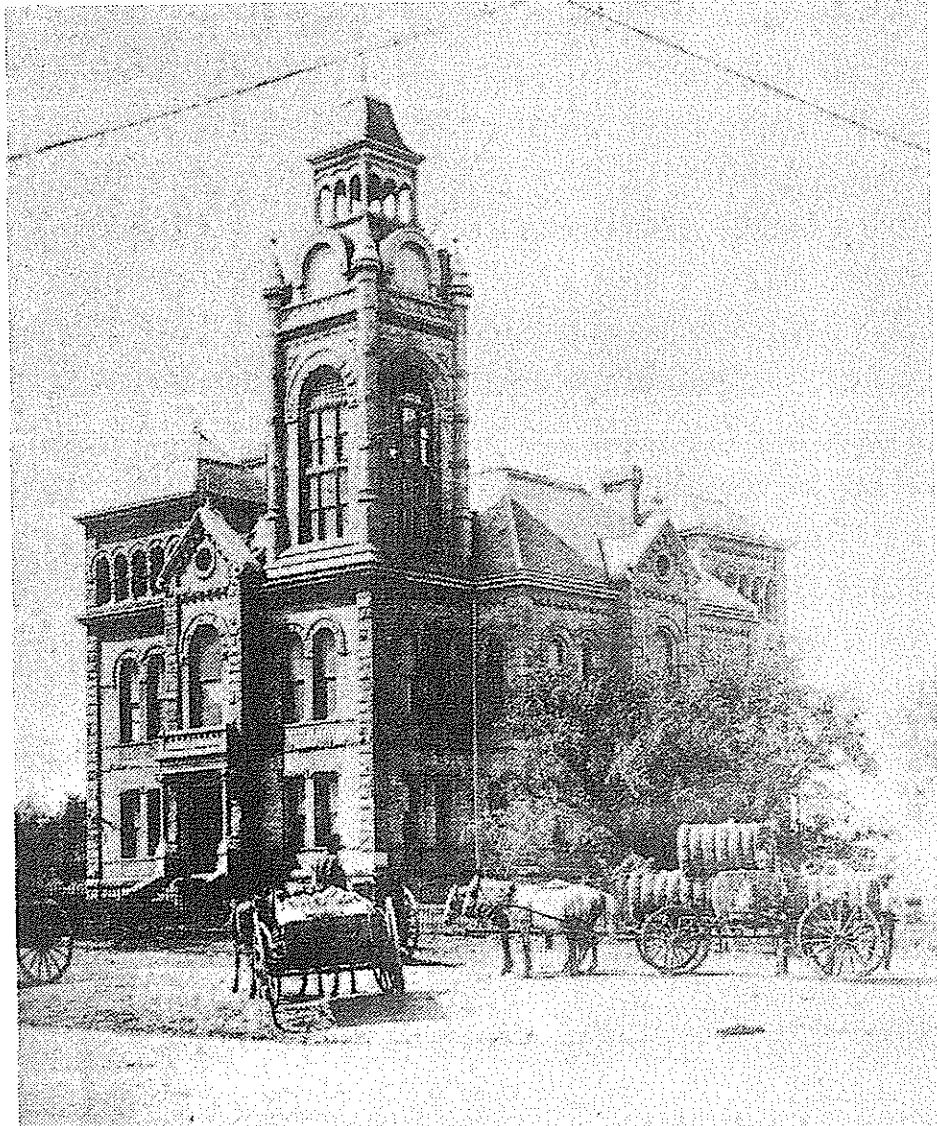




LLANO COUNTY PERSONNEL POLICY HANDBOOK



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Adopted May 11, 2020

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LLANO COUNTY PERSONNEL POLICIES

INTRODUCTION

Each Elected Official of Llano County has the final responsibility for adoption and administration of these personnel policies in their respective departments.

These policies set forth the guidelines governing employment with Llano County. The policies contained herein inform employees of the benefits and obligations of employment. They have been prepared and adopted in order to promote consistent, equitable and effective practices by both employees and supervisors which will result in high quality public service and harmony among County personnel.

The policies and procedures contained within this manual are guidelines. To the extent the policies are adopted by each Elected Official of Llano County, the personnel policies apply only to Llano County employees. In cases where federal or state regulations supersede local policy, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply with the laws and regulations.

An official record copy of the Llano County Personnel Policy manual shall be filed with the County Clerk.

A complete record copy is available at www.llano.tx.us under the Human Resources tab, the Human Resources office and each Elected Officials' office.

LLANO COUNTY PERSONNEL POLICIES

EQUAL OPPORTUNITY EMPLOYER

Llano County is an equal opportunity employer. The County will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bis-sexual or transgender status, age, genetic information, pregnancy, veteran status, and disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your Elected Official, Appointed Official, Department Head or the County Attorney.

Filing a Civil Rights Complaint:

OCR investigates complaints from individuals or groups who believe that they have experienced discrimination from an agency that receives funding from the Justice Department. These include the Office of Justice Programs and its components as well as the Office of Community Oriented Policing Services and the Office on Violence Against Women. OCR can also investigate agencies that receive Justice Department funding from state and local government agencies.

Federal laws prohibit discrimination on the basis of race, color, national origin, religion, sex, age or disability.

If you believe that you have experienced discrimination, you are encouraged to file a civil rights complaint as soon as possible. In more circumstances, you have only one year from the date of the incident to do so. Complete the Complaint Verification Form and the Identity Release Statement found at <https://www.ojp.gov/about/ocr/complaint.htm> and submit to:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street NW
Washington, DC 20531

LLANO COUNTY PERSONNEL POLICIES

ACKNOWLEDGEMENT BY EMPLOYEE

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

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

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

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

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

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

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

Signature of Employee

Printed Name of Employee

Date Signed

LLANO COUNTY PERSONNEL POLICIES

INTRODUCTION

Each Elected Official of Llano County has the final responsibility for adoption and administration of these personnel policies in their respective departments.

These policies set forth the guidelines governing employment with Llano County. The policies contained herein inform employees of the benefits and obligations of employment. They have been prepared and adopted in order to promote consistent, equitable and effective practices by both employees and supervisors which will result in high quality public service and harmony among County personnel.

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

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

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

Signature of Employee

Printed Name of Employee

Date Signed

SECTION 1:

GENERAL POLICIES

LLANO COUNTY PERSONNEL POLICIES

A: COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT-WILL

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

Llano 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.

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

1A-2 EMPLOYEE STATUS

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners’ Court. This policy defines both health insurance and retirement benefits. The status of an employee cannot be changed without the approval of the Commissioners’ Court. Full-time employees will be eligible for health insurance. All other classifications must be included in the county’s initial and/or standard measurement periods for the Affordable Care Act.

Regular Full-Time: A full-time employee shall be any employee in a position which has a normal work schedule of at least forty (40) hours per week. Full-time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Llano County makes exempt status determination based on the Fair Labor Standards Act.

