consistent, equitable, and effective practices by both employees and supervisors. These provisions may be amended or canceled at any time by a commissioners' court action, except for the policy of employment-at-will.

This official personnel policy handbook was developed to describe some of our expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. All elected officials, appointed officials, and employees of Guadalupe County should follow these policies.

1.02 IMPLEMENTATION

Implementation of personnel policies is as follows:

- Guadalupe County Commissioners' Court oversees general personnel policies
- The Guadalupe County Human Resources Department maintains these policies and the original personnel records.

1.03 EQUAL OPPORTUNITY EMPLOYER

It shall be the policy of Guadalupe 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.

1.04 REASONABLE ACCOMODATION

The County shall make reasonable accommodation for otherwise qualified disabled individuals to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals.

Reasonable accommodation shall be determined through consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

1.05 EMPLOYMENT AT WILL

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

Guadalupe 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.

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

2. Personnel Policies/Employment

2.01 REHIRING RETIREES

Retired employees shall be eligible to apply for open positions with Guadalupe County as long as the following provisions are met:

1. The retiree has been retired for at least one (1) full calendar month.
2. No prior arrangement or agreement was made between Guadalupe County and the retiree for re-employment.

The retiree must have a bona fide separation of employment and have been retired for a minimum of one (1) calendar month. A bona fide separation means there is no prior agreement or understanding between Guadalupe County and the retiree that the retiree would be rehired after retirement.

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 is rehired, consistent with this policy, will establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

2.02 PROMOTIONS

A promotion is a change in the duty assignment of an employee, which results in an advancement to a higher position requiring higher qualifications and involving greater responsibility. Promotions are approved by the department head within the staffing pattern and budget limits authorized and approved for that department by the Guadalupe County Commissioners' Court.

2.03 TRANSFERS

A lateral transfer is the movement of an employee between positions within Guadalupe County. A lateral transfer may be made within the same department or between departments. An employee will not receive a pay reduction when making a lateral transfer provided that the employee's current salary is within the range approved by the Guadalupe County Commissioners' Court for the transfer position. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation, accrued sick leave, and earned compensatory time.

2.04 DEMOTIONS

A demotion is a change in duty assignment of an employee that may result in a lower paid position. Demotions may be made for the purpose of voluntary assumption of a less responsible position; as a result of a reclassification of the employee's position; or as a disciplinary measure, because of unsatisfactory performance in a higher position. Disciplinary demotions involve a decrease in pay.

2.05 ORIENTATION AND TRAINING

The Guadalupe County Human Resources Department provides a general orientation for new employees about employment with Guadalupe County. It is the responsibility of the Guadalupe County Human Resources Department to include in the orientation information about the structure, functions, and services of all offices of Guadalupe County Government.

During the orientation, employees are given a copy of the Guadalupe County Personnel Policies manual. They are also given information about Guadalupe County benefits programs.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the department head for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better and its relationship to the overall operation of the Guadalupe County Government.

Training an employee is the responsibility of the department head or a designated supervisor for whom he or she works. Whenever possible, employees receive on-the-job training under close supervision.

Employees and appointed officials are required to attend harassment training every two years. The classes will be scheduled by the Guadalupe County Human Resources Department and attendance is mandatory. Elected officials are encouraged to participate.

2.06 JOB DESCRIPTIONS

Department heads establish and periodically review an official job description for each position in Guadalupe County. Any new positions require a job description, and a copy must be forwarded to the Guadalupe County Human Resources Department.

2.07 CATEGORIES OF EMPLOYMENT

Regular Full Time Non-Exempt:

A regular full-time non-exempt employee is in an authorized position that is regularly scheduled to work 40 hours per week. This is a position that is not specified as part time or temporary. This is a non-exempt hourly position which may receive overtime or compensatory time. (See Section 5 Wages).

Regular Full Time Exempt:

A regular full-time exempt employee is in an authorized position that is paid on a salary basis earning a specific amount per pay period, as set by the Guadalupe County Commissioner's Court. Employees in this position are expected to work the number of hours and days per week to accomplish their work. Beginning the first payroll in January 2016, these employees will receive 80 hours of vacation, 40 hours of sick leave, unless the employee has documented records of leave balances that can be applied.

Appointed Officials

Guadalupe County Commissioners’ Court appoints certain positions that may be designated as either full time exempt or part time exempt; each holds a salaried position earning a specific amount per pay period, as set by the Guadalupe County Commissioners’ Court. All appointed officials are expected to work the number of hours and days per week needed to accomplish their work.

Temporary A temporary or seasonal employee is an employee hired to complete a specific project within a specified period of time not to exceed six months. Temporary employees may be full time or part time. They are not entitled to the county’s fringe benefits other than workers’ compensation insurance.

Part-Time A part-time employee is employed to hold an authorized position that is regularly scheduled to work less than 29 hours per week. Part-time employees work on an irregular schedule, as called upon, and are paid at an hourly rate for the actual number of hours worked. Part-time employees are not paid for holidays. Part-time employees are entitled to workers’ compensation insurance and must participate in the county’s retirement plan.

2.08 TRAINING PERIOD/ SALARY WAITING PERIOD

The training period/salary waiting period is determined at the discretion of the department head. Completion of the training period/salary waiting period does not affect the “Employee at Will” employment status.

2.09 PERSONAL INFORMATION

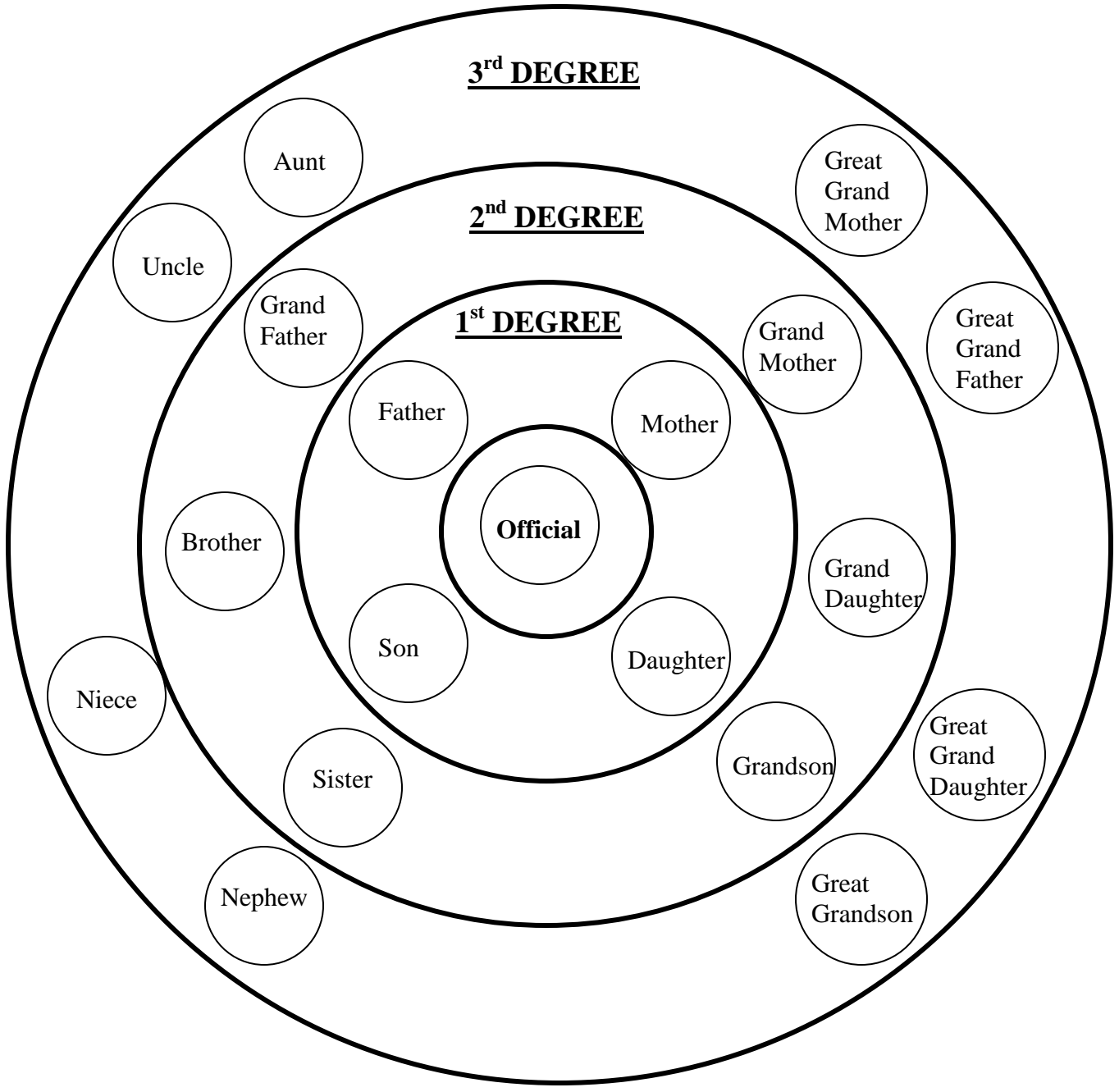
Each employee may choose whether Guadalupe County discloses the employee’s home address, telephone number, social security number, and information that reveals whether you have family members to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the information on file are considered public information. This does not apply to law enforcement personnel. However, employees may change their election for disclosure or confidentiality at any time. A form for designation of this information as confidential or public is available from the Guadalupe County Human Resources Department.

2.10 NEPOTISM

In accordance with the Texas Nepotism Statutes, a department head of Guadalupe 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.

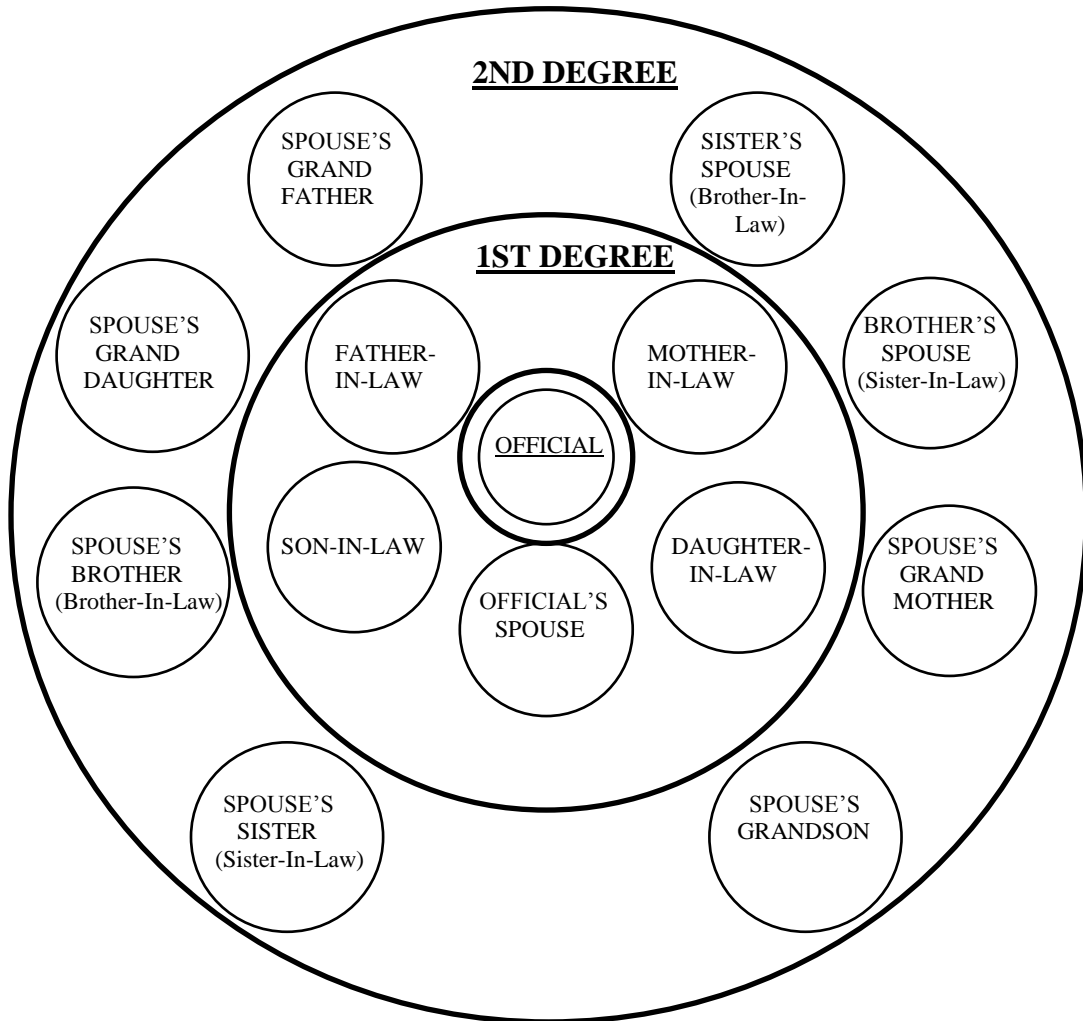
The civil law method, as approved by the Texas Legislature in 1991 to be effective in August of that year, shall be used for determining degree of relationship. (See the charts that follow.)

Any County employee in a supervisory position cannot supervise a relative under any circumstance.



Consanguinity Kinship Chart
(Blood)

**TEXAS NEPOTISM CHART
CIVIL LAW METHOD**



**Affinity Kinship Chart
(Marriage)**

**TEXAS NEPOTISM CHART
CIVIL LAW METHOD**

3. Employment & Employee Standards and Practices

3.01 GENERAL

Guadalupe County is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their parts in maintaining good relationships with the public, their department heads, county officials, and their fellow employees.

3.02 ATTENDANCE & TIMELINESS

Attendance

Each employee shall report to work on each day he or she is scheduled to work 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.

Tardiness

Each employee shall be at his or her place of work at the starting time set by his/her supervisor unless prior approval is given by the supervisor or the employee is unable to be at work on time for reasons beyond the control of the employee.

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.

Notification

If an employee is unable to be at work at his/her normal reporting time, the employee shall be responsible for notifying his/her supervisor as soon as is reasonably practicable of the circumstances causing the tardiness or absence.

Excused and Unexcused

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.

Abandonment of Position

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

3.03 PROFESSIONAL APPEARANCE

Employees of Guadalupe County are hired to provide services to Guadalupe County's citizens and to perform specific tasks in a professional manner. As representatives of Guadalupe County, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public.

While Guadalupe County does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner, which is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of Guadalupe County's work force.

3.04 EMPLOYEE CONDUCT AND DISCIPLINE

To ensure orderly operations and provide the best possible work environment, Guadalupe County expects employees to follow rules of conduct that will protect the interest and safety of all employees and the organization.

