



# **HARDIN COUNTY**

# **PERSONNEL POLICY**

# **MANUAL**

ADOPTED JUNE 2000  
REVISED NOVEMBER 20, 2018  
EFFECTIVE JANUARY 1, 2019

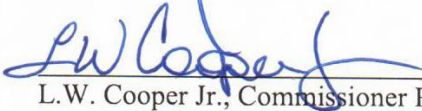
# HARDIN COUNTY PERSONNEL POLICY MANUAL INTRODUCTION

The purpose of these policies is to serve the needs of both the employees and the County to the mutual benefit of both. Hardin County is an equal opportunity employer. Hardin County does not discriminate on the basis of disability. Any Employee who has a question concerning any of Hardin County's personnel policies is encouraged to discuss it with his or her Elected Official/Department Head or Human Resources Department.

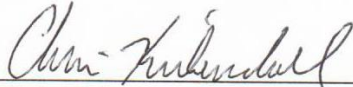
This updated issue of the Hardin County Personnel Policy Manual was adopted and signed by the Commissioners Court on the 20<sup>th</sup> day of November, 2018. This new manual supersedes all earlier manuals.



Wayne McDaniel, County Judge



L.W. Cooper Jr., Commissioner Pct. # 1



Chris Kirkendall, Commissioner Pct. # 2

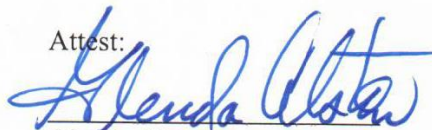


Ken Pelt, Commissioner Pct. # 3



Alvin Roberts, Commissioner Pct. # 4

Attest:



Glenda Alston  
County Clerk

# **HARDIN COUNTY PERSONNEL POLICY**

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# **HARDIN COUNTY PERSONNEL POLICY**

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COUNTY EMPLOYMENT**

## **HARDIN COUNTY EMPLOYMENT AT-WILL**

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

Hardin 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.

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

# **HARDIN COUNTY POLICY 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. Full-time employees will be eligible for health insurance. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

## **CATEGORIES OF EMPLOYMENT WITH THE COUNTY:**

**FULL-TIME A** Employees working at least 40 hours per week are considered full-time regular employees with full access to insurance benefits, retirement, vacation time, sick time, personal days, and holidays.

**FULL-TIME B** Employees working an average of 30 hours per week or more as determined within the chosen measurement period, set by Commissioners Court, will be considered "full-time" employees under federal guidelines. Employees have full access to health insurance and retirement. No other county benefits are offered.

**REGULAR PART-TIME** Employees working an average of 29 hours a week or less as determined within the chosen measurement period, set by Commissioners Court, are considered to be regular part-time employees. All regular part-time employees must be placed on retirement regardless of the number of hours worked per week.

**TEMPORARY** Temporary employees shall be employees who work less than 29 hours per week and are hired into positions which are expected to last for specific durations. They are not entitled to any County benefits.

**FRINGE BENEFITS** Hardin County will comply with the Internal Revenue Service in regards to taxable fringe benefits such as car allowances. You may be responsible for paying taxes when you receive such fringe benefits.

# **HARDIN COUNTY POLICY**

## **EQUAL EMPLOYMENT OPPORTUNITY**

- EQUAL OPPORTUNITY**
1. It shall be the policy of Hardin County to be an equal opportunity employer.
  2. Race, color, religion, national origin, sex, age, veteran status, sexual preference, pregnancy, genetic information and disability shall not be factors in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by law or where a bona fide occupational qualification (BFOQ) exists.
  3. Hardin County will also promote the full realization of equal employment through continuing Affirmative Action Programs that will be an integral part of the total personnel management programs. Hardin County does not discriminate on the basis of genetic information (Title II of the Genetic Information Nondiscrimination Act of 2008-GINA) with respect to hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**REASONABLE  
ACCOMMODATION**

4. The County shall make reasonable accommodation for otherwise qualified disabled individuals to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals.
5. Reasonable accommodation shall be determined through consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

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.

No employee should fear retaliation for exercising a legal right under a State or Federal Law, or for reporting violations of any County policy, or for participating in an investigation of complaints or grievances.



## **HARDIN COUNTY POLICY AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of Hardin 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, Human Resources Director, 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 Hardin 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, Human Resources Director, or the County Attorney. Reasonable accommodation shall be determined through an interactive process of consultation.