Regular Part-Time: A part-time employee shall be any employee in a position which has a normal work schedule of less than thirty (30) hours per week. All regular part-time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

LLANO COUNTY PERSONNEL POLICIES

1A-2 EMPLOYEE STATUS POLICY (CONTINUED)

Temporary Seasonal: A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. The county must define and document the season that the employee is being hired for. Seasonal employees can be either part-time or full-time, and they **(do not)** qualify for health insurance through the county under the Affordable Care Act. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

Regular Variable Hour: A variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee's start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee's schedule becomes regular, then the employee shall be reclassified as full or part-time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

Temporary Part Time: A temporary short-term, part-time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part-time status. Temporary short-term, part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

Age Requirements: Persons under 18 years of age will not be employed in full time positions. Other age limitations will be only as required to comply with applicable state or federal law.

LLANO COUNTY PERSONNEL POLICIES

1A-3 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

It is the policy of Llano County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney. All Elected officials, Appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

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

LLANO COUNTY PERSONNEL POLICIES

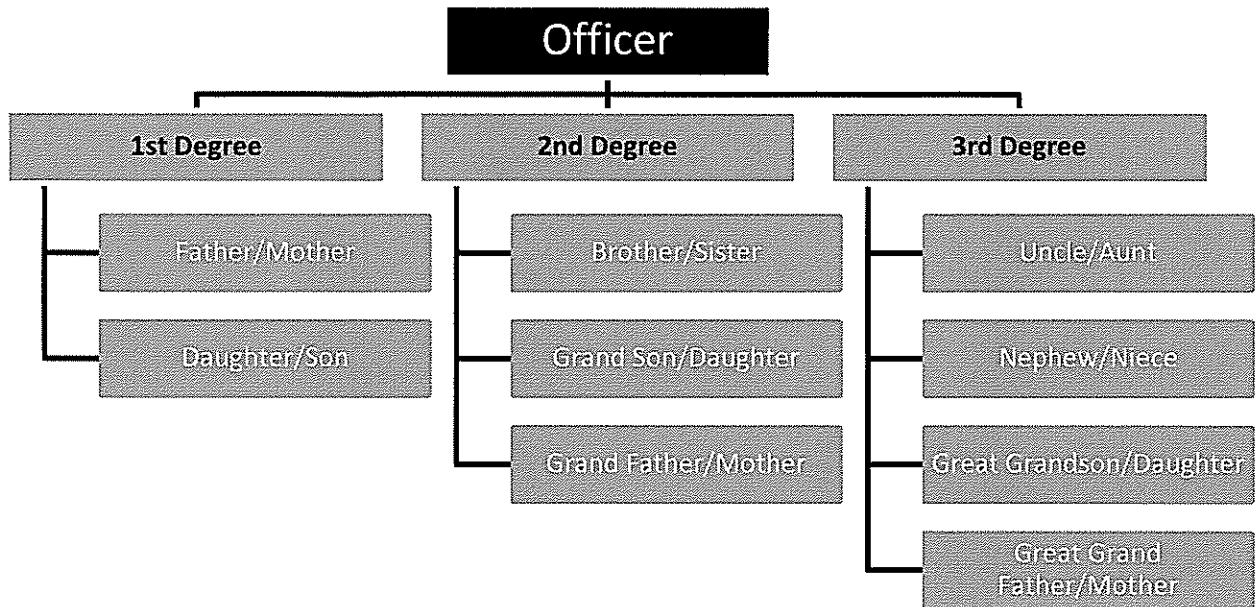
1A-4 NEPOTISM

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

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

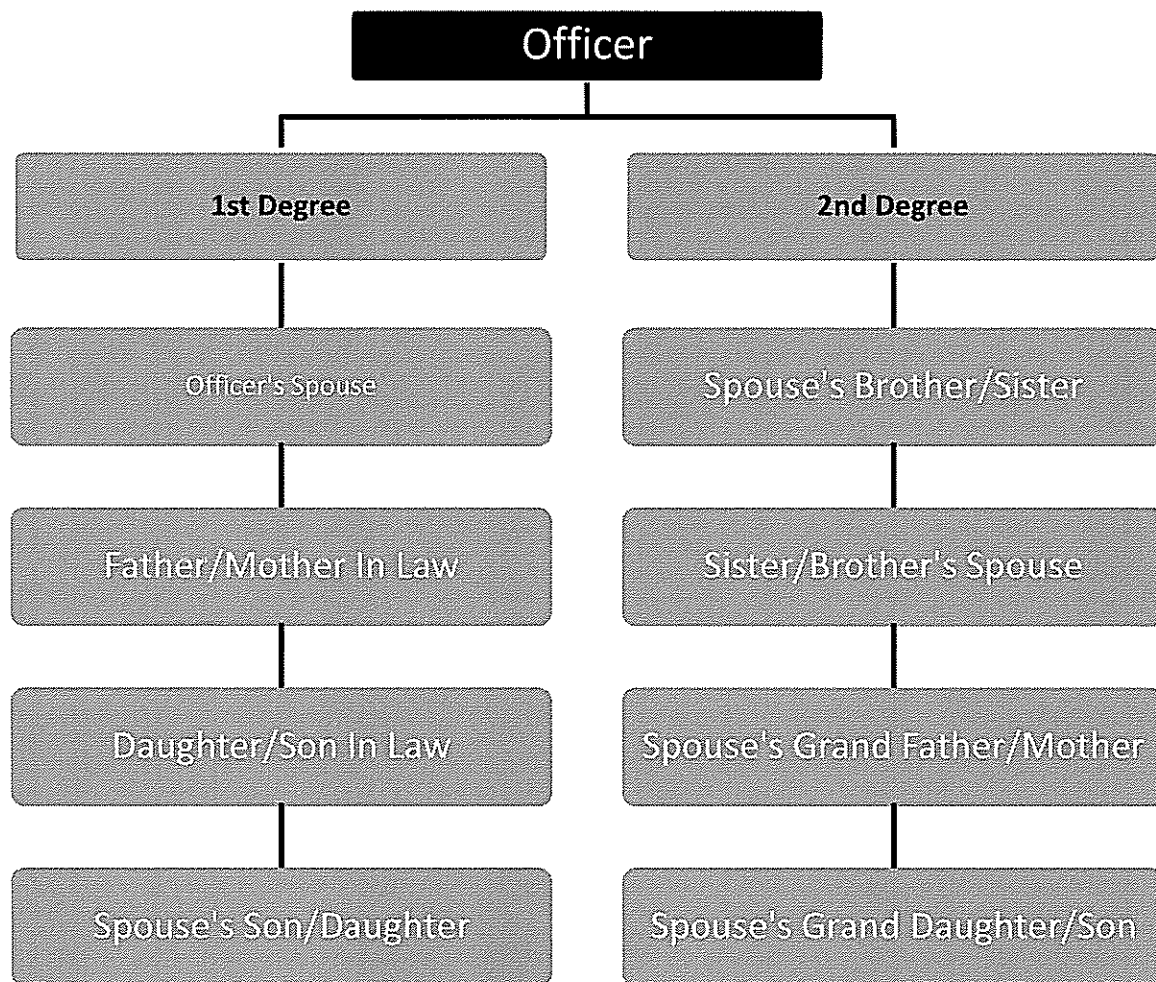
LLANO COUNTY PERSONNEL POLICIES

CONSANGUINITY (Relationship by Blood)



LLANO COUNTY PERSONNEL POLICIES

AFFINITY (Relationship by Marriage)



LLANO COUNTY PERSONNEL POLICIES

1A-5 RECRUITMENT AND SELECTION

Elected and Appointed officials have full authority to hire employees within their department, except for appointments reserved for the District Judge. The Commissioners' Court determines the method of selection for staff positions under Commissioners' Court direction.