It is not possible to list all types of behavior that are considered unacceptable in the workplace. Examples of reasons for administering discipline shall include, but not limited to:

- Theft or inappropriate removal or possession of property.
- Falsification of documents or timekeeping records.
- Use of alcohol or illegal drugs while on duty or in a county vehicle.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty or while operating county vehicles or equipment.
- Endangering the safety of an employee and/or other persons through negligent or willful acts.
- Conviction of a felony or drug-related offense.
- Sexual activity in the workplace, while on duty, in a county vehicle or on county property.
- Fighting or threatening violence in the workplace.
- Boisterous or disruptive activity in the workplace.
- Negligence or improper conduct leading to damage of county owned or public owned property.
- Insubordination or other disrespectful conduct.
- Violation of health or safety rules.
- Smoking in prohibited areas.
- Sexual or other unlawful harassment.
- Possession of dangerous or unauthorized material, such as explosives or firearms, in the workplace.
- Excessive absenteeism, which is not FMLA qualifying, or any absences without notice or repeated tardiness or early departure.
- Unauthorized use of official information or unauthorized disclosure of confidential information.
- Unauthorized or abusive use of official authority.
- Unauthorized use or theft of public funds or property.
- Unauthorized absence from the workstation during the workday.
- Unauthorized sleeping while on duty.
- Violation of personnel policies.
- Unsatisfactory performance or conduct.

- Other violation of any of the requirements of these personnel policies or any departmental policies not in conflict with these policies.

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.

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

3.05 GRIEVANCE PROCESS

Any employee having a grievance related to their employment should present the grievance in writing to their immediate supervisor within ten (10) days of matter of complaint. The supervisor shall respond to the employee within ten (10) days of receipt of the employee’s written response.

If the grievance to 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 present the grievance to that official. The employee shall do so in writing within five (5) days of receipt of the employee’s supervisor’s oral or written response to the employee’s original grievance. The elected or appointed official shall respond within ten (10) days of receipt of the employee’s appeal of the supervisor’s decision.

The decision of the elected official with final responsibility for the department shall be the final decision in all grievances.

Appointed officials can take any grievance issues to their governing board to make the final decision. Commissioner’s Court, District Judges, Juvenile Board or the County Judge can make those final decisions for their appointed officials.

This policy shall apply to both active and terminated employees. Any grievance from a terminated employee must be in writing and presented within ten (10) days of the original termination.

Any employee who believes they have been or are currently being retaliated against for a good faith report of a violation of the law shall file a grievance on the alleged retaliation in writing to their supervisor, or if the supervisor is the person who is violating the law, the employee shall make this report to the elected official with final responsibility for the employee’s department. If the violator is the elected official the employee may report the incident in writing to the County Judge. This grievance should be filed within ten (10) days of the alleged retaliation. The official who receives the grievance or his designee shall investigate the claim and respond back to the employee within ten (10) days of the receipt of the written complaint. Any supervisor, department head, appointed or elected official who receives a complaint of alleged retaliation for reporting a good faith violation of the law

shall notify the County Judge immediately upon receipt of the complaint. They shall also notify the County Judge on the outcome of the investigation.

Copies of all documentation relating to the grievance shall be forwarded to the Guadalupe County Human Resources Department immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

3.06 VALID DRIVER'S LICENSE

Operators of County vehicles are required to have a valid Texas driver's license necessary for legal operation of the vehicle and to keep the department head informed of any changes in status of their licenses. Department heads will periodically check, through the Sheriff's Department, the driving records of all employees who operate County vehicles or are required to use their personal vehicle to conduct County business. Failure to maintain a safe driving record can result in disciplinary action.

An employee may be required to participate in a defensive driving course if the employee is cited for a moving violation. Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or termination.

3.07 VEHICLE INSURANCE

Guadalupe County maintains up-to-date insurance coverage on all vehicles owned by the county. Department heads or employees who drive a personal vehicle on county business are required to maintain up-to-date personal insurance coverage. Failure to do so may be grounds for disciplinary action up to and including termination.

3.08 ACCIDENT REPORTING

Any employee involved in an accident while driving or riding in a county vehicle, no matter how minor, must report it to the appropriate supervisor and law enforcement authorities so that an official accident report can be filed. In no instance should the driver leave the scene of the accident before the police have made their investigation and cleared the driver to leave. The employee must report immediately to the designated doctor's office or hospital for a drug/alcohol test. Contact your supervisor for further instructions.

3.09 CONFLICT OF INTEREST

Employees of Guadalupe 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 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 limited to:

- 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;

- 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;
- Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- 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;
- 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.

3.10 POLITICAL ACTIVITY

Employees of Guadalupe 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:

- Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- Directly or indirectly coerce, attempt to coerce, or command another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or
- Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

3.11 PHONE AND POSTAGE SYSTEMS

Telephones are to be used for county business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

Guadalupe County employees and officials may not place personal long-distance calls on county telephone equipment unless the charges will be billed directly by the telephone company to the individual's personal account. Employees may be required to reimburse the county for all or any charges resulting from personal use of the telephone. A call to notify family of county requirements to work unscheduled overtime is a county business call.

Guadalupe County does not permit anyone to use county paid postage for personal correspondence.

3.12 CELLULAR TELEPHONE USE

Cellular telephones are for business purposes only, unless otherwise authorized by the department head. They are not to be used for non-work related communications unless circumstances arise as described below.

Cellular telephones should not be used when a less costly alternative is safe, convenient, and readily available.

Employees should not use a cellular phone while operating a vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Employees in possession of a Guadalupe County owned cellular phone are required to take appropriated precautions to prevent theft and vandalism of all county equipment.

Personal Use

If unforeseen circumstances develop where employees must use their county-issued cellular telephone to make a personal call, (i.e. to let family know that employee will be home late), it is up to the department head to determine whether the employee should reimburse the county for the phone call. Excessive personal use is not allowed and may result in the employee having to reimburse the county for the unauthorized use or having the employee lose the privilege of having a county cell phone provided for their business use. Employees will also be taxed for any personal use made on county owned cell phones according to the rules and regulations set forth by the IRS.

3.13 SMOKING

Smoking is prohibited throughout Guadalupe County facilities, except in designated areas.

3.14 USE OF EQUIPMENT AND VEHICLES

Any Guadalupe County owned or leased vehicle that is provided to an employee for use where the county requires that the employee commute to and/or from work in the vehicle is subject to the following regulations:

- Neither the employee, nor any other individual whose use would be taxable, may use the vehicle for personal purposes, other than commuting or de minimis personal use (such as stopping for a personal errand on the way between work and the employee's home); and
- Except de minimis personal use, the employee does not use the vehicle for any personal use other than commuting.

Guadalupe County uses the "\$1.50 one-way" IRS commuting valuation rule in accordance with IRS regulations, which is added to the employee's gross pay. (This means that for a five-day workweek \$15.00 will be added to the employee's gross salary as a Non-Cash taxable item on the employee's paycheck.)

All employees who are issued a vehicle under the above reference section will be charged the "\$1.50 one-way" commuting. It is the responsibility of the department head to notify the payroll department, on a bi-weekly basis, of instances where the employee did not use the vehicle to commute, Ex. Use of vacation or sick leave. This must be clearly noted on the "top" summary sheet or calendar that is turned in to the payroll department.

Only Guadalupe County employees or persons being driven by a Guadalupe County employee for official Guadalupe County business may be in a county owned vehicle at any given time. Clarified that Guadalupe County vehicles are not to be driven for personal use. County vehicles are to be used only for transportation to and from official county business.

Misuse or abuse of the privilege of driving a county owned vehicle could lead to disciplinary action including termination of employment.

Spouses, children, friends, work acquaintances, etc., may not be in a Guadalupe County owned vehicle at any time. For example, children are not to be transported to and from school, spouses to and from work or on errands, friends to lunch, etc. Acceptable uses would be to take an official from another city or county on official county business, business lunch, or any other official county business.

3.15 PERSONAL PROPERTY

Guadalupe County will not be held responsible for any loss, damage or theft to personal property of county employees which the employee keeps or maintains in their county office or work location.

3.16 PERSONNEL FILES

The Guadalupe County Human Resources Department maintains all personnel files. Copies of any disciplinary action against an employee may be forwarded to the Guadalupe County Human Resources Department to be included as part of the employee's personnel file. All medical records are filed in a separate confidential medical file maintained by the Guadalupe County Human Resources Department. Other personnel records may also be kept in a file maintained by the employees' department head. All personnel information related to an employee must be filed in the appropriate personnel or medical file.

3.17 EMPLOYMENT VERIFICATION

Normally, responses to such inquiries will confirm only dates of employment, and position(s) held. Inquiries will require a signed consent to authorize the release of information. Employees may change their election for disclosure of confidentiality by contacting the Guadalupe County Human Resources Department for the appropriate instructions. Employment verification inquiries should be directed to the Human Resources Department.

3.18 ACCESS TO PERSONNEL FILES

Generally, only supervisors and department heads that have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their file must contact Human Resources. With reasonable notice, employees may review or copy their own personnel files in Human Resources. However, an employee may not remove documents from the file.

3.19 REQUIRED EDUCATION AND TRAINING

When Guadalupe County requires an employee to attend any educational or training course, conference, or seminar, the county will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging. When appropriate, Guadalupe County may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

3.20 PAID BREAKS/NURSING MOTHERS

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

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

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

Guadalupe County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for the duration of time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. An employee of the county who needs to express breast milk may not be discriminated against.

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

4. Benefits & Leave

4.01 EMPLOYEE BENEFITS

Eligible employees in Guadalupe County are provided the opportunity to participate in a wide range of benefits. Several of the programs are available to all employees as prescribed by law. Such programs include Social Security, Medicare, Workers Compensation, and unemployment insurance. Eligibility for other benefits is dependent upon employment status. The following benefit programs are available to eligible employees.

Employees are required to have 75 hours each pay period in order to accrue benefits. The 75 hours can either be time worked and/or another type of paid time off.

Non law-enforcement employees can only receive up to 40 hours each week between time worked and the use of accrued paid time off. Accrued paid time off will be reduced to reach a maximum of 40 hours each week.

4.02 VACATION BENEFITS

Guadalupe County employees are encouraged to take regular vacations at least annually. Earned vacation leave can be used only after 12 months of employment. Paid vacation

leave may be used in quarter hour increments. Elected and appointed officials, temporary employees and part-time employees do not earn vacation leave. Regular, full-time exempt and non-exempt employees earn vacation leave as follows:

Length of Service	Vacation Leave Earned
1st year of employment	1.5385 hours every pay period 40 hours per year
13th month through 10th year	3.0769 hours every pay period 80 hours per year
10 years 1 month through 20th year	4.6154 hours every pay period 120 hours per year
20 years 1 month forward	6.1538 hours every pay period 160 hours per year

Payment for Unused Vacation Leave upon Termination

When an employee leaves the service of the county, he or she will be paid for all accrued but unused vacation leave upon retirement. Upon resignation or termination, a maximum of 80 hours of unused accrued vacation leave will be paid. In the event of death of an active employee, all unused accrued vacation leave will be paid. (Approved 11/10/09 by Commissioner’s Court) The rate of pay will be determined by the salary rate in effect at the time of separation. Any employee who leaves county employment for any reason during the first 12 months of employment will not be paid for any vacation leave.

Scheduling Vacation Leave

Department heads should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate the county’s work schedule. Provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a “first come, first served” basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with county requirements, the county’s requirements are given first consideration.

Vacation Caps

Each year on January 1, all unused vacation leave in excess of 100 hours is forfeited from the employee’s account without compensation.(Approved 11/10/09 by Commissioner’s Court) No payment can be made in lieu of taking vacation.

4.03 SICK LEAVE BENEFITS

Paid sick leave can be used in minimum increments of quarter hours. Regular full time exempt and non- exempt employees may use sick leave benefits for an absence due to their

own illness or injury or that of an immediate family member. Guadalupe County defines “immediate family” as the employee’s spouse, parent or child. Special consideration may be given to any other person whose association with the employee is similar to the above relationships upon the discretion of the department head. Other reasons for using sick leave are as follows:

- Illness or physical or mental incapacity
- Medical, dental, or optical examinations or treatments; or
- Medical quarantine resulting from exposure to a contagious disease.

Accrual of Sick Leave

Sick leave accrues at the rate of 3.0769 hours per pay period while an employee is employed by Guadalupe County on a full-time basis for six (6) months. The payroll following the six month period will include 40 hours of sick leave plus the accrual. Elected and appointed officials, temporary employees and part-time employees do not earn sick leave.

Notification Requirements

Employees unable to report to work due to illness or injury must personally notify their direct supervisor before the scheduled start of their workday if possible. The employee will personally contact their direct supervisor on each additional day of absence until they return to work. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance.

Leave Request Forms

Employees must complete a sick leave request form prior to non-emergency appointments or within two days upon return to work in other instances, as applicable.

Failure to complete the required sick leave request form may result in the employee’s being placed on leave-without-pay status and could result in disciplinary action against the employee.

Medical Statement

If an employee is absent for three or more consecutive days due to illness or injury, a physician’s statement is required verifying the nature of the illness (see FMLA Policy), including the beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Sick Leave Cap

Sick leave not used by regular full-time employees during the year in which it accrues accumulates and is available for use in succeeding years (up to a maximum allowable accumulation of 480 hours). Annually, on January 1, any sick leave balance in excess of the maximum is reduced to the maximum without compensation to the employee. Employees may donate excess hours to the sick leave pool.

4.04 COUNTY SPONSORED BLOOD DRIVES

Employees are encouraged to participate in county sponsored blood drives by making regular donations. Employees shall be allowed to schedule their donation time during regular office hours for their department if it does not cause an undue hardship. Employees donating shall not be required to use any of their accrued or earned leave for the time away from their work station while participating in a county sponsored blood drive.

4.05 UNAUTHORIZED/UNEXCUSED ABSENCE

An unauthorized or unexcused absence is one in which the employee is absent from regular duty without permission of the supervisor or appropriate department head. The employee must receive supervisor or department head approval for all absences. Employees are not paid for unauthorized/unexcused absences. Excessive absences disrupt a work environment and may lead to disciplinary actions up to and including termination. Employees who are absent from work for three (3) consecutive days without giving proper notice will be considered as an abandonment of position, which is considered a voluntary resignation.

4.06 MEDICAL INSURANCE

Regular, full-time and certain part-time county employees are eligible for the county's group medical and life insurance coverage after a sixty (60) day waiting period, with an effective date of the first day of the following month.