## **HARDIN COUNTY POLICY PERSONNEL RECORDS**

The Hardin County Human Resources Department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as application, payroll change forms, retirement documents, as well as records concerning performance and discipline.

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

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

Employee medical records will be kept in a separate, confidential file.

# **HARDIN COUNTY POLICY APPLICATION PROCEDURE**

Notification of vacancies resulting from promotion, transfer, demotion, discharge, retirement, resignation or budgetary action should be sent to the Human Resources Department prior to filling the position. In general, notices of all job vacancies are posted, although Hardin County reserves its discretionary right not to post a particular opening. In certain instances, such as intra-departmental reclassifications/promotions where employees within a specific department are being reclassified, upgraded or promoted, advance posting of such activities is not necessary. In these instances, once the Commissioners' Court approves the restructuring (if required), Department Heads/Elected Officials may assign personnel to the reclassified positions from employees within their departments whom they feel are best suited for the positions. In addition, when in the best interests of a department or the county, such as a critical skill or immediate needs of a department, as determined by the Department Heads/Elected Officials in conjunction with Human Resources, the "Employment Process" procedures may not apply.

The Human Resources Department in conjunction with the Department Head/Elected Official will determine the length of time for posting vacancies. The Human Resources Department will also activate appropriate outside recruiting sources.

Vacancies should normally be posted for a minimum of three days. The Human Resources Department is responsible for posting all vacancies as appropriate. The postings should remain up until the closing date.

## **A. Methods for Filing Applications**

1. Applications and resumes for employment, transfer, voluntary demotion and promotion shall normally be accepted only in the County's Human Resources Department through the closing date of the vacancy. Applications will **only** be accepted for advertised positions. If a resume is submitted, it must be accompanied by a completed Hardin County application.
2. The Human Resources Department, in conjunction with the Department Head/Elected Official, may decide to re-post vacancies to ensure that a sufficient number of qualified applicants have applied.

A Hardin County application should be completed before a candidate is interviewed and must be completed before a candidate is hired.

A representative of the Human Resources Department may participate in the departmental interviews at the request of the Department Head/Elected Official.

# **HARDIN COUNTY POLICY APPLICATION PROCEDURE**

## **B. Residency**

All other qualifications being equal, citizens of Hardin County will be given preference in employment for all County positions.

Hardin County applications will remain on file for **two** years after they are submitted.

## **HARDIN COUNTY POLICY PHYSICALS**

According to the Americans with Disabilities Act (“ADA”), a medical examination (“physical”) is a procedure or test that seeks information about an individual’s physical or mental impairments or health. The ADA limits an employer’s ability to require physicals at three stages: pre-offer, post-offer and during employment. At the first stage (prior to an offer of employment), the ADA prohibits all physicals, *even if* they are related to the job. At the second stage (after an applicant is given a conditional job offer, but before he/she starts work), an employer may conduct physicals, regardless of whether they are related to the job, as long as it does so for all entering employees in the same job category. At the third stage (after employment begins), an employer may require physicals only if they are job-related and consistent with business necessity. An Elected Official/Department Head or Supervisor will work with the Human Resources Director in the event that this type of physical is necessary.

A medical examination of an employee may be “job-related and consistent with business necessity” when an employer “has a reasonable belief, based on objective evidence, that:

- 1) an employee’s ability to perform essential job functions will be impaired by a medical condition; or,
- 2) an employee will pose a direct threat due to a medical condition.