The following recruitment and selection processes may be used to fill vacancies.

- a) Internal Promotion or Transfer
- b) Public Posting
- c) Referral from a job training program or agency
- d) Selection from current applicants on file with the Human Resources department

The human resources department maintains active applications within the county and are retained for 2 years after receipt of the application.

Certain positions require testing by legal requirements including physical examinations, psychological testing, or other tests that may be required by law. Any offer of employment will be contingent on the successful outcome of drug testing.

An applicant is disqualified if:

- a) The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying.
- b) The applicant has made a false statement on the application or any other document related to or which has a bearing on the selection process.
- c) The applicant has committed or attempted to commit a fraudulent act at any stage of the application process.
- d) The applicant is not legally permitted to hold the position.

LLANO COUNTY PERSONNEL POLICIES

B: WORK RULES AND EMPLOYEE RESPONSIBILITY

1B-1 ATTENDANCE

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

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

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

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

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

Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

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

1B-2 DRESS CODE

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

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

LLANO COUNTY PERSONNEL POLICIES

1B-3 SMOKE FREE WORKPLACE

Llano County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in county vehicles, buildings, offices and facilities is prohibited. This includes the use of any electronic cigarette, nicotine vaporizer or electronic nicotine delivery system. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways.

1B-4 CONFLICT OF INTEREST

Employees of Llano 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 Llano County employee.

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

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

- a) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor other than from the county that might reasonably tend to influence the employee's performance of duties for the county or that the employee knows or should know is offered with the intent to influence the employee's performance;
- b) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- c) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the county;
- d) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the county;
- e) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

LLANO COUNTY PERSONNEL POLICIES

1B-5 HARASSMENT

Llano 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, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when:

- a) The submission to the conduct is made a condition of employment;
- b) The submission to, or rejection of, the conduct is used as the basis for an employment decision;
- c) The conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Llano County whether committed by an Elected official, Appointed official, department head, co-worker or non-employee with whom the county does business.

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

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

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

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

LLANO COUNTY PERSONNEL POLICIES

1B-5 HARASSMENT (CONTINUED)

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

1B-6 SEXUAL HARASSMENT

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

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where:

- a) The submission to such conduct is either an expressed or implied condition of employment;
- b) The submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person;
- c) 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.

LLANO COUNTY PERSONNEL POLICIES

1B-6 SEXUAL HARASSMENT (CONTINUED)

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

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

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

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

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

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.
- c. Report continuing sexual harassment to the Elected or Appointed official who is responsible for your department or to the Human Resources administrator, County Judge or the County Attorney.
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, Llano County will take effective remedial action in accordance with the circumstances, up to and including termination.

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

LLANO COUNTY PERSONNEL POLICIES

1B-6 SEXUAL HARRASSMENT (CONTINUED)

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

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

1B-7 POLITICAL ACTIVITY

Employees of Llano 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:

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

1B-8 OUTSIDE EMPLOYMENT

Llano County employees are expected to give their full and undivided attention to their job duties. They should not use Llano County facilities or equipment or their association with Llano County to carry on a private business or profession. County employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Llano County that interferes with the employee's assigned duties with Llano County.

LLANO COUNTY PERSONNEL POLICIES

1B-9 BREAKS

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

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

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

Llano County does not allow any retaliation against a nursing mother for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. An 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, it may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for a nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break time.

1B-10 GRIEVANCES

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

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the Elected or Appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official. The decision of the Elected or Appointed official with final responsibility for the employee's department shall be final in all grievances.

LLANO COUNTY PERSONNEL POLICIES

1B-11 DISCIPLINE

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

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

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

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

1B-12 LICENSE AND CERTIFICATIONS

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

1B-13 WEATHER CLOSINGS AND EMERGENCIES

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

LLANO COUNTY PERSONNEL POLICIES

1B-13 WEATHER CLOSINGS AND EMERGENCIES (CONTINUED)

The County Judge will notify the following entities for a public announcement:

Austin TV-CH14, Llano radio-KITY, Marble Falls radio-KHLB/KBAY.

Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each Elected or Appointed official controls the working hours of their employees, even in an emergency situation.

Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

1B-14 CONFIDENTIALITY

Llano County is a public entity; however, some county employees acquire confidential (confidential, non-public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personnel information on employees of Llano County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The county will adhere to the Public Information Act requirements.

1B-15 WHISTLEBLOWER

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

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

LLANO COUNTY PERSONNEL POLICIES

1B-15 WHISTLEBLOWER (CONTINUED)

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

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

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

1B-16 TRAVEL EXPENSES

ELIGIBILITY:

- a. Llano County will reimburse county officials and employees for expenses incurred for **required** continuing education, and travel in the performance of county business providing the expenses are incurred in accordance with purchasing laws and Llano County policies.
- b. A Llano County purchase order for estimated expenses **prior to travel** is necessary to facilitate reimbursement to the official or employee. A conference registration, itemized agenda or other proof of destination must be provided.

COSTS:

- a. **Mileage** – An employee or official using a personal motor vehicle for transportation on county business shall be reimbursed for actual mileage traveled at the rate set by the Commissioners' Court during the annual budget process. When two or more employees travel in the same vehicle, only one may claim mileage for reimbursement. A county reimbursement form, completed in daily detail, must be submitted, approved by the department head and turned in to the county auditor for processing.

LLANO COUNTY PERSONNEL POLICIES

1B-16 TRAVEL EXPENSES (CONTINUED)

COSTS:

- b. **Meals** – Llano County will reimburse a county official/employee for meal expenses incurred while traveling overnight in accordance with this policy. The total daily per diem for meals is the current amount posted by the Government Services Administration for the travel destination or the Llano County approved rate, approved by County Commissioners', whichever is lower.
- c. **Accommodation** – County official/employee traveling a distance of fifty (50) miles or more in accordance with this policy shall receive reasonable reimbursement for accommodations, upon presentation of an itemized hotel bill. The hotel expenditures will be limited to the room and tax per night rate. Reasonable expense for accommodations shall be determined by the department head. Hotel expenditures will be reimbursed upon presentation of a dated receipt and an itemized hotel bill. Distances of less than fifty (50) miles may be reimbursed for exceptional circumstances approved by the county auditor.

REIMBURSEMENT RESTRICTIONS:

- a. Expenses incurred by county official/employee only.
- b. Only expenses incurred for continuing education required by statute or other training necessary to maintain current status as an Elected or Appointed official; or a professional certification required by Llano County to maintain current employment status as stated in a Commissioners' Court accepted job description.
- c. No reimbursement for alcoholic beverages or tobacco products.
- d. Reimbursement for travel by airplane, bus or any other mode of transportation other than a personal vehicle by a county employee must be approved by the department head prior to travel.
- e. Llano County will reimburse expenditures base on original receipts. Credit card receipts alone are not acceptable. No receipt, no reimbursement.
- f. Disallowed expenses paid with a Llano County credit card shall be reimbursed to the county.