Elected officials of Guadalupe County will be effectively covered on the first day upon taking office. Dependents of elected officials may be added after the sixty (60) day waiting period, with an effective date of the first day of the following month. (Refer to Eligibility Chart on page 19).

A dental insurance plan is available for regular full-time employees and elected and appointed officials with the county paying a portion of the cost and the employee paying the balance.

Premiums for group medical and basic life insurance for employees are paid in full by Guadalupe County. Eligible employees enrolled in the plan may add dependent coverage at the employee's expense. Each employee who becomes eligible for insurance coverage is given an Employee Benefit Plan Document Booklet. For more information on dependent costs, please contact the Guadalupe County Human Resources Department.

See chart below for eligibility dates.

Medical Insurance Eligibility Chart
Effective 01/01/2014

Hired Between:	Eligible On:
December 31st - January 30^{st*}	April 1
January 31st - March 1^{nd**}	May 1
March 2nd - April 1st	June 1
April 2nd - May 1st	July 1
May 2nd - June 1st	August 1
June 2nd - July 2nd	September 1
July 3rd - August 1st	October 1
August 2nd - September 1st	November 1
September 2nd - October 1st	December 1
October 2nd - November 1st	January 1
November 2nd - December 2nd	February 1
December 3rd - December 30th	March 1
<p>*-If hired on January 1st of a Leap Year, eligibility date will be March 1st.</p> <p>** -If hired on February 1st of a Leap Year, eligibility will be April 1st.</p>	

4.07 RETIREMENT

Guadalupe County is a member of the Texas County and District Retirement System (TCDRS). Membership in the retirement system is mandatory for all full-time and part-time employees. Elected and appointed officials must also participate.

- Guadalupe County will match all contributions made by an employee however; the county match will only be paid to the employee upon retirement.
- All counties and several local government and state agencies may combine service records and contributions upon eligibility of retirement.
- Employees are vested after 8 years of service.
- There are three ways to retire:
 - * Employee is age 60 and has at least 8 years of service.
 - * Rule of 75 -Employee has at least 8 years of service and their years of service plus their age equals 75 or more.
 - * Employee has 20 years of service at any age.
- Employees that withdraw their funds due to termination of employment do not receive the county contribution.

- Employees that leave the county with 8 years of service or more have the option to leave their retirement funds at TCDRS. These employees can actually draw a retirement check when they meet eligibility requirements.

Employees are encouraged to contact the Human Resources Department with any questions or concerns regarding their retirement.

4.08 RETIREE MEDICAL INSURANCE

Employees, who meet the eligibility requirements, effective January 1, 2009, from the Texas County and District Retirement System and retire from Guadalupe County while currently enrolled in the county's group health insurance, will be permitted to continue their participation in current or future group health insurance programs at the retiree's expense. Coverage for spouses and dependents who are participants in the County's group health insurance program on the date of the employee's retirement may also be continued at the retiree's expense.

Once a retired employee reaches the age of 65, he/she will no longer be authorized to stay on the Guadalupe County Medical Plan shall be required to drop from the Guadalupe County Medical Plan.

Employees retiring on or after January 1, 2009, may apply for the County Choice Silver Plan with the Texas Association of Counties, or may purchase your own private medical coverage.

Current retirees on the Guadalupe County Medical Plan who are already 65 or older must transition over to the County Choice Silver Plan, or purchase their own private medical plan.

Spouses of retirees who are under the age of 65 will be allowed to remain on the Guadalupe County Plan at a cost, until they reach age 65, at which time they must transition over to the County Choice Silver Plan, or purchase their own private medical plan.

Spouse of deceased retirees will be allowed to remain on the Guadalupe County Plan until they reach age 65, at which time they must transition over to the County Choice Silver Plan, or purchase their own private medical plan.

In addition, if a retiree or his or her dependent becomes eligible for another employers group health insurance, they would no longer be eligible for the retiree insurance program offered through Guadalupe County. It is the retiree's responsibility to inform the Guadalupe County Human Resources Department of any changes that would affect health insurance coverage.

4.09 HIPAA

Guadalupe County will safeguard Protected Health Information in its possession as required by the HIPAA Privacy Regulations. Moreover, Guadalupe County will inform Individuals about its privacy practices and individual privacy rights, to the full extent required under both state and federal law, and the policies and procedures adopted by Guadalupe County governing the use and disclosure of Protected Health Information.

A copy of the “Notice of Privacy Practices” policy provided by Guadalupe County’s health care provider may be obtained at the Human Resources Department.

4.10 LONGEVITY PAY

Longevity Pay is subject to budgeting and will be considered at each annual budget process on a “funds available basis”.

Regular full-time employees are eligible for longevity pay after three years of continuous service as of October 1 of the current budget year. Longevity is provided to employees at the rate of \$5.00 for each month of continuous service. Additional longevity funds may be added annually if approved in Commissioner’s Court. Regular full time employees who receive this additional longevity pay will be required to be employed for one continuous year as of October 1 of the current budget year.

Employees must be actively working, on approved FMLA, or on approved military leave during the pay period in which the longevity is paid. Longevity will not be paid to employees on worker’s compensation leave who have exhausted their 12 weeks of FMLA.

Regular part-time and temporary employees will not be eligible for longevity pay.

If a temporary or part-time employee becomes full-time, longevity benefits will be calculated from the date the employee becomes a regular full-time employee.

Longevity pay will be included in the employee’s regular bi-weekly paycheck in November of the year in which it was approved.

4.11 CERTIFICATION SUPPLEMENTS FOR LAW ENFORCEMENT

Effective October 1, 2016, Guadalupe County will begin supplementing law enforcement personnel for certifications. Certification pay is based on Texas Commission on Law Enforcement (TCOLE) Proficiency Certificates. Personnel must be in a full-time position that requires certifications through TCOLE. Personnel may only receive one supplement which is based on their current job position. In some cases when the budget is estimated, pay will be based on actual certification.

Certification pay will be adjusted as certification level is completed during the fiscal year. It is the responsibility of the employee to provide the new certification advancement certificate issued by TCOLE to the Human Resources Department within 30 days of receiving certification. If the certificate is not received within 30 days, the employee will only be supplemented for the two previous pay periods.

Certification pay will be paid bi-weekly as follows:

**PEACE
OFFICER**

Masters	\$100 per Pay Period
Advanced	\$50 per Pay Period
Intermediate	\$25 per Pay Period

DISPATCHERS (TELECOMMUNICATORS)

Masters	\$60 per Pay Period
Advanced	\$30 per Pay Period

DETENTION OFFICERS (JAILERS)

Masters	\$80 per Pay Period
Advanced	\$40 per Pay Period
Intermediate	\$20 per Pay Period

DETENTION OFFICERS (JAILERS)

SERT Officers \$80 per Pay Period

Special Emergency Response Team - based on a maximum of 6 officers per shift

4.12 HOLIDAYS

Guadalupe County Commissioners' Court establishes paid holidays each year. A list of holidays approved by the Guadalupe County Commissioner's Court for the current year, specifying days of the week and dates, may be obtained from the Guadalupe County Judge's Office.

Law Enforcement and detention officers who do not receive holiday time off will instead be compensated for each official county holiday by receiving an additional eight hours of pay at their regular straight-time hourly rate. The additional pay is included in the employee's paycheck for the pay period in which the holiday occurred. This additional pay is received regardless of whether or not the employee actually worked on the holiday.

A paid holiday is not considered as time worked for the purposes of determining when an employee has reached his or her maximum allowable hours (40 hours per work week for non-law enforcement personnel; 171 hours per 28-day work period for law enforcement and detention officers).

If an official holiday on the current year's list of approved holidays falls on a regular, full-time employee's regular day off and the employee does not work that day, he or she will be paid their hourly rate for 8 hours for that holiday.

If an official holiday falls within a regular employee's paid absence (e.g. vacation, sick leave), holiday pay is provided instead of the paid time off benefit that would otherwise have been applied.

Employees absent without approved leave on the workday immediately preceding and/or following a holiday will not be paid for the holiday.

4.13 UNPAID LEAVE

Unpaid leave is available to eligible regular full-time and part-time employees wishing to take time off from work duties to fulfill personal obligations or to recover from an illness. Employees must exhaust all accrued leave time before using leave without pay. Normally employees won't be granted leave without pay if they have less than 12 months service unless specific arrangements were made as part of the agreement. As soon as eligible employees become aware of the need for leave without pay, they should request a leave from their department head.

Granting a leave without pay is at the discretion of the department head. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the county at the end of the approved period.

Requests for leave without pay will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed absence. If approved, leave without pay may be granted for a period of up to 180 calendar days per year (6 months).

Approval of leave without pay must be documented with a copy of the documentation to be placed in the employee's personnel or medical file maintained in the Guadalupe County Human Resources Department. Employees on unpaid leave are converted to an inactive status and do not accrue any benefits. Previous medical insurance can be continued through COBRA. See the Employee Benefits Booklet for more details for COBRA options.

Employees on leave without pay must contact the appropriate supervisor at least once a week to report on his/her status unless another schedule is agreed to in writing. Failure to provide required medical status reports or to contact the office on the schedule required by the supervisor may result in revoking the leave without pay and taking disciplinary action up to and including termination.

Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date, which reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity. There is no guarantee of reinstatement. (Exception: FMLA leave not exceeding 12 weeks of leave.) Failing to report to work promptly at the expiration of the approved leave period will result in Guadalupe County applying a voluntary resignation.

4.14 MILITARY LEAVE

Guard and Reserve

County employees (except those occupying temporary positions) 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 calendar year with pay to attend authorizing 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 calendar 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.

Orders

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. Copy of these orders will also need to be turned into the Human Resources Department.

Active Military

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.

Return to Employment

County employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing for reasonable travel time plus an eight (8) hour rest period. Reinstatement of employment will be in accordance with Section 1 of article 6252-4A, T.V.C.S. (Texas Statute).

4.15 JURY DUTY

Employees of Guadalupe 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. A copy of the jury summons must be turned into the department head.

Pay for serving on the 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.

4.16 COBRA

In the event of an employee's termination of employment (except for gross misconduct), or reduction from full time to part time employment, the employee, spouse, and dependent children are entitled by law to purchase continuing health care coverage under the county's group plan for up to 18 months. If the employee or any member is disabled, the disabled individual and non-disabled family members are entitled to an additional 11 months of continuation coverage. In the event of an employee's death, divorce, or legal separation, or

a retiree losing coverage under the county's group because of enrollment in Medicare, the spouse and dependent children of the employee or retiree having the option of purchasing continuing coverage the under county's group health plan for up to 36 months. If a dependent child loses coverage under the county's health plan because of age restrictions, the child can purchase continuing health care coverage under the county's plan for up to 36 months.

Employees or qualified beneficiaries electing COBRA coverage are responsible for paying the cost of the extended health care coverage. There is no waiting period, no exclusion for preexisting conditions, and no physical examination. Any amounts already paid toward deductibles and coinsurance during the current year count under the continuation policy.

In order for the county to meet its legal obligations in providing continuing health care coverage, all employees must inform the Human Resources Department within 30 days of a divorce or legal separation or when a child has reached the age restriction. It also is essential that Human Resources Department has a current address for all employees and family members.

This policy statement is a brief description of the Health Care Continuation Plan and does not fully explain employees' rights. Employees should read the notice they receive when they first enroll in the group health plan or the Summary Plan Document for a full explanation. Copies of the notice and Summary Plan Document can be obtained from the Human Resources Department.

4.17 EMERGENCY CALL-BACK

Many positions within the County are subject to emergency "call back" this includes law enforcement, road & bridge, building maintenance, information technology, and other departments.

Employees who are called in to work outside of their scheduled hours by an authorized person will be credited with a minimum of one (1) hour guarantee for each time the employee is called back. It is the department heads responsibility to determine and approve emergency call-back time for employees.

5. Wages

5.01 FAIR LABOR STANDARDS ACT

Guadalupe County complies fully with the Fair Labor Standards Act (FLSA). All job positions will be reviewed and classified as non-exempt or exempt, according to FLSA standards. All employment practices will be conducted in accordance with this regulation.

5.02 PAY DAYS

Pay for Guadalupe County elected and appointed officials and employees who are paid from county funds are set forth each year by the Guadalupe County Commissioner's Court in the adopted county operating budget. Guadalupe County Commissioner's Court also establishes rules governing salary administration and pay increases.

Employees are paid on a bi-weekly schedule. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event a regularly scheduled payday falls on a banking holiday, paychecks will be issued on the last working day preceding the holiday. Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the payroll department where forms are available. Employees will receive an itemized statement of wages on each payday, which also includes vacation, and sick leave balances.

Effective January 1, 2014, direct deposit will be mandatory for all Guadalupe County employees.

Paychecks are issued every other Friday after 9:00 a.m. in the Guadalupe County Treasurers Office. Checks may only be released to the individual responsible for their proper distribution within a department.

No salary advances or loans against future salary will be made to any employee for any reason.

5.03 WORK SCHEDULE AND WORK WEEK

For the purposes of complying with the federal Fair Labor Standards Act (FLSA), the county's official workweek begins on Saturday morning at 12:01 AM and ends at seven (7) consecutive days (168 hours) later.

Normal working hours for most county employees are Monday through Friday, 8:00 AM to 5:00 PM, with one hour for lunch, for a total of 40 hours per seven-day workweek. Morning and afternoon breaks of 15 minutes each may be authorized by the responsible department head, but, if authorized, this time does not accumulate if not taken.

Law enforcement personnel work varying shifts in order to provide services 24 hours each day.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule. Department heads may make adjustments to these schedules.

5.04 OVERTIME WORKED

The policy of Guadalupe County is to allow overtime to be worked only in cases of emergencies or when specifically authorized by Guadalupe County Commissioners' Court. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours actually worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-law enforcement employees; 171 hours for 28-day work period for law enforcement and detention officers).

For non-law enforcement employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For law enforcement and detention officers, overtime begins to accrue after the 171st hour worked during the 28-day work period.

All overtime services by employees, covered under FLSA, must be authorized in advance by the department head. Unauthorized overtime will be granted as compensatory time but may result in discipline up to and including termination.

5.05 OVERTIME COMPENSATION

This policy shall apply to all County employees eligible for overtime compensation under the Fair Labor Standards Act (FLSA) except for law enforcement employees which is discussed in the next section.

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA or by payment at the rate of one and one-half times the employee's regular hourly rate. Payment of overtime must be authorized by the Guadalupe County Commissioner's Court and approved by the department head, normally only in emergency situations and when funds are available.

Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half (1 ½) times the amount of overtime worked.