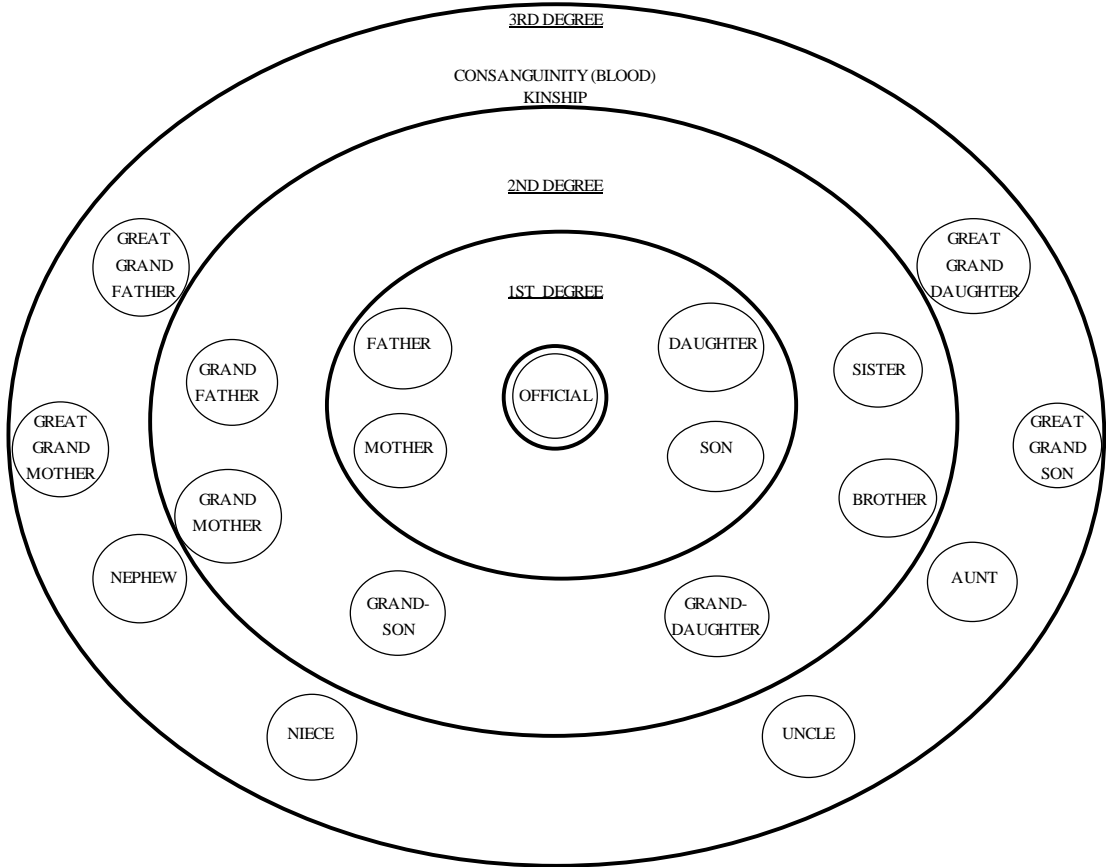
The ADA requires employers to treat any medical information obtained from a medical examination as well as any medical information voluntarily disclosed by an employee as a confidential medical record. Such information can only be shared only in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials investigating compliance with the ADA.

## **HARDIN COUNTY POLICY NEPOTISM**

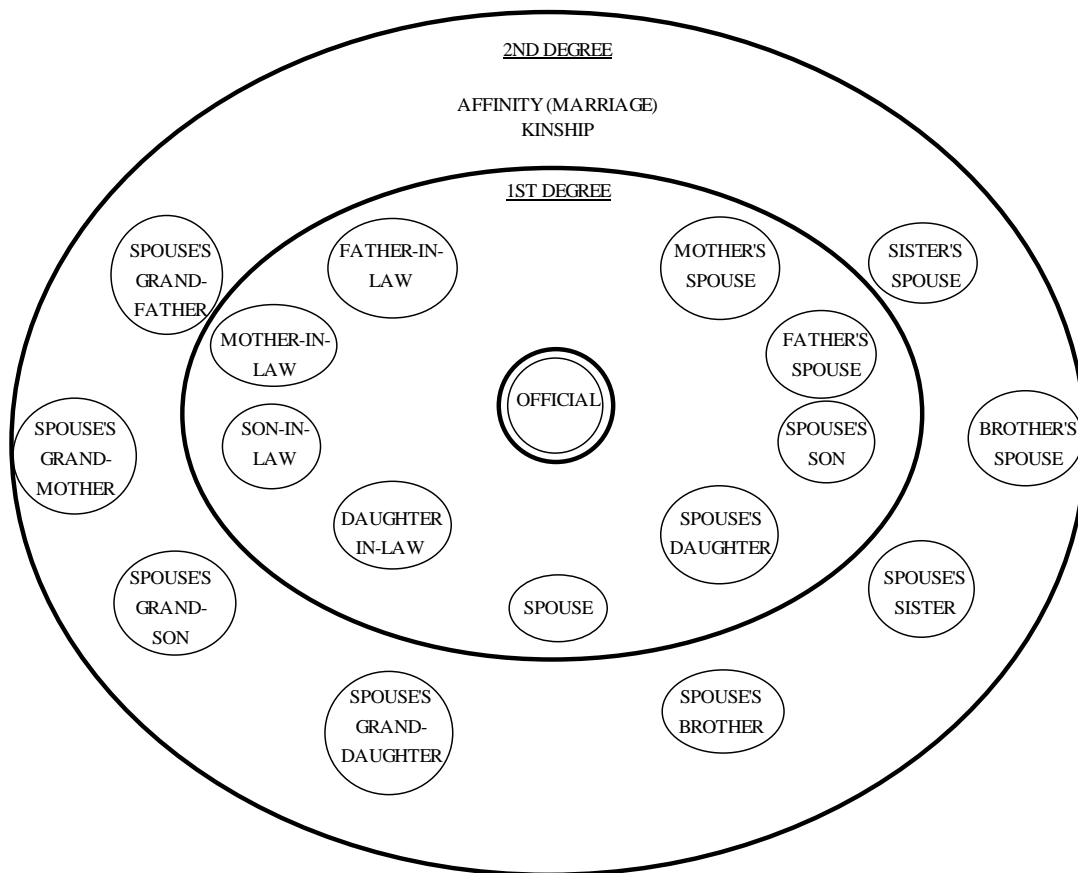
Per Texas Government Code Chapter 573, a Public Official of Hardin County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over.