LLANO COUNTY PERSONNEL POLICIES

1B-16 TRAVEL EXPENSES (CONTINUED)

REIMBURSEMENT RESTRICTIONS:

- g. Employees attending training not funded by or through Llano County will not be compensated for time and travel without approval of Commissioners' Court prior to travel.
- h. Budgeted funds must be available at time of travel.
- i. Reimbursement requests must be submitted to the County Auditor no later than 30 days after the expense was incurred.
- j. After consulting with the department head, the County Auditor shall have final determination regarding disallowed expenditures and reimbursements.
- k. Llano County will not reimburse expenses, nor pay wages during training to an individual that does not have credentials sufficient to qualify for a current vacancy that exists within the county.

C: COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

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

LLANO COUNTY PERSONNEL POLICIES

1C-2 COUNTY VEHICLE USAGE

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

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

(See separate policy for full details and follow procedures as outlined in the Vehicle Use Policy)

LLANO COUNTY PERSONEL POLICIES

1C-3 COMPUTER AND INTERNET USAGE

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

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

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

Llano County owns the rights to all data and files in any computer, network, or other information system used in the county. Llano County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as, any and all use of the internet and of computer equipment used to create, view, or access e-mail and internet content.

Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Llano County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. Llano County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

LLANO COUNTY PERSONNEL POLICIES

1C-3 COMPUTER AND INTERNET USAGE (CONTINUED)

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

Department heads must ensure that employees are aware of these policies and guidelines. Ultimately, it is the responsibility of the Elected or Appointed official or supervisor to carry out this internet use policy.

D: SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 WORKERS' COMPENSATION

County employees and Elected and Appointed officials are covered under Workers' Compensation (TAC Risk Management Pool) while on duty for the county.

An employee injured on the job or who suffers a job-related illness or injury is eligible to have medical expenses paid and if unable to work for more than seven (7) calendar days is eligible to receive partial indemnity benefits (TIB) at 70% in accordance with Workers' Compensation law. The county does not pay the difference between the Workers Compensation TIB and the employee's regular pay. After 14 calendar days of lost time, the seven-day waiting period will be eligible to be paid retroactively under Workers' Compensation. By law, the county pays for full salary continuation for peace officers.

An employee may use accrued benefit hours during the first 7 days of leave. Hours used during this time should be reflected on the timesheet.

Time off due to a job-related illness or injury will run concurrent with time to which the employee is otherwise entitled under the **Family Medical Leave Act. (FMLA)**

Any employee who suffers a job-related illness or injury is required to notify his/her supervisor as soon as possible. A written incident report should be filled out by the employee (if applicable) and forwarded to the Human Resources administrator. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

LLANO COUNTY PERSONNEL POLICIES

1D-1 WORKERS' COMPENSATION (CONTINUED)

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

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

All accidents no matter how minor should be reported to the Human Resources department immediately. If applicable, a written report showing date, time, location, what occurred and any witnesses should be reported.

1D-2 EMPLOYEE SAFETY

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

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

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

All potential liabilities should be reported immediately to the department head in regards to incidents involving injury on county property, whether an employee or the public. Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head.

LLANO COUNTY PERSONNEL POLICIES

1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES

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

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

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

The following is a violation of this policy:

- a. An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on county property or while conducting county business not on county property.
- b. An employee may not be under the influence of alcohol or illegal drugs while on county property or while on duty for the county.
- c. Under the influence shall be defined as having a blood alcohol concentration of **.01 or more.**
- d. An employee may not possess or use unauthorized prescription or over-the-counter drugs while on county property or while on duty for the county and or while utilizing or operating county equipment. An employee may not use prescription or over-the-counter drugs while on duty for the county in a manner other than that intended by the manufacturer or prescribed by a physician.
- e. An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.
- f. An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his or her job duties.

LLANO COUNTY PERSONNEL POLICIES

1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES (CONTINUED)

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

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

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

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

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

Llano County will drug test employees who **are not** CDL license holders under the following conditions:

LLANO COUNTY PERSONNEL POLICIES

1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES (CONTINUED)

POST ACCIDENT TESTING

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment or death may be required to be tested. This will be at the discretion of their Elected or Appointed official or supervisor.

Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug/alcohol test when requested is cause for termination.

Any employee who violates this drug and alcohol policy shall be terminated.

TESTING PROCEDURES

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, he/she may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by the county.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected or appointed official or supervisor will make arrangements to ensure that the employee is safely returned to his/her residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

Any employee who violates this drug and alcohol policy shall be terminated.

LLANO COUNTY PERSONNEL POLICIES

1D-4 WORKPLACE VIOLENCE

Llano County is committed to providing a workplace free of violence. Llano County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated.

Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Llano County, this also includes county owned vehicles.

If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

1D-5 SOCIAL MEDIA

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

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

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

LLANO COUNTY PERSONNEL POLICIES

1D-5 SOCIAL MEDIA (CONTINUED)

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

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

SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

LLANO COUNTY PERSONNEL POLICIES

A: EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

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

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

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time sheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must notify Human Resources.

It is a violation of Llano County policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of county policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time sheet to under- or over-report hours worked.

LLANO COUNTY PERSONNEL POLICIES

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR (CONTINUED)

If anyone instructs you to:

- a) Incorrectly or falsely under or over report your hours worked;
- b) Alter another employee's timesheet to inaccurately or falsely report employee's hours worked; you should report it immediately to the Llano County Human Resources administrator.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the county.

This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- a) Your absence because the facility is closed on a scheduled work day;
- b) Your absence because of the county's operating requirements;
- c) Absences for jury duty, attendance as a witness, or military leave in any week;
- d) Any other deductions prohibited by state or federal law

2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS

Llano County will comply with the IRS with regards to fringe benefits such as county uniforms and county vehicle usage. You may be responsible for paying payroll taxes on such fringe benefits.

LLANO COUNTY PERSONNEL POLICIES

2A-3 COMPENSATION

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

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

Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For full-time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month and a total of 173.33 hours per month.

For part-time regular employees, the hourly rate for that position for actual hours worked in each workweek of that pay period will be compensated.

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

Compensation for law enforcement employees shall be handled in accordance with the policies established in the sheriff's department with the approval of Commissioners' Court.

2A-4 PAY SCALE AND LONGEVITY

The Llano County Commissioners' Court adopted a pay scale for base salaries and a longevity scale based on years of service. Elected and Appointed officials, and regular full-time employees will be eligible for the longevity pay benefit and will be required to complete one (1) year of service as of October 1st of each year.

Schedule of Longevity Pay

Years of Service	Amount
1-5 years	\$600
6-10 years	\$900
11-15 years	\$1,200
16-20 years	\$1,500
21-25 years	\$1,800
26 years plus	\$2,100

LLANO COUNTY PERSONNEL POLICIES

2A-5 PAYROLL DEDUCTIONS

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

2A-6 WORK WEEKS AND WORK PERIODS

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Llano County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the **FLSA 207(k) exemption** shall have a work period of 28 days and 171 hours as established by the Llano County Commissioners' Court.

2A-7 TIMESHEETS

Each employee must fill out a time sheet to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll.

The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the period. Timesheets are governmental documents and require accurate and truthful information.

Falsifying a time sheet, a governmental record, is a criminal offense.

2A-8 PAY PERIODS

The pay period and pay dates are established by Commissioners' Court. The pay period begins on the 21st of the month and ends on the 20th of the following month. The current pay period date is the last working day of the month.

LLANO COUNTY PERSONNEL POLICIES

2A-9 WORK SCHEDULES

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

2A-10 HOURS WORKED

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

2A-11 OVERTIME CALCULATIONS AND RULES

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

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

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and on-half (1 ½) times the amount of overtime worked.