5.06 LAW ENFORCEMENT OVERTIME

Pursuant to the Federal Fair Labor Standards Act (FLSA), all non-exempt law enforcement officers who actually work more than 171 hours in one 28-day work period will be compensated for hours worked in excess of 171 hours by earning overtime. Any paid leave or holidays taken during the 28-day period will not be counted as hours worked in determining overtime hours. Overtime may be compensated in the form of monetary payment at a rate of one and one-half times the regular rate of pay, or by compensatory time off at a rate of one and one-half times the number of hours worked.

The department head has discretion in determining whether monetary compensation or compensatory time will be given for overtime. Monetary payment of overtime is only made when funds are available.

5.07 COMPENSATORY TIME

Any compensatory time earned should be used within 60 days of the date the overtime was worked. Compensatory time should be used before any other leave is taken except sick leave. The maximum amount of accumulated compensatory time allowed by federal law is 240 hours for non-law enforcement employees and 480 hours for law enforcement employees. Once the maximum is reached, any future overtime is paid out at one and one half times the regular hourly rate.

5.08 TIME KEEPING AND REPORTING

Accurately recording time worked is the responsibility of every employee. Federal and state laws require Guadalupe County to keep accurate records of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees should accurately record the time they begin and end their work. They should also, record the beginning and ending time of any split shift or departure from work for personal reasons.

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.

Time records must be signed by the employee and by the department head. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time worked. Changes made to time sheets require initials of both the employee and the supervisor.

Exempt employees are not required to use the timekeeping system to "clock in and out." However, if an exempt employee works less than 80 hours in a time period, the employee will be required to submit a Leave of Absence Request Form for each half-day and full day absences to the County Treasurer's office at the same time timesheets are due.

Leave such as vacation, sick and other approved leave will be recorded in the timekeeping system as to appropriately record exempt employees approved leave time taken.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the payroll department for payroll purposes as well as being recorded on the individual department's records.

5.09 ADMINISTRATIVE PAY CORRECTIONS

Guadalupe County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the payroll department so the corrections can be made as quickly as possible. Correction(s) will be made on the next payday.

5.10 EMERGENCY CLOSINGS

At times, emergencies such as severe weather or power failures can disrupt County operations. In extreme cases these circumstances may require the closing of County facilities. During non-working hours, all efforts will be made to notify employees of closings on the Guadalupe County website and the local radio station may be asked to broadcast notification of closings. Department personnel should contact their department head or supervisor for specific guidance.

When the County Judge declares operations are closed due to emergency conditions, the time off from scheduled work will be paid. Certain offices such as the County Sheriff, Road and Bridge, and Fire Marshal's office are considered "Essential" and are expected to remain open during emergency situations. Employees of these essential departments shall receive time off equal to the same amount of hours provided to employees of the non-essential departments for time worked during an emergency closure. The time off granted to employees of essential departments pursuant to this paragraph shall be used within 90 days from the date the time was earned.

Employees generally are expected to report for work during inclement weather conditions, if Guadalupe County does not declare an emergency closing. Employees who are unable to

report because of weather conditions should contact the department head or their supervisor for specific guidance.

5.11 PAYROLL DEDUCTIONS

The law requires that Guadalupe County make certain deductions from every employee's compensation. Among these are applicable federal income taxes and Texas County and District Retirement System contributions. Guadalupe County must also deduct Social Security taxes up to a specified limit that is called the Social Security "wage base." Guadalupe County matches the amount of Social Security taxes paid by each employee. Guadalupe County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs such as the county group medical or dental premiums for the employee or dependents or supplemental benefits. Other payroll deductions may be taken by Guadalupe County to help pay off a debt or obligation to Guadalupe County with the employee's consent.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning the appropriate forms to the Guadalupe County Human Resources Department to make the necessary changes.

5.12 INDEBTEDNESS TO COUNTY OR STATE

Texas law limits the County's right to make deductions from an employee's pay (TX Labor Code Sec. 61.018). The County may make deductions that are:

- Authorized by state or federal law
- Authorized in writing, in advance by the employee
- Ordered by court, (e.g., garnishment)

5.13 ACROSS THE BOARD PAY INCREASES

During budget deliberations each fiscal year, Guadalupe County Commissioners' Court may authorize an across the board pay increase and/or a cost of living allocation (COLA). If an across the board pay increase or COLA is approved, each salary amount on the pay scale chart and each individual employee's salary is adjusted by the authorized increase. Professional employees and other employees classified outside the grade scale will also receive a COLA increase unless specifically excluded by commissioners' court.

6. Separations

6.01 RETURN OF PROPERTY

Employees must return all Guadalupe County property immediately upon request or upon termination of employment. Guadalupe County may take all action deemed appropriate to recover or protect its property. Employees are responsible for items issued to them by Guadalupe County or in their possession or control, such as the following:

- Uniforms/Protective equipment
- Credit Cards
- Identification cards/badges/security passes
- Manuals/written materials

- Keys
- Pagers/Phones
- Parking permits
- Vehicle insurance ID card (Proof of insurance)
- Equipment/tools

6.02 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

- Resignation;
- Retirement;
- Reduction in Force (Layoff);
- Dismissal; or
- Death.

(NOTE: The Human Resources Department will conduct an exit interview with employees during their out-processing prior to leaving county service.)

Resignation

A resignation is classified as any situation in which an employee voluntarily leaves his/her job with Guadalupe County and the separation does not fall into one of the other categories.

An employee who intends to resign is requested to notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the appropriate department head immediately.

A supervisor shall be responsible for notifying the Guadalupe County Human Resources Department as soon as an employee announces his/her intent to resign.

Retirement

The same requirements for resignation apply to retirement except for the fact that the employee should notify his/her supervisor at least thirty (30) days prior to the last day of work so that any retirement benefits due may be started promptly. Employee must meet age, length of service, and other criteria for retirement from Guadalupe County. Please contact the Human Resources Department for additional information.

Reduction in Force (Layoff)

An employee shall be separated because of reduction in force when his/her position is abolished or when there is lack of funds or work.

Dismissal (Termination)

A dismissal/discharge shall be an involuntary separation from employment, which does not fall into one of the other categories.

Guadalupe County operates under the legal doctrine of “employment-at-will” regarding employment, and can terminate the employment of any employee for any legal reason, or no reason, at any time wither with or without notice. No contract of employment shall exist

between any individual and Guadalupe County for any duration, either specified or unspecified.

Death

If a county employee dies while in the service of Guadalupe County, his or her designated beneficiary or estate receives all pay due and any earned and payable benefits as of the date of death.

6.03 SEPARATION PAY

Guadalupe County will pay for all hours worked for which payment has not been received.

Upon separation from county employment, a regular employee who has completed at least 12 months of continuous employment will be paid up to 80 hours of accrued and unused vacation leave. Unused sick leave benefits will not be paid out. However, the employee may choose to donate up to 80 hours to the Guadalupe County Sick Leave Pool.

The employee will receive his or her final paycheck on the county's next regular payday.

6.04 EXIT INTERVIEWS

The employee will need to contact the Human Resources Department to fill out paperwork pertaining to retirement, insurance, the sick leave pool, and any other necessary exit forms before or immediately after leaving employment with Guadalupe County.

7. Drug & Alcohol Policy

7.01 PURPOSE

The purpose of this policy shall be to establish a drug and alcohol-free workplace to help ensure a safe and productive work setting for all employees.

7.02 APPLICABILITY

This policy shall apply to all employees of Guadalupe County regardless of rank or position and shall include temporary and part-time employees.

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

7.03 POLICY

The following shall be a violation of this policy:

- a. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property
- b. Being under the influence of alcohol or illegal drugs while on County property or while on duty for the County
- c. The unauthorized possession or use of prescription or over-the-counter drugs while on County property or while on duty for the county
- d. The use of 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.

7.04 DEFINITIONS

- a. A controlled substance shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended.
- b. County property shall include all County owned, rented, or leased real property such as buildings, land, parking lots etc. and property used by employees such as vehicles, lockers, desks, closets, storage areas, etc.
- c. Drugs shall include any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
- d. Drug paraphernalia shall include equipment, a product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise inducing into the human body an illegal drug or controlled substance.
- e. Illegal drug shall include any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any other than a legitimate medical reason, and inhalants used illegally. Included is marijuana or cannabis in all forms.
- f. Under the influence shall be defined as a state of having blood alcohol concentration of 0.02 or more or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

7.05 TYPES OF DRUG AND ALCOHOL TESTING

Pre-employment Testing

All employees will be tested prior to beginning their employment with Guadalupe County. The Human Resources Department will provide the information regarding where and when to report for testing. A urinalysis test for drugs will be required for DOT and non-DOT positions. All offers of employment are conditional upon passing a drug test. No one will be hired who refuses to be tested or fails the test.

Reasonable Suspicion Testing

If an employee is having a work performance problem or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this Drug and Alcohol Policy where immediate management action is necessary, a supervisor, with the notification of the Human Resources Director, will require that employee to submit to a breath test and or urinalysis. The following conditions may be signs of possible alcohol or drug use (this list is not all-inclusive):

- Abnormally dilated or constricted pupils
- Glazed stare- redness of eyes (sclera)
- Flushed face
- Change of speech (i.e. faster, slower, slurred)
- Constant sniffing
- Increased or unexplained absences
- Redness under the nose
- Sudden weight loss
- Needle marks
- Change in personality (i.e. paranoia, anger)

- Increased appetite for sweets
- Forgetfulness – performance altering- poor concentration
- Borrowing of money from co-workers or seeking an advance of pay or other unusual display of need for more money
- Constant fatigue
- Hyperactivity
- Smell of alcohol
- Difficulty walking or standing
- Dulled mental processes
- Slowed reaction rate

Elected officials, appointed officials or supervisors should take immediate action if they have reason to as indicated and that substance or alcohol abuse is affecting the employee's job performance or endangering the public. A supervisor observing such conditions will take the following actions immediately:

- a. Confront the employee involved, and keep them under direct supervision until the situation is resolved. Inform the employee of the problems with their job performance and the specific violations of county policy.
- b. Contact the Human Resource Director and inform them of the situation with the employee under suspicion.
- c. After discussing the circumstances with the official or supervisor the employee may be required to immediately submit to a breath test and or urinalysis. If the employee refuses to submit to the testing for any reason, the employee may be informed that they are being immediately terminated.
- d. The official or supervisor shall provide the Human Resources Director documentation of the particular facts related to the behavior or performance problems within 24 hours of sending the employee for reasonable suspicion drug and or alcohol testing.
- e. Under no circumstance will an employee be allowed to operate a vehicle or machinery while conducting County business until a confirmed negative test is received.

7.06 POST ACCIDENT TESTING

All employees directly involved in an on-the-job accident that results in property damage, lost time or bodily injury will be required to be drug and alcohol tested within 3 hours of the accident this includes DOT and non-DOT positions.

7.07 TESTING PROCEDURES

Any official or supervisor who requests that an employee be tested must contact the Human Resources Director for the necessary paperwork to send to the lab.

- a. The employee will be escorted and driven to the designated testing facility for a specimen collection.

- b. Tests that may be required include breathalyzer, urinalysis and/or blood tests.
- c. The employee will sign the chain of command that is provided by the drug testing facility.
- d. The employee may be suspended with pay until the test results are known. Arrangements will be made to safely return the employee to their resident.
- e. Unless required by law, the results of the alcohol or drug test will not be released to anyone other than the Human Resource Director and the official or supervisor without written authorization by the employee.

7.08 REFUSAL TO BE TESTED

Each employee is expected to fully cooperate and consent to a drug or alcohol test when requested under the terms of this policy. Refusal to consent to a drug test when requested may result in immediate termination.

7.09 POLICY VIOLATIONS

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

7.10 PRESCRIPTION DRUGS

Employees taking prescription medications shall be required to notify their supervisor if any possible effects the medication might have regarding their job performance and physical/mental capacity.

Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.

Prescription medications used at work are to be kept in their original container.

7.11 TREATMENT

Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals. The County provides assistance through the Employee Assistance Program (EAP). This program offers six free counseling sessions, per problem, per family member, per year. EAP can be contacted by calling 1-800-246-1010. This is a confidential phone call and all counseling sessions are confidential.

8. Health and Safety

8.01 GENERAL

It is the policy of Guadalupe County to make every effort to provide healthy and safe working conditions for all of its employees. Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

The following rules are designed to promote the safety and well being of county employees and are to be observed by employees at all times:

- No employees may engage in horseplay, wrestling, or practical joking while on duty or operating county equipment;

- Employees should maintain awareness of potential dangerous situations that may cause injury or illness to themselves, fellow employees, or the public;
- Employees must report immediately to their supervisors any conditions that, in their judgment, threaten the health or safety of employees or the public;
- An employee who is unable to perform his or her duties safely due to illness or injury must promptly notify his or her supervisor; and
- Employees must immediately seek proper first aid treatment for all on-the-job injuries and illnesses and report these injuries and illnesses to their supervisor unless emergency circumstances exist.

Failure to report an on-the-job injury or illness, no matter how minor, is grounds for disciplinary action up to and including termination.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to share them with their supervisor, or department head, or bring them to the attention of the Safety Committee. (Contact the Human Resources Department for a list of Safety Committee Members). Reports and concerns about workplace safety issues may be made without fear of reprisal.

Any damage to a citizen's property caused by a county employee in the course of his or her work must be reported to the supervisor immediately. The supervisor will notify the property owner along with the Auditor's office and the Human Resources Department. Any accident that causes damage to county or personal property or results in lost time for the employee will require that the employee be tested for drugs and alcohol within 1 hour of the accident. Failure to comply could result in disciplinary action up to and including termination.

8.02 EVACUATION PLANS

Guadalupe County department heads are encouraged to formulate an evacuation plan for their respective building(s). Below are some guidelines that will assist to ensure the continued safety of our employees and visitors when evacuating county buildings. The guidelines should not be considered all encompassing. A practical approach should be utilized when instituting evacuation procedures.

General Information:

- Elevators should not be used during evacuation procedures.
- Upon activation of fire alarm(s), evacuation procedures should commence in an orderly manner.
- **DO NOT LOCK ANY DOORS**, as this will hamper fire fighting and/or rescue efforts.

Supervisory Personnel:

- Emergencies encountered during evacuation should be handled on the spot, i.e., injuries, location of fire, personnel in elevator, etc.
- Establish a rendezvous point away from the evacuated building to affirm the accountability of all employee and visitors.

- ALLOW NO ONE TO RETURN TO THE EVACUATED FACILITY UNTIL PROPER AUTHORITY FROM THE FIRE DEPT, SHERIFF'S OFFICE, OR POLICE DEPT. HAS GIVEN THE ALL CLEAR.

8.03 ON THE JOB INJURIES

Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported to Human Resources within 24 hours.