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

**NEPOTISM CHART  
CIVIL LAW METHOD**



**NEPOTISM CHART  
CIVIL LAW METHOD**





**SECTION 1-B**  
**WORK RULES AND**  
**EMPLOYEE RESPONSIBILITIES**

## **HARDIN COUNTY POLICY DISASTER/EMERGENCY CLOSING**

1. This policy will be in effect whenever the County Judge, or designee, declares that emergency conditions warrant either preparation for, or reaction to, a potentially disastrous event. Each emergency situation is unique and while this policy is intended for overall guidance, the County Judge reserves the right to evaluate this policy and issue alternative procedures according to the statutes of the State of Texas and/or Federal authority.
2. This policy applies to all employees. This policy may be modified from time to time as necessary. Every employee will be responsible to follow this policy.
3. Short-term emergency closing of Hardin County offices/departments may arise due to unexpected inclement weather, prolonged power failure, or other emergency situations. Once a decision has been made to close County buildings in whole or in part, the County Judge, or designee, shall make every attempt to notify local media to inform citizens of such closure. County Department Heads will also be notified of the closure.
4. Essential employees are those who are required to stay at their assigned areas performing necessary tasks during the emergency, or those who may be asked to return to work after an immediate threat is over. Such personnel may include Corrections Officers, Deputy Sheriffs, Road & Bridge crews, Detention Officers, Emergency Management personnel, Maintenance personnel, personnel designated by Elected Officials/Department Heads for their respective departments, and personnel designated by the County Judge. All essential employees must be made aware of their assignments prior to an emergency. A list of essential employees will be provided to the Emergency Management Coordinator and Human Resources. Other employees not listed could be considered essential personnel depending upon emergency circumstances. All other employees should remain in contact with their Elected Official/Department Head for further instructions.
5. All employees are required to have their identification badges readily available in order to facilitate easier access to their assigned areas in the event of a disaster or emergency closing or when returning to Hardin County after such an event.
6. Hardin County will provide paid leave for essential and non-essential employees in the event of certain emergencies including, but not limited to: hurricanes, tornados, floods and other Acts of God; nuclear, chemical and biological emergencies, terrorist attack or any other emergency declared by the County. Nothing in this policy shall be construed as changing the “at-will” or exempt/non-exempt status of any person employed by Hardin County.