Per FLSA the maximum amount of unused compensatory time an employee shall be allowed to have at any time is 240 hours for employees and 480 hours for law enforcement. **(See Sheriff's internal policy on compensatory balance.)**

When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor approval.

LLANO COUNTY PERSONNEL POLICIES

2A-11 OVERTIME CALCUATIONS AND RULES (CONTINUED)

Llano County shall have the right to require employees to use earned compensatory time first.

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

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

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

2A-12 LAW ENFORCEMENT PAY AND OVERTIME

Llano County Commissioners’ Court has adopted the **207(K) exemption** under the Fair Labor Standards Act (FLSA) for law enforcement personnel, which includes deputies and jailers. These employees have a work period of 28 days and compensatory time will be calculated **after 171 actual hours worked** in that work period. Law enforcement personnel salary covers all hours up to 182 average hours. ***Paid leave shall not be counted*** in determining if overtime has been worked in any work period. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

2A-13 DEMOTIONS

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

LLANO COUNTY PERSONNEL POLICIES

2A-14 TRANSFERS

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

2A-15 PROMOTIONS

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

2A-16 SEPARATIONS

A separation shall be defined as any situation in which the employer-employee relationship between the county and a county employee ends. All separations from Llano County shall be designated as one of the following types:

- a) Resignation
- b) Retirement
- c) Dismissal
- d) Reduction in force
- e) Death

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

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the county's retirement program and voluntarily elects to leave employment with the county to do so.

An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

LLANO COUNTY PERSONNEL POLICIES

2A-16 SEPARATIONS (CONTINUED)

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. ***Llano County is an “at will” employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.***

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

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

Department heads shall ensure that all county property has been turned in. A copy of the resignation and a pay change notice shall be submitted to the Human Resources administrator as soon as practical.

All employees separating from the county shall come by the Human Resources department for a final exit interview.

2A-17 RETIREE REHIRES

Note: TCDRS requires at least a full calendar month break in service with no pre-arranged return.

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

- a) The retiree has been retired for at least one calendar month.
- b) No prior arrangement or agreement was made between Llano County and the retiree for re-employment.
- c) Strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

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

LLANO COUNTY PERSONNEL POLICIES

2A-17 RETIREE REHIRES (CONTINUED)

According to **Rule 107.4 adopted by the TCDRS Board of Trustees**, restrictions apply to Elected and Appointed officials and employees employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.

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

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

LLANO COUNTY PERSONNEL POLICIES

2A-18 CATASTROPHIC EVENT PAY POLICY

Llano County shall endeavor to adequately compensate those essential paid eligible employees who are required to sacrifice their personal safety, as well as the safety and well-being of their families, during a time of emergency for the greater good of the people and property of Llano County. This policy shall be implemented in the event of certain catastrophic events including but not limited to: floods, tornados, wildfire, winter storms, earthquake, pandemic illness and other Acts of God, nuclear, chemical and biological emergencies, terrorist attack(s), or any other emergency or disaster declared by a federal, state or local authority.

This policy has been authorized and approved by the Llano County Commissioners' Court effective March 1, 2019.

- a) A catastrophic event is defined as any event declared by the County Judge as catastrophic in nature and lasting twenty-four (24) hours or more.
- b) A non-exempt paid eligible employee who is recalled to duty during a catastrophic event shall be paid at their regular rate of pay according to the requirements of the Fair Labor Standards Act (FLSA) for all hours worked during the **emergency**.
- c) Comp time will not accrue during a catastrophic event. Employees who regularly accrue comp time will be paid for all hours worked over 40 hours during a catastrophic event in lieu of comp time.
- d) During a catastrophic event, the following will be implemented for all non-exempt full-time employees: 1. At the discretion of the department head, all vacation time or regularly scheduled days off that occur during a declared disaster may be cancelled.
- e) This Catastrophic Event policy will be activated and deactivated at the sole discretion of the Llano County Judge.

LLANO COUNTY PERSONNEL POLICIES

2A-18 CASTROPHIC EVENT PAY POLICY (CONTINUED)

Exempt paid employees who remain in the area to work the catastrophic event will be compensated during a disaster declaration as follows:

- a) All exempt paid employees shall be temporarily reclassified as non-exempt full-time employees during the pendency of the disaster.
- b) An exempt full-time employee who is reclassified as a temporary non-exempt employee during a catastrophic event shall be paid at their hourly rate of pay according to the requirements of the FLSA for all hours worked during the disaster.
- c) The temporary status as set forth in this paragraph shall begin on the date that an emergency is declared and shall continue during the pendency of the emergency and further, until the end of the emergency as determined and declared by the County Judge in the exercise of his/her sole discretion.

LLANO COUNTY PERSONNEL POLICIES

B: EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL PLANS

All full-time regular employees of Llano County shall be eligible for the group medical plan and dental plan benefits. Regular variable hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health insurance after the measurement period. Regular part-time, temporary seasonal, temporary short-term part-time, and regular variable hour employees who work an average of less than twenty-nine (29) hours a week in the measurement period will not be eligible for health insurance.

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

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

Details of coverage under the group medical insurance plan and dental plan are available in the Human Resources department and may be obtained during the normal working hours for that office.

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

Information on extension of benefits under COBRA is available in the Human Resources department and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

LLANO COUNTY PERSONNEL POLICIES

2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL

Llano County provides a limited amount of life insurance on eligible employees as part of the group medical plan coverage. There is also a group life benefit offered by TCDRS. Llano County offers supplemental insurance coverage through several vendors. All supplemental insurance deductions for coverage premiums shall be made through payroll deduction from the employee's paycheck each pay period.

2B-3 VACATION

All full-time eligible employees shall be eligible for vacation benefits. Part-time and temporary employees shall not be eligible for the vacation benefit.

Employees who have worked for less than one (1) year in a position eligible to receive vacation shall earn vacation at the rate of four (4) hours per month, which is equivalent to 6 working days per year.

Employees who have worked for more than one (1) year, but less than eight (8) years in a position eligible to receive vacation, shall earn vacation at the rate of eight (8) hours per month, which is equivalent to 12 working days per year.

Employees who have worked for eight (8) or more years, but less than fifteen (15) years in a position eligible to receive vacation, shall earn vacation at a rate of ten (10) hours per month, which is equivalent to 15 working days per year.

Employees who have worked for more than fifteen (15) years in a position eligible to receive vacation, shall earn vacation at the rate of twelve (12) hours per month, which is equivalent to 18 working days per year.

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must be employed for one (1) full year before being eligible to take any vacation.

The maximum amount of unused vacation an employee shall be allowed to carry into the next calendar year shall be 120 hours which is equivalent to fifteen (15) working days per year.

Accrual over the maximum may be allowed if an employee is unable to take vacation because of the needs of the county and:

LLANO COUNTY PERSONNEL POLICIES

2B-3 VACATION (CONTINUED)

- a. The employee's supervisor prepares a request for accrual above the maximum explaining why the employee was unable to take vacation and;
- b. The request is approved by the Commissioners' Court.

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

The minimum amount of vacation that may be taken at one time shall be one (1) hour increments.

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals.

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

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

If an employee has worked for at least one (1) year in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation.

Each employee shall be responsible for accurately recording all vacation time used on his or her time sheet.