All workers' compensation leave requires medical certification; therefore, the employee must seek medical treatment immediately. The employee must submit to a drug and alcohol test. Refusal to do so may result in disciplinary action, up to and including termination.

Workers' compensation covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. These benefits may include: compensation payments, medical care as reasonably required curing and relieving the affects of the injury or occupational_disease, and/or death benefits. These are temporary benefits, which will continue until the doctor certifies that the employee has received maximum medical improvement.

Compensation benefits are subject to a seven calendar day waiting period. After 28 calendar days of lost time, the seven-day waiting period will be paid by Worker's Compensation. If Worker's Compensation reimburses the employee for the initial seven day waiting period, then the employee must reimburse the County.

Injuries caused by inappropriate behavior, willful intent, intoxication, horseplay, intentional injury to oneself, unlawful injury to another, an act of God, such as a lightning storm, hurricane, etc., or an act by a third party for personal reasons, are thereby excluded specifically from coverage by Workers' Compensation.

FMLA runs concurrently with workers compensation. Leave begins on the first scheduled work day of absence due to the on-the job injury and continues until the employee returns to work, or his or her FMLA eligibility expires. Workers compensation injuries are treated as any other FMLA qualifying event.

An employee receiving workers' compensation payments does not accrue any vacation or sick leave and is not entitled to holiday pay.

Guadalupe County will continue to provide medical insurance for employees on workers' compensation leave for a period not to exceed 12-weeks following the injury. Employees will be responsible for paying all supplemental or dependent coverage. These bills shall be invoiced for payment and will be distributed to the injured worker; payment must be made to the Guadalupe County Human Resources office by the due date indicated on the invoice. Failure to pay premiums by the due date will result in termination of insurance coverage.

While on Workers' Compensation, each time the employee sees the physician for a consultation or treatment related to the injury, he or she must provide a progress report to the

Human Resources Department. Any change in the employee's condition must be reported to the Human Resources Department. While on Workers' Compensation leave, the injured employee must contact his or her supervisor to report on their condition. The injured employee and supervisor can set up a call-in schedule.

A written "Fitness for Duty" statement from the attending physician certifying that the employee has been released to work and any possible limitation(s) must be received by the Department Head or supervisor before an employee may return to work.

The employee's Department Head or supervisor must notify Human Resources upon the employee's return to duty, so that appropriate paperwork may be completed and processed.

An employee may be terminated while on leave for an on-the-job injury for the following:

- Failure to provide the required medical documentation, or to contact the supervisor on the schedule required;
- If it is found that the employee has been released to return to work but has not done so;
- Participating in activities that would delay recovery or for failing to limit activities to those that will aid in healing;
- Failure to furnish a certificate from the employee's physician stating that the employee is able to perform the essential job duties with or without reasonable accommodations.

A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the Human Resources Department will assist the injured employee in applying for disability retirement under the "on-the-job disability" clause of coverage provided by the County's retirement plan.

8.04 TEMPORARY MODIFIED DUTY POLICY FOR WORKERS' COMPENSATION

This policy covers employees who are on leave due to an occupational injury or illness. Because employees are our most valuable resource, Guadalupe County attempts to help employees return to work as soon as possible after their physician certifies their fitness to do so.

8.05 COORDINATION WITH ATTENDING PHYSICIAN

An employee on leave due to a work-related disability can return to work only when Guadalupe County receives the attending physician's written medical release authorizing such return. Guadalupe County's Human Resource office, in conjunction with the department head, is responsible for providing the physician with a copy of the employee's job description, copies of job descriptions for potential modified duty assignments, and written information explaining Guadalupe County's return to work program.

8.06 JOB DESCRIPTIONS

Each department head is responsible for working with supervisors to ensure that job descriptions accurately and completely describe the essential functions of each position. Each department head works with the Human Resource office to analyze any new

modified duty position and develop a job description describing the essential functions of that position.

8.07 RETURN TO WORK OPTIONS

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

- **Return to prior position.** An employee is offered the opportunity to return to his or her prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations. The Human Resource office is responsible for working with the employee's supervisor, the department head, and attending physician to provide any reasonable accommodations.
- **Light Duty.** Any employees who are not yet able to return to their former duties are offered (subject to the restrictions set out in section 8.08 of this policy) a temporary modified-duty assignment that has been approved by the employee's attending physician. The Human Resource office is responsible for working with the employee's supervisor, the department head, and the employee's attending physician to develop and implement the modified-duty assignment. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternative modified-duty position.

8.08 RESTRICTIONS ON MODIFIED-DUTY ASSIGNMENTS

Modified duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. The following restrictions apply to modified duty assignments;

- **No guarantee of work.** As provided in section 8.07 of this policy, Guadalupe County must endeavor to return employees to gainful employment as soon as possible by exploring possible modified duty assignments. However, Guadalupe County does not guarantee the availability of modified duty work.
- **Pay rates and workers' compensation benefits.** Employees on modified duty are not guaranteed the rate of pay they received for the position they held at the time they sustained their work-related injury or illness. Employees receive temporary income benefits from workers' compensation to supplement this income to the pre-injury level. (Exception: Commissioned law enforcement officers are guaranteed 100% of salary by the State Constitution while incapacitated under workers' compensation standards whether on modified duty assignment or not). The pay rate for a modified duty assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work in modified duty positions before they have reached maximum medical improvement are eligible for temporary partial disability benefits under Texas's workers' compensation program if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees on modified duty positions are not permitted to supplement their workers' compensation benefits by using their accrued vacation or sick leave.

8.09 EMPLOYEE REFUSAL OF WORK/TRAINING

In the event that an employee refuses to return to regular or modified duties in response to a written, bona fide offer of employment by Guadalupe County sent via certified mail, the employee is separated from Guadalupe County and his/her position will be filled permanently (NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave entitlement. See section 8.12.)

A written offer of employment must clearly state:

- The position offered and the duties of the position;
- Guadalupe County's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
- The job's essential functions; and
- The job's wage, working hours, and location.

8.10 PERMANENT DISABILITIES

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

- Securing vocational rehabilitation services from the Texas's Employment Department or private consultants, as appropriate. Services can include assessment and testing, counseling, and training.
- Finding an open position at Guadalupe County commensurate with the employee's knowledge, skills, and abilities.

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

8.11 MEDICAL INFORMATION

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

8.12 COORDINATION WITH FMLA

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

It is Guadalupe County's policy to designate an employee's leave due to a work-related injury or illness as FMLA leave.

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

Until employees have exhausted their 12 week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided that they are able to perform the job's essential function.

8.13 HOLIDAYS AND ACCRUED LEAVE

An employee on modified duty may use accumulated time on the books for non-work related injury time off such as sick leave and vacation. This leave time does not apply to scheduled doctor appointments, follow-up visits, rehab or physical therapy. Employees on modified duty are entitled to holiday pay.

8.14 MEDICAL APPOINTMENTS

Medical appointments, including driving time, that cannot be scheduled outside of working hours and that are properly coordinated with the employee's supervisor will be treated as time worked and wages will be paid accordingly. The supervisor may ask for verification of the appointment time and proof of attendance.

It is the employee's responsibility to keep their supervisor and Human Resources informed of their status after each physician's visit. Failure to do so may result in disciplinary action up to and including termination.

9. Sexual Harassment

9.01 POLICY

Sexual harassment is strictly prohibited by Guadalupe County, whether committed by an elected official, department head, or co-worker. Guadalupe County does not tolerate harassment in the workplace of its employees by non-employees. It shall be the policy of Guadalupe 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.

9.02 DEFINITION

Sexual harassment shall include, but not 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. Submission to such conduct is either an expressed or implied condition of employment;
2. 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.

9.03 CLAIMS

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.

9.04 REPORTING

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 Human Resource Manager or the County Judge.

The department head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

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

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

9.05 OTHER RIGHTS

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

10. Harassment

10.01 POLICY

Guadalupe 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 a 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 Guadalupe County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business.

10.02 REPORTING HARASSMENT

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

10.03 INVESTIGATION

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.

10.04 RETALIATION

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

10.05 DETERMINATIONS

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

11. Family and Medical Leave Act and Military Family Leave

11.01 ELIGIBILITY

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

- Have worked for Guadalupe County at least 12 months (The 12 months need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to active duty, National Guard, or Reserve military service obligation.); and
- Have worked at least 1,250 hours during the previous 12 months before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

11.02 QUALIFYING EVENTS

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

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

11.03 SERIOUS HEALTH CONDITION

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

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

11.04 CONTINUING TREATMENT

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

- A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
- Treatment two or more times within 30 days of incapacity, or
- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment by a health care provider. (This treatment must occur within the first seven days of incapacity.)
- Any period of incapacity or treatment due to pregnancy or pre-natal care.
- Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
- Any period of incapacity which is permanent or long term, due to a condition that treatment is not effective.
- Any period of incapacity or absence to receive multiple treatments by a health care provider.

11.05 QUALIFYING EXIGENCY LEAVE

This leave is for families of members of the National Guard and Reserves and Regular Armed Forces when the military member is on covered active duty which requires deployment to a foreign country.

An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to active military duty, or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- Short notice deployment
- Military events and activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of leave.

11.06 MILITARY CAREGIVER LEAVE (Also known as Covered Service Member Leave)

This leave may extend up to 26 weeks in a single 12 month period for an employee to care for a spouse, son, daughter, parent, or next of kin covered service member or covered veteran with a serious illness or injury incurred in the line of duty on active duty. A serious injury or illness also includes injuries or illnesses that existed before a service member's or covered veteran's active duty and that was aggravated by service in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member or covered veteran. Guadalupe County will comply with FMLA provisions and definitions regarding military caregiver leave.

11.07 LEAVE AMOUNT

Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their FMLA Leave entitlement to address certain qualifying exigencies. Up to 12 weeks leave per 12 month period may be used under this policy.

The county will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy.

All leave taken under this policy during the prior 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.

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

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

- a. The single 12 month period begins on the first day the eligible employee takes FMLA to care for a covered service member or covered veteran and ends 12 months after that date.
- b. If an eligible employee does not take all of their 26 workweeks during this 12 month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member or covered veteran is forfeited.
- c. This leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12 month period.
- d. If an eligible employee has already taken any portion of their eligible FMLA leave, they will only be entitled to a combined total of 26 workweeks for any FMLA qualifying event in the single 12 month period.

11.08 PAID AND UNPAID LEAVE

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

An employee, who is taking leave because of the employee's own serious health condition, or the serious health condition of an eligible family member, shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the birth or placement of a child for adoption or foster care shall be required to use all accrued sick leave first, then compensatory time, vacation, and any other paid leave for the recovery period after the birth or placement of a child prior to being on unpaid leave.

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

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

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

11.09 INSURANCE

While on leave under this policy, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee has been actively at work.

The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued.

Payments for coverage shall be made through regular payroll deduction while the employee is on leave with pay.

While on leave without pay, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be discontinued.

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

11.10 INTERMITTENT LEAVE AND REDUCED SCHEDULE

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

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

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

11.11 CERTIFICATION REQUIREMENTS

The County shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy.

The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.

Certification of the serious health condition of the employee shall include:

1. The date the condition began;
2. Its expected duration;
3. The diagnosis of the condition;
4. A brief statement of the treatment; and
5. A statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of a serious health condition of an eligible family member shall include:

1. The date the condition began;
2. Its expected duration;
3. The diagnosis of the condition;
4. A brief statement of treatment; and
5. A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

Certification for leave taken because of a qualifying exigency shall include:

1. A copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in a foreign country;
2. The dates of the covered military members active duty service;
3. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave;
4. The approximate date on which the qualifying exigency will start and end;
5. If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;
6. If the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.

Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include:

1. If the injury or illness was incurred in the line of duty while on active duty;

2. The approximate date on which the illness or injury occurred and the probable duration;
3. A description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care;
4. If a covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to;
5. The relationship of the employee and the covered military service member or covered veteran;
6. In lieu of certification, an ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for an eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the covered family relationship to a seriously injured or ill covered military member or covered veteran.

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

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

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

11.12 REQUESTING LEAVE

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

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

Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable.

If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

11.13 REINSTATEMENT

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

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

The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave available.

11.14 REPAYMENT OF PREMIUMS

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

11.15 OTHER BENEFITS

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

11.16 OTHER ISSUES

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

The County may send out an employee who has been out for 3 or more days a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA leave.

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

11.17 ABUSE OF BENEFIT

Any employee found abusing this policy, e.g., falsely reporting that he/she has a situation that falls under FMLA when he/she does not, or not returning to work when he/she is able, is subject to disciplinary action, up to and including termination.

11.18 ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private suit against the county for unlawful discrimination under FMLA. The FMLA does not affect any Federal or State law prohibiting discrimination or supersede any Federal or State law or collective bargaining agreement which provides greater family or medical leave rights. It is unlawful for the county to interfere with an employees' legal right to FMLA or discriminate against an employee for exercising their legal rights under the FMLA.

12. Computer Policy

12.01 SOFTWARE LICENSE

Guadalupe County purchases licenses for ALL computer systems and software required for conducting business. Any program installed on a county computer system must be licensed in accordance with the manufacturer and tracked by the MIS department. Every piece of software is licensed and assigned to only one computer. General rules concerning software.

1. Unless authorized by the MIS Department do not install software assigned to another computer.
2. Software programs must not be brought in from another work center or from home.
3. If a software package is needed to perform your function contact your department head who will request the MIS Department to obtain it.
4. Guadalupe County prohibits the illegal duplication of software and the related documentation in any form.

12.02 SECURITY

Individuals are given access to computers and information based on the needs of their work centers. The individual account owner is responsible for the proper use of this account, including proper password protection. Non-county employees will not be given access to computer accounts unless under strict controlled circumstances. Only the owner or administrator of that account module can grant this. Password sharing is prohibited. Employees should contact the MIS department or module administrator to obtain or change passwords.

Guadalupe County is now a network sharing system, which means, all county computers and resources are interconnected for the purpose of sharing data files. Programs and data files on other computers are for authorized users only. Files may only be accessed if they have been explicitly made available to employees. Employees cannot obtain copies, look into, modify, delete, or tamper with in any way any data, software, or computer systems, belonging to another agency or persons unless employees have the permission to do so.

12.03 RESOURCES

Guadalupe County is connected to the Internet via high-speed data connection. The speed of this service is determined by the amount of data passing through it at any one time. Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies, and ties up printers

and other shared resources. Therefore each employee must use this service responsibly. Streaming suites such as TV and radio stations that broadcast over the Internet should be used sparingly due to the amount of bandwidth it takes up. Also online gaming, chat lines, telephony, and video are prohibited unless business related. Employees should schedule communications-intensive operations such as large files transfers, video download, mass e-mailings and the like for off-peak times.