## **HARDIN COUNTY POLICY DISASTER/EMERGENCY CLOSING**

7. In the event that an emergency closing is ordered by the County Judge, or designee, regular (full time and part time) employees affected by such emergency will be paid their regular wages as the day(s) will be recorded as an official closed day(s). This time off is not considered time worked and will not be used to determine eligibility for overtime. Any employee who is off or scheduled to be off on sick leave, vacation, holiday, compensatory time, personal leave, FMLA or leave without pay during a period of disaster/emergency closure shall not be required to report said time as such. Any essential employee who is off on paid leave may be required to return to work immediately. In situations not involving an “emergency evacuation order,” as defined by Chapter 22, Texas Labor Code, any essential employee who fails to report to work as directed during inclement weather or disaster may be subject to disciplinary action, up to and including termination. Any essential employee who fails to report to work as scheduled during inclement weather or disaster/emergency shall use (1) vacation, compensatory time or personal leave or (2) time off without pay at the discretion of the Department Head.
8. The official work period for most County employees is a seven-day period beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday. Law Enforcement Officers, Jailers, and Telecommunications Operators work varying shifts in order to provide services 24 hours each day.
9. In the event of a disaster/emergency closing, any essential personnel (except for Elected Officials) will be compensated as follows:

**Deputies and Jailers:** In accordance with provisions of the U.S. Fair Labor Standards Act (FLSA) for public safety workers (“the Act”), the County has elected to adopt the Section 7(k) exemption to the seven-day work period for the County’s certified Sheriff’s officers and certified jailers, and the salaries for the affected positions have been calculated in consideration of this exception. Each certified peace officer and jailer is paid a set amount for all hours worked up to 86 in a 14-day work period. In instances when a non-exempt certified Sheriff’s officer or non-exempt certified jailer actually works in excess of 86 approved hours in a 14-day work period, said employee shall be entitled to FLSA overtime at the rate of one and one-half times the number of hours worked in excess of 86 hours. Any paid leave or holidays taken are not considered as “hours worked” in determining overtime. In the event of a disaster/emergency closing, overtime will be paid at time and one-half for hours worked in excess of 86 hours in a 14-day work period. Banking of holidays worked (or not worked) during emergency periods reverts to normal operating procedures.

## **HARDIN COUNTY POLICY DISASTER/EMERGENCY CLOSING**

10. **Full-time regular (A):** Full-time regular (A) essential personnel may receive compensation at their regular rate of pay until the County Judge, or designee, declares the date and/or time when all employees are expected to return to work. Full-time regular (A) essential personnel may also receive compensation for hours worked during the situation. Hours worked up to 40 hours per week for the duration County offices are closed may be paid overtime at a straight time rate. All hours worked in excess of 40 hours will be paid at the overtime rate of time and one-half.
11. **Law Enforcement Reserve Personnel:** Whenever there is an official Presidentially Declared Disaster/emergency closure of all County operations, all Law Enforcement Reserve Personnel shall be compensated at base pay for respective Law Enforcement Reserve Personnel assigned duties.
12. Once the courthouse has re-opened, all essential personnel who are required to continue working in a disaster/emergency capacity will be compensated the same as they are during normal working conditions.
13. There may be instances when only certain buildings/offices are officially closed. In these instances, the affected employees will be compensated in accordance with Section 7 of this policy, and all unaffected employees' compensation will be the same during regular working conditions.
14. Employees who elect to take time off to deal with the aftermath of an emergency situation shall do so at the discretion of their Department Head.
15. An elected official may choose to close his or her office at any time; however, until the County Judge, or designee, has officially closed County operations, employees shall use accrued leave (vacation, compensatory time, and personal leave) or time without pay.
16. Full-time regular (A) employees who have no available accrued leave and would otherwise be required to use time without pay as a result of inclement weather or other disaster/emergency situations, which have not warranted an official disaster/emergency closing, may be allowed to make up that time by working additional hours at the discretion of their Department Head.

## **HARDIN COUNTY POLICY ATTENDANCE**

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

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

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

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.

## **HARDIN COUNTY POLICY EVALUATIONS**

All employees may be evaluated once a year at a minimum. Elected Officials/Department Heads may evaluate employees at any period deemed appropriate. The evaluation may be written on forms prescribed by the Human Resources Department. The Elected Official/Department Head will meet with the employee to discuss the evaluation. The employee will be provided a copy of his/her written evaluation upon request. The Elected Official/Department Head conducting the evaluation shall place a copy in the employee's departmental personnel file. The major goal of the evaluation process will be the professional improvement of the employee's work and performance. The Elected Official/Department Head shall use the evaluation to record performance and/or specify procedures for improvement.

# **HARDIN COUNTY POLICY DISCIPLINE**

Each Elected Official/Department Head 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.