Additional funeral leave may be granted as defined in section 2B-9

2B-4 SICK LEAVE

All full-time eligible employees shall be eligible for the paid sick leave benefit upon completion of six (6) months continuous employment. Part-time and temporary employees shall not be eligible for the sick leave benefit.

Eligible full-time employees shall accrue sick leave at a rate of eight (8) hours per month. Accrual of sick leave shall start at the time an individual begins work for the county in a position eligible for the sick leave benefit. Sick leave will not be accrued while an employee is on leave without pay.

LLANO COUNTY PERSONNEL POLICIES

2B-4 SICK LEAVE (CONTINUED)

The maximum amount of unused sick leave a full-time employee shall be allowed to carry over at the end of the calendar year is 240 hours.

Sick leave may be used for the following purposes:

- a) Illness or injury of the employee
- b) Appointments with physicians, optometrists, dentists, and other qualified medical professionals
- c) To attend the illness or injury of a member of the employee's immediate family.
- d) Additional funeral leave may be granted as defined in section 2B-9

For purposes of this policy, immediate family shall be defined as spouse, child, parent, grandparent, foster child or other relative living in the employee's home who is dependent on the employee for care.

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

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment.

Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable.

If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence.

The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member.

LLANO COUNTY PERSONNEL POLICIES

2B-4 SICK LEAVE (CONTINUED)

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

Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to resignation of employment with the county.

The minimum amount of sick leave that an employee may use at any time shall be one (1) hour increments.

Employees shall not be paid for unused sick leave at the termination of employment, except at retirement. After a minimum of 10 years employment, those employees retiring from the county will be compensated for their unused sick leave up to a maximum of 120 hours.

Each employee shall be responsible for accurately recording all sick leave on his or her time sheet.

2B-5 SICK LEAVE POOL

The purpose of this policy is to provide a benefit to full-time county employees in the event of a catastrophic injury or illness of employee, spouse or minor child that prevents an employee from being able to report to work for an extended period of time.

A catastrophic injury or illness will allow an eligible employee to draw additional sick leave from the sick leave pool upon approval from the administrator.

An employee is eligible if:

- a) He/she has been employed by the county for twelve (12) continuous months;
- b) An employee has a catastrophic injury or illness;
- c) An employee made a previous donation of sick leave time to the pool and has exhausted all leave time to which the employee is otherwise entitled.

LLANO COUNTY PERSONNEL POLICIES

2B-5 SICK LEAVE POOL (CONTINUED)

The Llano County Commissioners' Court adopted the following rules and prescribed procedures relating to the operation of the Llano County sick leave pool benefit.

- a) The Human Resources administrator is designated the administrator of the sick leave pool and is responsible for the administration of the pool in accordance with this policy.
- b) A catastrophic injury or illness will allow an eligible employee to draw additional sick leave from the sick leave pool upon approval from the sick pool committee.
- c) On approval from the administrator, an eligible employee may transfer to the sick leave pool, not less than one day or more than five days of accrued sick leave time earned by the employee. The administrator shall credit the pool with the amount of time contributed by the employee and the same amount of time shall be deducted from the employees' accrued sick leave as though the employee had used the time for personal purposes. To contribute sick leave time to the sick leave pool an employee must submit an application in the form prescribed by the Commissioners' Court to the Human Resources/sick pool administrator to verify the employee has the proper amount accrued.
- d) An employee is eligible to use time contributed to the sick leave pool if, he/she has been employed by the county for twelve (12) consecutive months and because of a catastrophic injury or illness, or because of a previous donation of sick leave time to the pool, the employee has exhausted all the sick leave time, vacation and compensatory time to which the employee is otherwise entitled.
- e) An eligible employee must apply to the administrator for permission to use time from the sick leave pool. If the administrator determines that the employee is eligible, the administrator shall approve the transfer of time from the pool to the employee. The administrator shall credit time to the employee's sick leave record and the employee may use the time in the same manner as sick leave earned by the employee in the course of employment.

LLANO COUNTY PERSONNEL POLICIES

2B-5 SICK LEAVE POOL (CONTINUED)

- f) An eligible employee may not use time in the sick leave pool in an amount that exceeds the lesser of one third of the total amount of time in the sick leave pool or 1,040 working hours. The administrator shall determine the exact amount that an eligible employee may use.
- g) An employee who is absent on sick leave assigned from the sick leave pool is treated for all purposes as if the employee were absent on earned sick leave.
- h) Upon leaving the employment of Llano County, an employee may apply to transfer up to ten (10) days of unused sick leave to the sick leave pool. The Human Resources/sick pool administrator will determine the amount of time the employee is credited with unused sick leave and transfer the approved amount of time to the sick leave pool.
- i) The administrator shall periodically provide the Commissioners' Court written reports as to the status of the sick leave pool, to include but not limited to the number of days transferred to the pool, the number of days used out of the pool and the remaining balance.

Sick Pool Definitions include:

- a. "Administrator" means the three (3) person committee designated by the Llano County Commissioners' Court to administer the county's sick leave pool program.
- b. "Eligible Employee" means any Llano County employee who is eligible for sick leave as previously described in this handbook and has been employed by the county for at least twelve (12) continuous months and has exhausted all employee's sick leave, vacation and accrued compensatory time due to required extended leave time.
- c. "Immediate" family shall be defined as spouse, child, parent, foster child or other relative living in the employee's home who is dependent on the employee for care.
- d. "Catastrophic Injury or Illness" means a severe or life-threatening injury or illness to an employee or immediate family member for which an employee's assistance is required. Uncomplicated maternity is not classified as catastrophic for the purposes of this definition.

LLANO COUNTY PERSONNEL POLICIES

2B-6 HOLIDAY

The County holidays shall be determined by the Llano County Commissioners' Court of each year.

All full-time eligible employees shall be eligible for the county paid holiday benefit.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.

An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

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

2B-7 PERSONAL LEAVE/FLEX TIME

Llano County Commissioners' Court voted to give all regular full-time employees (24) twenty-four hours of personal leave/flex time at the beginning of each year. This time can be used in situations when the office closes early or if there is no available time on the books for use. It is up to the supervisor and department head to coordinate with the employee on how they choose to utilize the 24 hours.

There is no accumulation, no carryover of balances into the New Year and no pay-out when you leave employment.

LLANO COUNTY PERSONNEL POLICIES

2B-8 JURY DUTY

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

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

2B-9 FUNERAL LEAVE

All employees shall be allowed up to three (3) days leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse and the child, foster child, parent, brother, sister and grandparents of the employee or the employee's spouse.

Employees may be allowed time off with pay, up to a maximum of four (4) hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend.

If leave is needed beyond the limits set forth in this policy, it may be granted if approved by the department head and in writing. Additional leave may be charged to available compensatory time, vacation, sick or to leave without pay.

LLANO COUNTY PERSONNEL POLICIES

2B-10 MILITARY LEAVE

All Llano County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year with pay to attend authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use annual leave, 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 (15) day maximum.

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

Llano County will provide upon request of the employee a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year.

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

2B-11 RETIREMENT

All regular employees (full-time, part-time, and regular variable hour) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short-term, part-time employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Llano County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS.

Information on the retirement program may be obtained at the Llano County Human Resources department during the normal working hours for that office.