The use of county printers, paper, and other associated property for other than county related business is prohibited.

Guadalupe County has installed an Internet firewall to assure the safety and security of the county's networks. Any employee who attempts to disable, defeat or circumvent any county security facility could lead to disciplinary action including termination of employment. Only those Internet services and functions with documented business purposes for Guadalupe County will be enabled through the Internet firewall.

VPN (Virtual Private Network) accounts are a high security threat and must be treated accordingly. The user name and password for a VPN account must be treated in the same manner as your Guadalupe County username and password. Employees must not give out VPN accounts to unauthorized persons. Employees should contact the MIS department to issue or change a VPN account.

12.04 THE INTERNET

Guadalupe County provides access to the vast information resources of the Internet to help employees do their job, and be a well-informed business citizen. The Internet itself is a global network of computers and resources, which has no control over its content or users. It contains a diverse range of material, which may be objectionable or offensive. This Internet usage policy is designed to help employees understand the county's expectations for the use of those resources in the particular conditions of the Internet, and to help employees use those resources wisely.

12.05 GUADALUPE COUNTY'S INTERNET USAGE PHILOSOPHY

First and foremost, the Internet for Guadalupe County is a business tool, provided to employees at significant cost. Guadalupe County expects employees to use Internet access primarily for business-related purposes, i.e., to communicate with customers and suppliers, to research relevant topics and obtain useful business information. Employees should conduct themselves honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others, just as anyone would in any other business dealings. Employees should always remember that any data transmitted or received on county systems is considered part of the official public record and as such is subject to disclosure by law enforcement and authorized third parties.

The first and foremost rule to using the Internet is for employees to remember that all existing county policies apply to conduct on the Internet, especially (but not exclusively) those that deal with intellectual property protection, privacy, misuse of company resources, sexual harassment, information and data security, and confidentiality.

Guadalupe County has software and systems in place to assign level of access and software that monitors and record all Internet usage. Using proxy sites or other means to circumvent current site blocking is strictly prohibited. Our security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, newsgroup or email message, and each file transfer into and out of our internal networks, and we reserve the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage. System administrators as required to protect the integrity of the computer system may access computer systems and files. Guadalupe County is sensitive to the legitimate privacy rights of the employees; every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

Guadalupe County's Internet facilities and computing resources must not be used to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any company resources for illegal activity is grounds for immediate dismissal, and Guadalupe County will cooperate with any legitimate law enforcement activity. The display of any kind of sexually explicit image or document on any county system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources.

Because a wide variety of materials may be considered offensive by colleagues, customers or suppliers, it is a violation of county policy to store, view, print or redistributes any document or graphic file that is not directly related to the user's job or the county's business activities.

If employees find themselves connected incidentally to a site that contains sexually explicit or offensive material, they must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. Please notify your immediate supervisor of such incidents.

Employees with Internet access may download only software with direct business use, and must arrange to have such software properly licensed and registered. No employee may use county facilities to download or distribute pirated software or data.

Employees with Internet access may not use county Internet facilities to download entertainment software or games, or to play games against opponents over the Internet.

Employees with Internet access may not use county Internet facilities to download images or videos unless there is an express business-related use for the material.

Employees with Internet access may not upload any software licensed to the county or data owned or licensed by the county without the express authorization of the manager responsible for the software or data.

In the interest of keeping employees well informed, use of news briefing services is acceptable, within limits that may be set by each department.

Removable media is defined as devices or media that is readable and/or writable by the end user and are able to be moved from computer to computer without modification to the computer. This includes flash memory devices such as thumb drives, SD cards, cameras, MP3 players and PDAs; removable hard drives (including hard drive-based MP3 players); optical disks such as CD and DVD disks; floppy disks and software disks not provided by Guadalupe County. Removable media is a well-known source of malware infections and has been directly tied to the loss of sensitive information in many organizations. Removable media must never be used to transfer CJIS or sensitive data without proper encryption. All rules of acceptable use apply to these devices, specifically they are tools for work related use. Once connected to the Guadalupe County Network via a PC then they become susceptible to seizure and open record request. Guadalupe County reserves the right to summarily ban the use of these devices at any time as protection of confidential data is the highest and only priority. Guadalupe County reserves the right to physically disable USB ports and to limit physical and virtual access.

12.06 ELECTRONIC MAIL (E-MAIL)

Guadalupe County strives to maintain a workplace free of harassment and sensitive to the diversity of it's employees, therefore the county prohibits the use of the computer e-mail system in ways that are disruptive, offensive to others, or harmful to moral. Guadalupe County prohibits transmissions of sexually explicit images, messages, or cartoons. Other misuse includes but not limited to, ethnic slurs, ethnic jokes, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or any other non-business-related matters.

Abuse of the Internet access provided by Guadalupe County in violation of law or Guadalupe County policy will result in disciplinary action, up to and including termination of employment. Employees may also be personally liable for any violation of this policy. The following behaviors are examples of actions or activities that are prohibited and can result in disciplinary actions.

- Sending or posting discriminatory, harassing, or threatening messages or letters
- Using business time and resources for personal gain
- Using someone else's password or login without authorization
- Failing to observe licensing agreements
- Viewing or exchange of pornography or obscene materials
- Using the Internet for any form of gambling

12.07 ONE FINAL NOTE ON E-MAIL

E-mail is the most dangerous security problem in the county. Viruses are so commonplace with most being delivered through E-mail. These viruses are now using the network to look for open servers to bring down and other machines to infect. This means that all county employees have the responsibility of using the county E-mail system securely and properly. This means never send attachments that are not business

related. If you receive an attachment that was not requested, do not open it, delete it. Never sign up for non-business ventures (Joke of the Day, Words to live by, etc.). If you are getting unsolicited emails (SPAM) please request that you be removed from their mailing list. Due to the severe virus threat the county E-mail system is to be used for business communications only. At this point the MIS department has no other choice but to begin monitoring of E-mail accounts in an attempt to lower the amount of viruses caused by careless use of this dangerous service.

12.08 CYBER SECURITY

Cyber Security is the most important function of the County Computer systems; it relies heavily on you the user. Keeping our data safe is not only a financial concern for us it is also our responsibility to our taxpayers to keep their data safe. The only way to gain their trust is to proactively protect our systems and databases. We can all contribute to this by being vigilant and keeping cyber security top of mind.

Use these common sense rules as a guideline:

Keep both personal and company-issued computer, tablet and cellphone secure.

Keep all devices password protected.

Ensure you do not leave your devices exposed or unattended.

Install security updates of browsers and systems monthly or when updates are available.

Log into company accounts and systems through secure and private networks only.

Never Access internal systems and accounts from other people's devices or lending their own devices to others.

Avoid opening attachments and clicking on links when the content is not adequately explained (e.g. "watch this video, it's amazing.")

Be suspicious of clickbait titles (e.g. offering prizes, advice.)

Check email and names of people they received a message from to ensure they are legitimate. If unsure notify MIS before opening.

Look for inconsistencies or giveaways (e.g. grammar mistakes, capital letters, excessive number of exclamation marks.)

Choose passwords with at least eight characters (including capital and lower-case letters, number and symbols) and avoid information that can be easily guessed.

Remember passwords instead of writing them down.

Avoid transferring sensitive data (e.g. customer information, employee records) to other devices or accounts unless absolutely necessary.

Share confidential data over the company network/system and not over public Wi-Fi or private connection.

Ensure that the recipients of the data are properly authorized people and organizations and have adequate security policies.

Most importantly, report scams, privacy breaches and hacking attempts to the MIS department as soon as possible.

Turn off screens and lock devices when leaving your desks.

Report any stolen or damaged equipment to the MIS Department as soon as possible.

Report a perceived threat or possible security weakness in company systems.

Refrain from downloading suspicious, unauthorized or illegal software on their company equipment.

Avoid accessing suspicious websites.

13. Sick Leave Pool Policy

13.01 PURPOSE

The purpose of Guadalupe County Sick Leave Pool is to provide additional Sick Leave Pool hours to Guadalupe County employees in the event of a catastrophic illness or injury that prevents an employee from active employment for an extended period of time. Hours may be applied from the Pool only after the employee has exhausted all accrued sick, vacation, and compensatory time. Guadalupe County Sick Leave Pool will be in accordance with Subchapter E of the Local Government Code. (Local Government Code Chapter 157, Section 157.071-157.075).

13.02 DEFINITIONS

1. **Catastrophic Illness or Injury:** A terminal, life-threatening, and/or severe condition or a combination of conditions affecting the mental or physical health of the employee or immediate family member that requires the services of a licensed health practitioner for a prolonged period of time and that forces the employee to exhaust all paid accrued leave time (compensatory leave, sick leave, and vacation leave).

Examples of conditions that generally are considered to be severe enough to designate as “catastrophic” include, but are not limited to: stroke, incapacitating heart attack, treatment for most types of cancer, major surgery, pregnancy with major complications, hysterectomy with major complications, hepatitis, and broken hip. Such conditions typically require 3 days or more of hospitalization and typically require 4 weeks or more recovery time.

There are certain conditions that Guadalupe County does not consider “catastrophic”. While these conditions may be temporarily incapacitating, if they occur with only minor complications or with no major complications, they are considered to be non-catastrophic. Examples of such conditions not considered “catastrophic” include, but are not limited to: a broken limb, cold/allergy/pneumonia, hysterectomy with no major complications, pregnancy with no major complications, elective/cosmetic surgeries that are unrelated to a serious diagnosis, and certain types of surgery with minor or no complications (e.g. appendectomy, tonsillectomy, etc.). Such conditions typically require 2 days or less hospitalization and require a maximum of 3 weeks recovery time.

2. **Licensed Practitioner:** a practitioner is defined by the Texas Insurance Code, as one who practices within the scope of his/her license
3. **Immediate Family Member:** a spouse, parent, or child.

13.03 ADMINISTRATION OF THE POOL

1. At the direction of the Commissioners Court, the Human Resource Director shall serve as the Pool Administrator. The Pool Administrator shall be responsible for developing mechanisms to transfer accrued Sick Leave Pool into and out of the Pool,

developing rules and procedures for the operation of the Pool, and developing forms for contributing or using leave from the Pool.

2. The Sick Leave Pool Administrative Committee shall be composed of the following members: The Human Resource Director as a non-voting member, the County Auditor as a non-voting member (except in the event of a tie), and five (5) full time hourly employees from the following departments: County Attorney, County Sheriff, Road and Bridge Department, County Clerk, County Treasurer (excluding the Payroll Administrator) and an alternate from the Tax Office. This is a voluntary committee that will be responsible for assisting the Pool Administrator when deemed necessary by the Administrator and/or when an appeal of the Administrator's decision is undertaken by an Employee. A simple quorum of those available will be required.
3. The Pool Administrator will review requests within 5 days and recommend the amount of leave based upon requested circumstances, number of hours donated by the employee requesting leave, amount of leave in pool and medical certification/recommendation. If the employee does not use the full balance awarded, the remaining hours must be returned to the pool. An employee may request to use the pool once per calendar year, per catastrophic illness, unless the employee did not use the maximum amount available to that employee on the first request.

13.04 POOL MEMBERSHIP

1. All regular full-time exempt and non-exempt employees are eligible to join the Sick Leave Pool by contributing a minimum of 8 hours or a maximum of 40 hours of accrued sick leave annually during the enrollment period, which is January of every calendar year unless additional periods are designated by the Administrator.
2. New employees may join the pool after 12 months of continuous employment. Hours donated will be subtracted from their accrued leave. Membership will continue through the end of the current calendar year.
3. After the Pool is established, employees will only be able to join at a time designated each year by the Pool Administrator or, in the case of new employees, immediately upon completion of 12 months of continuous service.
4. Membership enrollment forms must be submitted to the Human Resource Department. Hours donated will be subtracted from each member's accrued sick leave.
5. Hours donated become the property of the Guadalupe County Sick Leave Pool and cannot be returned in the event of membership cancellation.
6. Employees on approved leave of absence will be allowed to re-obtain membership if, within 8 weeks of returning to work, (s)he donates accrued sick leave back to the pool.
7. Only one donation during the calendar year is required to maintain membership in the Pool. Contributing to the Sick Leave Pool is strictly voluntary.

8. An employee who is terminated or who resigns or retires may donate to the pool not more than 80 hours of accrued sick leave time earned by the employee to take effect immediately before the effective date of termination, resignation, or retirement.
9. An employee who has exceeded the maximum allowable accumulation of 480 hours may annually donate to the pool not more than 40 hours of accrued sick leave in excess of the maximum allowed.

13.05 DAYS GRANTED

1. Hours will only be granted for catastrophic illnesses, which necessitate an absence from work for fourteen (14) consecutive calendar days or longer. In case of chemotherapy for cancer treatment, days can be granted for 1-13 days absence.
2. Eligible employees must use their own accrued sick, vacation, or compensatory time for the first 14 calendar days of absence before the Sick Leave Pool Administrator will consider the request. The employee will be placed on unpaid leave for any portion of the first 14 calendar days for which there is not sufficient time accrued by the employee.
3. For every hour donated to the Sick Leave Pool in a calendar year, the employee may be compensated a maximum of 10 hours of Sick Leave Pool time. This means that employees donating the minimum of 8 hours may be entitled to a maximum of 80 hours of Sick Leave Pool time. Employees donating the maximum of 40 hours may be entitled to a maximum of 400 hours of Sick Leave Pool time.
4. Eligible employees will receive their rate of pay being earned just prior to the leave and the maximum number of days granted to an employee each year shall not exceed one-third (1/3) of the total amount of time in the Pool at the time of the request or 400 hours, whichever is less.
5. FMLA leave and Sick Leave Pool will run concurrently.
6. If Sick Leave Pool time is authorized for a catastrophic stress-related illness, the employee will only be compensated for days that (s)he is hospitalized.
7. Sick Pool benefits will not be granted when an employee is receiving worker's compensation benefits.
8. Employees receiving Sick Leave Pool benefits are not required to pay back the amount of leave used from the Sick Leave Pool.