LLANO COUNTY PERSONNEL POLICIES

2B-12 SOCIAL SECURITY/MEDICARE

All county employees shall participate in the Federal social security and Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken by payroll deduction.

Contributions to the program shall be made by payroll deduction from each employee's pay in accordance with the requirements of this program.

The county shall contribute an amount equal to the employee's contribution in accordance with the requirements of this program.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)

ELIGIBILITY:

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

- a) Have worked for Llano County at least twelve (12) months (it is not required that these twelve (12) months be consecutive), however a continuous break in service of seven (7) years or more will not be counted toward the 12 months and;
- b) Have worked at least 1,250 hours during the previous twelve (12) months.

QUALIFYING EVENTS:

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

- a) The birth of a child and in order to care for that child;
- b) The placement of a child in the employee's home for adoption or foster care
- c) To care for a spouse, child (under the age of 18 or if over 18, incapable of self-care due to a disability), or a parent with a serious health condition;
- d) The serious health condition of the employee that makes the employee unable to perform the essential functions of their job;
- e) A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (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;
- f) 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
- g) To care for a covered veteran who is undergoing medical treatment, member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of five (5) years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL) (CONTINUED)

SERIOUS HEALTH CONDITION:

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

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

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

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

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL) (CONTINUED)

QUALIFYING EXIGENCY LEAVE:

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

- a) Address any issue that arises because the covered military member was given seven or fewer days' notice for active duty deployment in support of a contingency operation. Eligible employee may take up to seven days beginning on the date the covered military member receives the call or order to active duty.
- b) Attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member.
- c) Attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member.
- d) Arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under 19 when it is necessitated by the active duty or call to active duty status of a covered military member.
- e) Make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active duty status in a foreign country.
- f) Act as the covered military member's representative before a governmental agency to obtain, arrange or appeal military service benefits while the covered military member is on active duty or call to active duty status in a period of 90 days following the termination of the covered member's active duty status.
- g) Attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child if the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY LEAVE (FMLA/MFL) (QUALIFYING EXIGENCY LEAVE CONTINUED)

- h) For a maximum of 15 days each occurrence, to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during the period of deployment.
- i) Attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status.
- j) Address issues that arise from the death of a covered military member while on active duty status in a foreign country;
- k) Conduct certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the member's covered active duty.
- l) Address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country if the county agrees the leave qualifies as an exigency and to both the timing and the duration of the leave.

LENGTH OF LEAVE:

An employee may use up to 12 weeks of leave per 12-month period under this policy. Llano County sets the 12-month period used under this policy as a "rolling" 12- month period measured backward from the date an employee uses FMLA leave.

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.

A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY LEAVE **(FMLA/MFL) (LENGTH OF LEAVE CONTINUED)**

An eligible employee is entitled up to 26 weeks 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) An employee forfeits unused leave under this section if the eligible employee does not take all of their 26 weeks during this 12-month period to care for the covered service member or covered veteran is forfeited;
- c) Leave entitlement under this section is applied on a per-injury basis. An eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service member or veteran or to care for the same covered service member or veteran with a subsequent serious illness or injury. An employee may not take more than 26 weeks in any single 12-month period.

WORK RELATED INJURY:

Llano County will always designate work- related injuries (Workers Compensation) with lost time as FMLA qualifying. (See section 1D-1)

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL) (CONTINUED)

PAID AND UNPAID LEAVE:

If an employee has accrued leave, the employee is required to use his or her accrued leave as detailed below.

Compensatory time, vacation and sick. The remainder of the leave shall be unpaid.

- a) An employee taking leave because of his or her own serious health condition, or the serious health condition of an eligible family member is required to first use all compensatory time, then sick leave vacation and any other paid leave with the remainder of the 12-week leave period being unpaid leave.
- b) An employee taking leave for the birth of a child is required to first use paid sick leave, then earned compensatory time, then vacation for the recovery period after the birth of the child and before being placed on unpaid leave.
- c) After the recovery period from the birth of a child, an employee is required to first use all earned compensatory time, then vacation and other available leave, except for sick leave with the remainder of the 12-week leave period being unpaid leave.
- d) An employee taking leave for the placement of a child in the employee's home for adoption or foster care is required to first use earned compensatory time, then vacation and other available paid leave with the remainder of the 12-week leave period being unpaid leave.
- e) An employee taking leave for a qualifying exigency for a covered military member is required to first use earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12-week leave period being unpaid leave.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL) (PAID AND UNPAID LEAVE CONTINUED)

- f) An employee taking leave for the care of a covered service member or veteran is required to first use all earned compensatory time, then sick leave, then 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 a 12-month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness which is a maximum of 26-weeks in a 12-month period.

CONTINUED EMPLOYEE BENEFITS:

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status.

While on unpaid leave during the 12- week entitlement, the employee is required to pay for dependent coverage premiums due to the county by the 25th of each month for the next month's premium no later than 30 days after the date of the pay period in which the premium comes due. The county may cancel unpaid coverage by providing the employee advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL) (CONTINUED)

INTERMITTENT LEAVE AND REDUCED SCHEDULE:

An employee may only take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member or the care of a covered military member or veteran.

An employee may only work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12-month period.

CERTIFICATION REQUIREMENTS:

The county has the right to ask for certification of the serious health condition of the employee or the employee's eligible member when the employer requests or is using leave under this policy.

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have his or her physician complete and return the medical certification within 15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

The employee must respond to the county's request for certification within 15 days of receipt of the request or provide a reasonable explanation for the delay in writing before the 15th day after receipt of the request. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.

An employee is required to provide certification of his or her serious health condition of the employee by having the employee's treating health care provider complete and submit an FMLA form WH-380-F. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL) (CERTIFICATION REQUIREMENTS CONTINUED)

An employee is required to provide certification of the serious health condition of an eligible family member by having the family member's treating health care provider complete and submit an FMLA form WH-380-F. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

An employee is required to provide certification for leave taken because of a qualifying exigency by having the employee complete and submit an FMLA form WH-384.

An employee is required to provide certification for leave taken for a serious injury or illness of a covered military member or veteran by having the member's or veteran's Department of Defense treating health care provider complete and submit an FMLA form WH-385. The employee may also be required to provide the County with confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or veteran.

If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request re-certification for intermittent or reduced schedule leave every six months in connection with an eligible absence.

The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered service member supported by an invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at his or her bedside.

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification, at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY LEAVE **(FMLA/MFL) (CONTINUED)**

REQUESTING LEAVE:

Unless FMLA leave is unforeseeable, an employee is required to fill out the FMLA request form provided by the Human Resources administrator.

Where reasonably practicable, an employee should give his or her immediate supervisor a minimum of 30-days' notice before beginning leave under this policy.

Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible.

Upon receipt of the request to use FMLA by the Human Resources administrator, proper notices will be sent and a determination will be made if qualifications have been met.

REINSTATEMENT:

An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed, will be returned to the same job or a job equivalent to the job the employee held before going on FMLA leave. An employee who has not exceeded the 26-week maximum leave period in a single 12-month period, allowed to care for a seriously ill or injured covered military member, will be returned to the same job or a job equivalent to the job the employee held before going on leave.

If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

The county has no obligation to reinstate an employee who takes more than the 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available sick or vacation leave.