13.06 PROCEDURE

1. An eligible employee must apply to the Pool Administrator for permission to use time from the pool.

2. The Pool Administrator shall review the application and determine eligibility and approval or denial.
3. From time to time, and at the discretion of the Pool Administrator, the Administrator may present the application to the Pool Administrative Committee, who shall assist in determining eligibility and approval or denial.
4. All medical information will remain confidential.
5. The Pool Administrator will notify the employee and department head of the approval or denial of the request.
6. If the employee is approved, the Pool Administrator shall authorize the transfer of time from the Pool to the employee. The Pool Administrator shall credit the time to the employee and the employee may use the time in the same manner as sick leave earned by the employee in the course of employment.
7. If the employee is denied by the Pool Administrator, the employee may appeal the decision to the Sick Leave Pool Committee. If the employee is denied by the Committee, the employee may only appeal to the Committee if additional information becomes available to the employee.
8. The maximum amount of Sick Leave Pool time granted upon initial approval will be 160 hours. Thereafter, the employee must provide supplemental work status reports every 2 weeks from his/her licensed health care practitioner on forms approved by the Pool Administrator.
9. An employee absent on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave.
10. Employees using the Sick Leave Pool continue to accrue vacation and sick leave at their regular rate while they are out, but are expected to exhaust it, as it is needed.
11. If a member is critically ill and unable to file an application for sick leave from the Pool, his/her department head may submit an application at the request of the employee's family.
12. Any unused balance of Sick Leave Pool time granted to an employee returns to the pool. The estate of a deceased employee is not entitled to payment for unused Sick Leave Pool acquired by that employee from the county Sick Leave Pool.
13. Employees must show all leave taken for Sick Leave Pool on their timesheet as sick pool leave.

13.07 BENEFITS

The County shall continue to pay for the employee's medical and life insurance coverage while (s)he is on leave up until the maximum 12 weeks in accordance with FMLA. Employee is responsible for payment for their dependent coverage. If FMLA has been exhausted, the employee will be offered COBRA. For more information, refer to section 11.09 of this policy.

13.08 ABUSE OF BENEFIT

Any employee found abusing this policy, e.g., reporting that (s)he is sick when (s)he is not, or not returning to work when (s)he is able, is subject to discipline, up to and including discharge. If evidence is brought to the attention of the Sick Leave Pool Administrator or Committee that the employee is engaging in activities (1) inconsistent with the recommendations of the licensed practitioner or (2) contrary to the limitations of the catastrophic illness, it will be brought to the attention of the Department Head of that employee for possible disciplinary action.

13.09 FINAL AUTHORITY

The Sick Leave Pool Administrative Committee shall have the final approval or denial of employee applications in the event of an appeal.

13.10 WAIVER OF RIGHTS

Membership in the Sick Leave Pool is voluntary and members agree that Guadalupe County and its employees are not subject to liability based upon the decisions of the Sick Leave Pool Administrator or Committee. The County may discontinue and/or terminate the Sick Leave Pool program without cause or legal repercussions upon 60 days written notice to all employees that are participating in the program.

13.11 LIMITATION OF LIABILITY

Members agree to limit the liability of Guadalupe County for all claims, losses, costs, damages of any nature whatsoever from any cause related to the decisions of the Sick Leave Pool Administrator or Committee, including attorneys' fees and costs and expert witness fees and costs, so that the total aggregate liability of Guadalupe County to the member shall not exceed compensation equal to the total number of hours donated to the Sick Leave Pool by the member making any such claim for the calendar year in question.

13.12 APPLICATION FORMS

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

14. Fraud Prevention and Detection Policy

14.01 INTRODUCTION

Guadalupe County is committed to the deterrence, detection and correction of misconduct and dishonesty to prevent fraud. Like all organizations, Guadalupe County is faced with risks from wrongdoing, misconduct, dishonesty and fraud. As with all business

exposures, the County must be prepared to manage these risks and their potential impact in a professional manner.

Guadalupe County's goal is to establish and maintain a fair, ethical, and honest business environment for our employees, our department heads, our elected officials, our customers, our suppliers and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee, every department head and every elected official every day.

Guadalupe County employees, especially supervisors and department heads must be aware of the circumstances, or "red flags", which lead to fraud and share in the commitment to prevent and detect fraud. For the purpose of this administrative procedure, fraud and intentional waste are referred to as "fraud".

This Fraud Prevention and Detection Policy is being established to facilitate the development of controls, which will aid in the detection and prevention of fraud against the county, to provide guidelines and to assign responsibility for the reporting of fraud and conducting of investigations regarding fraud, and to promote consistent organizations behavior in the prevention and detection of fraud.

14.02 BACKGROUND

Internal controls are the best method of preventing fraud. Poorly written or poorly enforced internal controls allow most fraud to occur. Fraud may occur for the following reasons:

- Poor internal controls
- Management override of internal controls
- Collusion between employees and third parties
- Poor or non-existent county ethical standards
- Lack of control over managers by their supervisors

The most frequently cited "red flags" of fraud are:

- Changes in an employee's lifestyle, spending habits or behavior;
- Poorly written or poorly enforced internal controls, procedures, policies or security;
- Irregular/unexplained variances in financial information;
- Failure to take action on results of internal/external audits or reviews;
- Unusually high expenses or purchases;
- Frequent complaints from customers;
- Missing files;
- Employee comments concerning possible fraud that are ignored.

Perpetrators of fraud typically live beyond their reasonably available means. Other indicators of fraud include the borrowing of small amounts of money from co-workers, collectors or creditors appearing at the place of business, excessive use of telephone to stall creditors, falsifying records, refusing to leave custody of records during the day, working excessive overtime, refusing vacations, and excessively rewriting records under the guise of neatness.

The following internal controls help prevent fraud:

- Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions.
- Physical security over assets such as locking doors and restricting access to certain areas.
- Proper training of employees
- Independent review and monitoring of tasks.
- Separation of duties so that not one employee is responsible for a transaction from start to finish.
- Clear lines of authority.
- Rotation of duties in positions more susceptible to fraud.
- Ensuring that employees take regular vacations.
- Regular independent audits of areas susceptible to fraud.

14.03 SCOPE OF POLICY

This policy applies to any fraud, or suspected fraud, involving employees, department heads, officials, as well as consultants, vendors, contractors, and any other parties with a business relationship with Guadalupe County.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service or position/title or relationship to the county.

14.04 PURPOSE

The purpose of this document is to communicate the county's policy regarding deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate action in case of suspected violations. As applicable to this policy, the definition of what constitutes fraud and the outline of the rules and procedures to follow when fraud is suspected applies to all employees and department heads.

14.05 POLICY

Department heads are responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct within their office. Each department head must be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately to the County Attorney in writing.

For the purpose of this policy, fraud may be reported to either the County Attorney for review and investigation. If the investigation leads to the conclusion that fraud has resulted in County property loss, the jurisdiction that prosecutes, the County Attorney shall be determined as a matter of law. This policy does not prohibit a 'whistle blower' from contacting any law enforcement agency with jurisdictional authority directly. (Ex: Sheriff's office, Texas Rangers, etc.)

Fraud, for the purposes of these administrative procedures, is defined within this policy and as a matter of law is defined for criminal prosecution in the Texas Penal Code, Title 7, and Chapter 32 Fraud.

14.06 RESPONSIBILITIES

Employees: It is the responsibility of every employee to immediately report suspected misconduct, dishonesty or fraud to their supervisor or to the department head/elected official. However, if the employee has reason to suspect that the department head/elected official may also be involved; the employee should contact the County Attorney directly. Every employee shall cooperate with administrative investigations pursuant to this administrative procedure. The employee shall not discuss the matter with anyone other than his/her supervisor, the department head, and the County Attorney or as directed by the investigating agency. Failure to report suspected fraud could result in disciplinary action or possibly termination.

Supervisors: Supervisors must be aware of what can go wrong in their area of authority. Supervisors must put into place and maintain effective monitoring, review and control procedures that will prevent acts of wrongdoing. When subordinates make supervisors aware of such potential acts, the supervisor must immediately report such act to the County Attorney..

The supervisor shall not attempt to investigate the suspected fraud. Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Supervisors, while appropriately concerned about “getting to the bottom” of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. Concerned but uninformed managers represent the greatest threats to proper incident handling. All relevant matters, including suspected unproven matters, should be referred immediately to the County Attorney, or the investigating agency.

Once a potential act has been reported it becomes part of an on-going investigation, therefore, supervisors shall not discuss the matter with anyone other than the department head, the County Attorney, or as directed by the investigating agency.

The Whistle Blower Act protects reprisal against an employee or other reporting individual because that individual, in good faith, reported a violation. Reprisal is strictly forbidden.

Department Heads: Upon notification from an employee or supervisor of suspected fraud, or if the department head has reason to suspect that a fraud has occurred, the department head shall immediately contact the County Attorney..

The department head shall not attempt to investigate the suspected fraud. Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Department heads, while appropriately concerned about “getting to the bottom” of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. Concerned but uninformed managers represent on the greatest threats to proper incident handling. All relevant matters, including suspected unproven matters, should be referred immediately to the County Attorney, or the investigating agency.

Once a potential act has been reported it becomes part of an on-going investigation, therefore, department heads/elected officials shall not discuss the matter with anyone other than the County Attorney, or as directed by the investigating agency.

The Whistle Blower Act protects reprisal against an employee or other reporting individual because that individual, in good faith, reported a violation. Reprisal is strictly forbidden.

County Auditor: In cases where as a result of internal audit procedures and review, or where suspected fraud is reported directly to the County Auditor, the County Auditor shall promptly immediately contact the County Attorney. The County Auditor shall cooperate and assist the County Attorney in the investigation as requested.

14.07 PROCEDURES

Record Security: A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported department heads and supervisors shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. Once a potential act has been reported, the relevant records shall not be destroyed under any previously adopted records retention policy.

Contacts/Protocols: The County Attorney, or their designee, shall coordinate the investigation with the appropriate law enforcement officials.

Confidentiality: All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure. However, County Attorney may discuss the investigation with any person if such discussion would further the investigation.

Personnel Actions: If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination.

Retaliation: It is a violation of this administrative procedure for any individual to be discriminated against for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Such individual falls under the protection of the Whistle Blower Act.

Media Issues - If the media becomes aware of an audit investigation, the appropriate supervisor or department head shall refer the media to the County Attorney.. The alleged fraud and audit investigation shall not be discussed with the media other than through the County Attorney.

14.08 WHISTLE BLOWER ACT

A whistleblower is an employee who, in good faith, reports a violation of law by the public employer or another public employee to an appropriate law enforcement authority. The Texas Whistle blower Act protects Whistle blowing employees. In accordance the Government Code, Title 5, Chapter 554, no supervisor, department head , or person acting on behalf of such, may “suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or by another public employee.”

For the purpose of this policy, ‘other adverse personnel action against’ a person reporting suspected fraud is defined as:

- Suspension or termination of employment,
- Dismissing or threatening to dismiss an employee;
- Disciplining or suspending or threatening to discipline or suspend an employee;
- Imposing any penalty upon an employee; or
- Intimidating or coercing an employee.

The Whistleblowers Act is predicated on the ‘good faith report’ of a violation of the law and does not require showing that the employee acted with absence of malice. Employee malice does not negate the Whistleblower Act’s protection if the employee’s report of violation was honestly believed and objectively reasonable. Actual violation of the law is not required before the whistleblower receives protection of the Whistleblower Act; rather all that is required is that the employee has an objectively reasonable belief that a violation has occurred. Also, the employee is not required to prove that he or she was free from involvement in violation of law to show “good faith report” of violation of law under the Whistleblower Act.

However, an employee does not act in good faith, when his report of a violation of law is based entirely on unsubstantiated rumor and innuendo.

14.09 FALSE ACCUSATIONS

All employees and department heads must take great care in dealing with suspected dishonest or fraudulent activities to avoid:

- Incorrect accusations,
- Treating employees unfairly,
- Making statements that could lead to claims of false accusations or other offense

Employees, supervisors or department heads that make false accusations may be subject to disciplinary action, up to and including termination of employment. Further, knowingly making a false statement that is material to a criminal investigation to a peace officer, or to any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation, is a misdemeanor offense under the Texas Penal Code and could lead to criminal prosecution.

14.10 REPORTING FRAUD

As stated above any suspicions of fraud, waste or abuse including but not limited to illegal acts, such as theft, fraud, kickbacks, or conflicts of interest by county employees, officials or its contractors should be reported to the County Attorney in writing. This should be done in writing, if possible on the Fraud, Abuse and Waste Complaint Form that is attached at the end of this document. (This form is also included in the Employee Personnel Policies, on the county's website at www.co.guadalupe.tx.us , outside the Auditor's Office in the 'forms box.'). Please send this form to :

County Attorney
PERSONAL AND CONFIDENTIAL
211 W. Court St.
Seguin, Texas 78155

To report fraud, waste and abuse please describe your concern in detail. Provide the names of all individuals involved, including any other witnesses. Give the dates and times the incident(s) occurred and where it happened. State whether there is any supporting documentation such as license plate numbers, invoice numbers, transaction numbers, case numbers, check numbers or other document numbers. (Copies of the supporting documentation can be sent in with the complaint form.) Please identify yourself on the complaint form and give a phone number where it would be appropriate to call, so that the County Attorney can follow-up on your concerns and complete a full investigation.

This reporting procedure is not intended for reporting improper activities by City, State or Federal employees (unless related to specific county activity) or by private parties not related to Guadalupe County government.

14.11 DEFINITION OF FRAUD

Fraud, for the purposes of these administrative procedures, is defined within this policy and as a matter of law is defined for criminal prosecution in the Texas Penal Code, Title 7, and Chapter 32 Fraud.

Fraud generally involves a willful or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. For the purposes of this Policy, the definition has been broadened to include:

- An intentional or deliberate act
- To deprive the County or a person of something of value or gain an unfair benefit
- Using deceptive, false suggestions, suppressions of truth, or other unfair means which are believed or relied upon
- Intentional waste or abuse of County funds, property or time.

A fraudulent act may be an illegal, unethical, improper or dishonest act including, but not limited to:

- Embezzlement

- Misappropriation, misapplication, destruction, removal, or concealment of property
- Forgery, alteration or falsification of documents/records (including but not limited to checks, time sheets, contracts, other financial or court documents, electronic files)
- Improprieties in handling or reporting of money or financial transactions
- Authorizing or receiving payment for goods not received or services not performed
- Authorizing or receiving payments for hours not worked
- Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business.
- Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors)
- Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
- Neglecting or subverting job responsibilities in exchange for an actual or promised reward.
- False claims by employees, department heads, elected officials, vendors as well as consultants, vendors, contractors, and any other parties with a business relationship with Guadalupe County
- Theft of any assets including, but not limited to money or tangible property
- Inappropriate use of computer systems, including hacking and software piracy
- Bribery, rebate or kickbacks
- Conflict of interest, or
- Misrepresentation of fact.
-

14.12 DISPOSITION OF INVESTIGATION

If the investigation leads to the conclusion that fraud has resulted in County property or financial loss, the County Attorney shall report such loss to the Commissioners Court and County Auditor. The County Attorney shall vigorously enforce the laws of the State of Texas against person or persons who defraud the county and seek full restitution from such person or person for any property or financial loss.

Upon completion of the investigation and all legal and personnel actions, the investigative offices will return records to the appropriate department.