An employee is required to provide a fitness-for-duty certification before the employee returns to work. The certification will be completed by a health care provider to assess the ability to perform the essential job functions.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY LEAVE **(FMLA/MFL) (CONTINUED)**

If the county has a policy that forbids employees from working other jobs, an employee on approved FMLA leave may also be forbidden from working another job while on FMLA leave from the county.

REPAYMENT OF PREMIUMS:

Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county within 90 days after written demand from the Human Resources administrator for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to his or her FMLA leave.

OTHER BENEFITS:

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

If leave is needed beyond the end of the 12- week entitlement or the 26 weeks in a single 12- month period to care for an injured covered military member, an eligible employee will be cancelled off the medical plan and offered **COBRA** if the employee is unable to return back to work.

REGULATION:

Any area or issue regarding family and medical leave that is not addressed in this policy is subject to the basic requirements of the FMLA and the regulations issued to implement it.

LLANO COUNTY PERSONNEL POLICIES

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY LEAVE **(FMLA/MFL) (CONTINUED)**

ENFORCEMENT:

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family of medical leave rights.

2B-14 RETURN TO WORK

OVERVIEW:

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

COORDINATION WITH ATTENDING PHYSICIAN:

An employee on leave due to a work-related injury can return to work only when Llano County receives the attending physician's written medical release authorizing such return. The Human Resources administrator 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 Llano County's return to work program.

JOB DESCRIPTIONS:

The Human Resources department 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 Resources administrator and medical consultants to analyze any new modified duty position and develop a job description describing the essential functions of that position.

LLANO COUNTY PERSONNEL POLICIES

2B-14 RETURN TO WORK (CONTINUED)

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 Llano County or its' insurance carrier. The following options are explored:

- a) Return to prior position- an employee is offered the opportunity to return to his/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 Resources administrator is responsible for working with the employee's supervisor and attending physician (and third party consultants as necessary) to provide any reasonable accommodations.
- b) Modified Duty-Any employees who are not yet able to return to their former duties are offered (subject to the restrictions set out in section 5 of this policy) a temporary modified duty assignment that has been approved by the employee's attending physician. The Human Resources administrator is responsible for working with employee's supervisor and the employee's attending physician to develop and implement the modified duty assignment. The assignment can consist of the employee's job with reduced working hours and or activities or an alternate modified duty position.

RESTRICTIONS ON MODIFIED DUTY ASSIGNMENTS:

These restrictions apply to modified duty assignments;

- a) No guarantee of work, as provided in "Return to Work" of this policy, Llano County will endeavor to return employees to gainful employment as soon as possible by exploring possible modified duty assignments. However, Llano County does not guarantee the availability of modified duty work.
- b) Pay rates and Workers' compensation benefits-Employees on modified duty are guaranteed the rate of pay equal to no less than TIBS (Temporary Income Benefits as defined by the Department of Insurance)
- c) Four (4) week limit-Modified duty assignments are temporary arrangements intended to compliment and facilitate the healing process. Modified duty assignments cannot exceed four (4) weeks without prior approval from the department head.

LLANO CONTY PERSONNEL POLICIES

2B-14 RETURN TO WORK (CONTINUED)

EMPLOYEE REFUSAL OF WORK AND OR 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 Llano County sent via certified mail, the employee is separated from Llano County and his/her position will be filled permanently (An exception to this rule applies in the case of employees who have not yet exhausted their FMLA entitlement. A written offer of employment must clearly state:

- a. The position offered and the duties of the position;
- b. Llano 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;
- c. The essential functions for that position
- d. The wage, working hours and location for that position

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. Llano County, in consultation with the employee's attending physician and Texas Association of Counties, (Workers' Compensation Insurance) may evaluate the following options:

- a. Securing vocational rehabilitation services from Texas Rehabilitation Commission or private consultants as appropriate. Services can include assessment and testing, counseling and training.
- b. Finding a position at Llano County commensurate with the employee's knowledge, skills and abilities.

Employees with partial permanent disabilities may be paid partial or total permanent disability benefits as required under the Texas Workers' Compensation program.

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 the Texas Workers' Compensation statute and applicable federal law.

LLANO COUNTY PERSONNEL POLICIES

2B-14 RETURN TO WORK (CONTINUED)

COORDINATION WITH FMLA:

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

It is Llano County's policy to designate an employee's leave due to a work-related injury or illness as FMLA leave, to the extent of an employee's modified duty assignment toward the employee's FMLA entitlement.

Employees entitled to FMLA leave can voluntarily accept modified duty assignments while they are recuperating, but they cannot be required to do so. (This refusal can result in the loss of Workers' Compensation temporary income benefits). Employees who lose their Workers' Compensation benefits as a result of declining a modified duty assignment are required to substitute any available paid leave, such as accrued vacation, sick leave for unpaid FMLA leave.

Until employees have exhausted their 12-week entitlement of FMLA, they have the right to be reinstated to their original job or equivalent job provided that they are able to perform the essential functions of that job.

2B-15 ADMINISTRATIVE LEAVE

An employee may be placed on administrative leave **with pay** at the discretion of the Elected or Appointed official and with direction of the County Attorney. Administrative leave with pay will be assigned when the employee is the subject or witness in an investigation and it is in the best interest that the employee be removed from the workplace.

Depending on the outcome of the investigation, the employee may be subject to termination.

An employee may be placed on administrative leave **without** pay at the discretion of the Elected or Appointed official as a disciplinary measure. Notice of such action will be documented and will be placed in the employee's personnel file and reported on the time sheet.

SECTION 3:

PERSONNEL FILES AND

CONTENT

LLANO COUNTY PERSONNEL POLICIES

A: PERSONNEL FILES AND CONTENT

3A-1 GENERAL INFORMATION

The Llano County Human Resources department will retain basic employee information in an individual's personnel file. This file will include all pertinent employment documents such as resume, application, pay notice, withholding orders (W-4), as well as records concerning performance discipline and compensation.

Information in an employee's personnel file must be disclosed upon request except for, specific items exempt from disclosure by law.

No information from an employee's file will be communicated to any person or organization except by the employee's department head or Human Resources.

It is important that the personnel records of Llano County be accurate at all times. In order to avoid issues compromising your benefit eligibility or having W-2's returned, Llano County requests employees to promptly notify the Human Resources department of any change in name, telephone number, home address, marital dependents or any other pertinent information.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information and information that reveals whether you have family members confidential.

3A- 2 MEDICAL INFORMATION

Llano County is obligated to meet HIPAA compliance standards, therefore, health enrollment forms, drug test results and any other medical information are kept separate from the personnel file and are deemed confidential.

LLANO COUNTY PERSONNEL POLICIES

3A- 3 CONTENTS

An employee's personnel file may contain:

- a) A copy of the employee's application for employment,
- b) A signed copy of the employee's acknowledgment of having read the Personnel Policy Manual,
- c) Personnel action forms which may show position, title, grade and pay rate and other actions affecting the employee's status,
- d) Performance or evaluation records,
- e) Records of reprimands or other disciplinary actions,
- f) Any other pertinent information having a bearing on the employee's status.

SECTION 4: FORMS

LLANO COUNTY PERSONNEL POLICIES

4A-1 FORMS

- a. Payroll Change Notice
- b. Individual Time Sheet
- c. Travel Expense Reimbursement Form
- d. Employee Donation of Sick Leave Hours
- e. FMLA Request Form