14.13 QUESTIONS OR CLARIFICATIONS RELATED TO THIS POLICY

All questions or other clarifications of this policy and its related responsibilities should be addressed to the County Auditor who shall be responsible for the administration, revision, interpretation, and application of this policy.

15. County Travel and Reimbursement

15.01 PURPOSE

The purpose of this policy is to establish and standardize authority for use of county resources to pay for travel related expenses for Guadalupe County. It explains Guadalupe County's Travel policy relevant to the authorization of travel and the reimbursement of expenses incurred incidental to travel

15.02 GENERAL POLICY STATEMENT

All reasonable and necessary travel by County employees for which a department budget has been established, for which a county official or department head has approved, and for which the department has funds remaining in the budget, and for which the travel is required in order for the employee to conduct County business is authorized in accordance with this policy. All County reimbursed travel must be for official County business only. This is meant to be a fiscally conservative policy, protecting the taxpayer dollars. The purpose of this travel policy is to insure that the traveling county employee is reimbursed for actual travel related expenses. It is not intended that the employee "profit" from travel.

15.03 RESPONSIBILITY OF DEPARTMENT HEADS AND EMPLOYEES

County department heads are expected to plan the out-of-county travel for themselves and their employees to achieve maximum economy and efficiency. All county reimbursed travel must be for official county business only. Travel must be approved by the department head.

It is the responsibility of the county official or department head to see that all applicable travel expense forms are properly completed and signed before being sent to the County Auditor. Incomplete forms will be returned to the department head, thus delaying payment.

It is the responsibility of the person traveling on official county business to submit all receipts related to the reimbursable lodging, dues, registration and other expenses to the County Auditor along with the Travel Expense Form.

In the event an official or employee of the county receives an overpayment for travel expenses, that overpayment will be reimbursed within two weeks to the county.

15.04 TYPES OF TRAVEL

Standard Non-Overnight Travel

Standard non-overnight travel is defined as travel outside of Guadalupe County to attend conferences, training, meetings, or law enforcement travel and other county related business without an overnight stay. In order to be eligible for meal reimbursement, the traveling county employee must be gone for at least six hours.

Over-Night Travel

Over night travel is defined as travel in which the traveling county employee seeks lodging outside the county (see Lodging section) to attend conferences, training,

meetings, or for law enforcement and other county related travel requiring an overnight stay. Over night travel is eligible for Per Diem.

Out-of-State Travel

Out of state travel is defined as any training, conference or meeting that is submitted for travel expenses that is outside of the boundaries of the state of Texas. The Commissioners’ Court must approve all out of state travel during a regularly scheduled meeting. It is the department head’s responsibility to make sure this item is on the agenda prior to travel. Do not submit payment requests to the County Auditor’s office prior to Commissioners’ Court approval.

15.05 REIMBURSABLE EXPENSES-RECEIPTS REQUIRED

Commissioners’ Court requires detailed receipts (not credit card summary copy or statement) for reimbursement of expenses for official county business when funds have been allocated in departmental budgets for that purpose.

Actual expenses incurred while traveling will be reimbursed, provided the employee retains the invoices, receipts, and all other documentation supporting the actual expenditure and this documentation is submitted to the County Auditor on the Travel Expense Form. (More information on meals and incidental expenditures are covered under next section.)

The traveling county employee must submit receipts, invoices and documentation, for the following in order to be reimbursed:

- Airline Tickets
- Automobile Expense Charges for County Vehicles
- Automobile Rentals
- Conference Registration and Fees
- Lodging Statements
- Parking Garage Charges
- Taxi/Shuttle Fares

If request for reimbursement on the Travel Expense Form is not supported by adequate documentation, the County Auditor will not honor the request for reimbursement, and such documentation will be returned to the department head.

Advance Payment of Reimbursable Expenses:

The County will process payment, or reimburse the employee, for expenses incurred in advance as long as the proper documentation is submitted.

15.06 REIMBURSABLE EXPENSES-MEAL & INCIDENTALS

The traveling county employee is eligible for reimbursement for meals and incidental expenses which include the cost of the meal and tips for persons who provide services, such as food servers and luggage handlers. Meal receipts are not required to be turned in to the Auditors Office, however, the employee should retain all meal receipts for the department heads review.

Overnight Travel

The county employee will be granted a reimbursement for meal and incidental expenses as follows for overnight travel:

- First day and last day of travel-\$20.00 per day
- Full days away from duty station-\$30.00 per day
- Out of state travel, full days away from duty station, federal per diem rate

At the employee or the department heads option, the employee may receive less than the Per Diem if requested. Example: meals paid or provided at conference.

The Per Diem may be paid in advance or subsequently at the discretion of the department head. Advance Per Diem should be turned in four weeks prior to the travel period. Requests for advance Per Diem must have all required conference/meeting information attached. If the advance Per Diem is not consistent with actual travel the employee shall make reimbursement within two weeks. It is the responsibility of the department head to monitor this situation.

Non-Overnight Travel

In order to be eligible for meal reimbursement, the traveling county employee must be gone for at least six hours. The beginning and end of training/conference/ meeting, plus standard travel time will determine the six-hour requirement. Only reasonable lengths of travel time will be considered in relation to the beginning and ending of training, conference or meeting.

A \$15 meal allowance will be paid. Travel in excess of 10 hours and more than 100 miles from the traveling employees duty station will qualify for a \$20 meal allowance. Travel in excess of 14 hours will qualify for a \$30 meal allowance. In accordance with IRS regulations, this allowance is taxable to the employee and will be paid through the payroll department and is subject to federal income tax, FICA/Medicare, and retirement.

At the employee or department head's option, the employee may receive less than the full allowance, if requested. Example: meals paid or provided at conference.

Requests for the meal allowance must be turned in to the Auditor's office with all required documentation. Once approved, the Auditor's office will forward this information to the payroll department for payment. The reimbursement will only be paid once per month on "non-overtime" payrolls. Under no circumstances will the allowance be paid in advance.

15.07 REIMBURSABLE EXPENSES- NO RECEIPT REQUIRED

Documentary evidence is not required for transportation expense for which a receipt is not available. Transportation expenses without a receipt are limited to a maximum of \$7.00 per day and include the following:

- Meter Parking
- Unattended parking lots with "slot" pay
- City bus/trolley/subway (coin drop no receipt available)
- Toll roads

Receipts are required for taxis, shuttles, bus rides, parking garages, parking lots, and all other transportation expenses.

15.08 LODGING

The county will reimburse the traveling county employee for the actual cost of lodging for overnight stays. The county employee should obtain a lodging statement showing a zero balance, which will be submitted with the Travel Expense Form, when the employee returns to the county.

The county will reimburse for single occupancy only, unless two or more county employees share the room. Where two or more conference attendees, from separate counties, occupy the same room, the county will only pay a divided portion.

Items which will be reimbursed on the hotel statement are:

- Business telephone calls
- Daily room charges and taxes
- Hotel parking

Items which will not be reimbursed on the hotel statement are:

- Alcoholic beverage charges
- Hotel club charges
- Meal charges and snacks
- Movies, video games or other entertainment
- Personal phone calls
- Personal expense items such as cleaning or laundry
- Recreation Facilities use charge

Advance Payment of Lodging

The county will process the hotel check in advance with proper documentation. If the hotel is paid in advance, a paid receipt/statement must be turned in subsequent to the travel. For budget savings, County employees traveling together may, at their discretion, share lodging accommodations, however, there is no requirement that employees do so.

15.09 TRANSPORTATION EXPENSE REIMBURSEMENT

Several departments in the county require their employees to use their personal vehicle for official county business. When a county employee uses a personal vehicle for this purpose, the employee may be reimbursed for the use of personal vehicle on official business at the standard rate per mile adopted by the State of Texas.

This rate can be found at www.window.state.tx.us/comptrol/texastra.html

The County will not reimburse for personal mileage or for travel between an employee's residence and their normal duty station. If an employee is required to travel to a temporary duty station, the County will pay for travel between their normal duty station and their temporary duty station if the employee is required to report to their normal duty station first.

For in-county travel, the employee should turn in mileage reimbursement request forms on a regular basis. The request form must be signed by the Department head. Incomplete forms will be returned to the employee.

Before an employee may be reimbursed for transportation there must first be a departmental budget allocation for Mileage/Travel. This allocation will be made during budget hearings or through a budget amendment made by the Commissioners' Court.

When there is a departmental budget allocation, the county employee requesting reimbursement for local transportation expense must complete a form for this purpose and submit it to the County Auditor for reimbursement with the signature and approval of the department head. The Automobile Mileage Reimbursement Form should be used if the employee is requesting reimbursement for mileage only. Mileage reimbursement related to training should be claimed on the Travel Expense Claim form. An employee may use the State of Texas' standard rate.

15.10 APPROVED TYPES OF TRANSPORTATION

1. **Commercial Airlines-**Commercial airlines are normally the most economical mode of transportation for out-of-state travel. Traveling county employees are encouraged to take advantage of reduced rates for advanced reservations. Airline tickets may be paid for in advance directly to the airline or travel agency if the county employee will submit a Check Request Form when the cost of the airline travel is determined. The county will reimburse at the lowest available airline fare for the most direct airline route.
2. **Taxi and Bus Fares-** The traveling county employee will obtain receipts for taxi or bus fares and will be reimbursed by the county for those fares relating to county business. Receipts will be submitted to the County Auditor along with a Travel Expense Form upon return to the county.
3. **Auto Rental-** When it is necessary, or when it is more economical to rent a car than to utilize public transportation, the traveling county employee on official county business is entitled to reimbursement for the actual cost of renting the vehicle, including motor fuel and collision damage waiver insurance. The county will reimburse for a mid-size or small size car only. Car rental agreements, along with copies of receipts for fuel and other auto expenses must be submitted to the County Auditor on a Travel Expense Form for reimbursement to the traveling county employee. The department head must approve this in advance.
4. **Personal Automobiles-** The County will pay the traveling county employee the rate per mile as adopted by the State of Texas, while traveling in state, on out-of county official county business. The Commissioners' Court will pay no other automobile expense to the traveling county employee other than the fixed rate per mile as set. All mileage is calculated from the employee's duty station.
5. **County Owned Vehicle-** The traveling county employee may be reimbursed for emergency out of pocket expenses, such as gas, oil or other such maintenance items incurred while out of the county. Receipts are required for all of these items. Any expenses incurred while within the county must follow normal purchasing guidelines.

15.11 TRAVEL EXPENSE FORMS

There are a number of travel forms. Each form is available in the County Auditor's Office or on the intranet site under forms.

The department head must approve all requests before the request will be processed. Incomplete forms shall be returned to the department head.

1. **Travel Expense Forms-** Must be completed for all requests for reimbursement for official county business travel
2. **Vehicle Mileage Reimbursement Form-** Must be completed for all requests for reimbursement for mileage only, not related to training, conferences or meetings.
3. **Check Request Form-** Must be completed if you prefer the County Auditor to make payment directly to the vendor for the cost of hotel, registration, airline, etc. This is the preferred method of payment to the vendors but must be presented to the County Auditor 3-4 weeks before the conference/seminar in order to allow sufficient time to meet the payment deadline. The registration and agenda for the seminar/conference must accompany the request for payment.

15.12 BUDGET/END OF YEAR

Travel expenses are charged to the budget year in which they occurred. All travel expenses through September 30th must be submitted to the Auditor's Office by October 15th of each year. Expenses not submitted by year-end cut off will not be paid.

15.13 GENERAL DEFINITIONS

1. **Accountable Plan-** A plan under which an employee is reimbursed for expenses. The following three conditions must be satisfied:
 - There must be a County business purpose for the expense;
 - The employee must clearly show and properly support the time, dates, place and a County business purpose;
2. The employee must return any excess reimbursement or allowances within a reasonable time.
3. **Adequate Records-** Employees should provide documentary evidence that will support each element of an expense. Generally employees must have documentary evidence such as receipts or bills to support the expenses. Documentary evidence is not required for per diem reimbursement or transportation expenses for which a receipt is not available (ex. Meter parking).
4. **Auditor-** The County Auditor and his/her designated staff.
5. **County-** With a capital "C" refers specifically to Guadalupe County
6. **Detailed Receipt-** Shows date, vendor/company name, specific items purchased (description of purchase) and total.
7. **Direct Billing-** A pre-arranged billing, established for a County employee with a lodging facility at which they plan to stay, when away from their place of employment, overnight on County business.
8. **Duty Station-** The primary place of employment, i.e. courthouse, road and bridge, tax office, etc.
9. **Educational Travel-** Out of County travel that is undertaken by County employees for approved education seminars, conferences and meetings.
10. **Incidental Expenses-** Include, but are not limited to, fees and tips for persons who provide services, such as food servers and luggage handlers.
11. **In County Travel-** Travel that takes place within the confines of the legal boundaries of Guadalupe County, and where the primary end destination of the travel is within these same boundaries.

12. **Law Enforcement Travel-** Travel expenses incurred by County law enforcement personnel or Juvenile Probation Personnel for the explicit purpose of transporting prisoners and/or probationers, collection of evidence, and other travel directly attributable to official County business.
13. **Mileage-** The distance from point of origin to destination., The County will be following the Mileage Guide on the Texas Comptroller's website when applicable, as well as justified documented mileage, when not on the Texas Comptroller's website or chosen by the employee (must be substantiated with "to and from" shown).
14. **Mileage Rate-** The rate of reimbursement established by the Commissioners' Court for use of a personal automobile while on County business.
15. **Not Detailed Receipt-** Does not show detail. For example: receipt that shows hotel and amount but does not break down by daily rate and taxes. I.e. credit card receipt and/or credit card statement.
16. **Official County Business-**A function in which County employee(s) are participating, and which is recognized by the Commissioners' Court as being official business of Guadalupe County.
17. **Out of County Travel-** Any travel that has a primary end destination outside the legal boundaries of Guadalupe County.
18. **Parking Fees and Tolls-** In addition to using the standard mileage rate, you can claim any business-related parking fees and tolls. (Parking fees that you pay to park your car at your place of work are non-deductible commuting expenses.)
19. **Travel Expenses-**Transportation (airline fares, personal auto, public transportation, parking, and taxi), meals, lodging, and incidental expenses associated with traveling on official County business.
20. **Travel Expense Forms-** All forms so designated by the Auditor's office to be used to report actual travel expenses for official county business. These forms are to be submitted to the Auditor's office for reimbursement of travel expenses.
21. **Traveling County Employee-** An elected official, a department head, or a person employed in the direct service of an elected official or department head who is traveling on official County business.
22. **Adjacent Counties-** Bexar, Comal, Hays, Wilson, Caldwell, and Gonzales.