Categories of discipline, depending on the severity and/or repetitions of the infraction, are typically as follows:

- a) Verbal Reprimand (will be noted in personnel file)
- b) Written Reprimand (will be noted in personnel file)
- c) Leave without pay
- d) Termination

Hardin County reserves the right to skip levels of discipline and proceed to any step deemed appropriate for the conduct or infraction involved.

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.

Hardin 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.

Elected Officials/Department Heads will document all disciplinary action taken. Employees being disciplined will also receive a copy of the action taken when requested. The employee shall be notified of the conduct by the Elected Official/Department Head, and shall be given the opportunity to respond thereto. The Elected Official/Department Head shall then notify the employee of the type of discipline and its effective date and provide a copy to Human Resources.

Department Heads/Elected Officials are encouraged to consult with Human Resources and the County Attorney before terminating an employee.

# **HARDIN COUNTY POLICY**

## **RETURN TO WORK**

### **Policy Overview**

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

### **Coordination With Attending Physician**

An employee on leave due to a disability or an illness of three or more consecutive days can return to work only when Hardin County receives the attending physician's written medical release authorizing such return. Hardin County's Human Resources office, in conjunction with the Elected Official/Department Head, is responsible for providing the physician with a copy of the employee's job description.

### **Job Descriptions**

Each Elected Official/Department Head is responsible for working with supervisors to ensure that job descriptions accurately and completely describe the essential functions of each position.

### **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 Hardin County or its insurance carrier. The following options are explored:

**Return to prior position:** An employee is offered the opportunity to return to his or her prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations. The Human Resources office is responsible for working with the Elected Official/Department Head, and attending physician (and third-party consultants, as necessary) to provide any reasonable accommodations.

**Light duty:** Any employees who are not yet able to return to their former duties are offered (subject to the restrictions set out in this policy) a temporary light-duty assignment that has been approved by the employee's attending physician. The Human Resources office is responsible for working with the Elected Official/Department Head, and the employee's attending physician to develop and implement the light-duty assignment. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternative light-duty position.

### **Restrictions on Light-Duty Assignments**

The following restrictions apply to light-duty assignments:



# **HARDIN COUNTY POLICY**

## **RETURN TO WORK**

**No guarantee of work:** Hardin County must endeavor to return employees to gainful employment as soon as possible by exploring possible light-duty assignments. However, Hardin County **does not guarantee** the availability of light-duty work.

**Pay rates and Workers' Compensation benefits:** Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time they sustained their work-related injury or illness. Employees receive temporary income benefits from worker's compensation to supplement this income to a pre-injury level. (Exception: Commissioned law enforcement officers and corrections officers are guaranteed 100% of salary by the State Constitution while incapacitated under workers' compensation standards whether on light-duty assignment or not). The pay rate for a light-duty assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work in light-duty position before they have reached maximum medical improvement are eligible for temporary partial disability benefits under Texas' Workers' Compensation program if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees in light-duty positions are not permitted to supplement their workers' compensation benefits by using their accrued vacation, personal, or medical/sick leave.

**12-Week limit:** Light-duty assignments are temporary arrangements intended to complement and facilitate the healing process. Light-duty assignments cannot exceed 12-weeks without prior approval from Hardin County's Commissioners' Court.

### **Employee Refusal of Work/Training**

In the event that an employee refuses to return to regular or light duties in response to a written notice to return to work on a specified date sent via certified mail, the employee is separated from Hardin County and his/her position will be filled permanently. (Note: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave entitlement. (See FMLA Policy)

A written offer to return to work must clearly state:

- the date employee is required to report for duty;
- Hardin County's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
- the job's essential functions; and
- the job's wage, working hours and location.

# **HARDIN COUNTY POLICY**

## **RETURN TO WORK**

### **Permanent Disabilities**

Employees with permanent disabilities are paid partial or total permanent disability benefits as required under Texas' Workers' Compensation regulations.

### **Medical Information**

All employees' medical information is held in strict confidence in accordance with the Americans with Disabilities Act Amendments and HIPPA. Medical inquiries are limited to those permitted under Texas' Workers' Compensation statute and applicable federal law.

### **Coordination with FMLA**

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

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

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

## **HARDIN COUNTY POLICY NURSING MOTHERS/BREAKS**

The Texas Right to Express Breast Milk in the Workplace Act and Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child. Hardin County supports the practice of expressing breast milk.

Hardin County will provide reasonable paid breaks for nursing mothers to express breast milk pursuant to Department of Labor guidelines.

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

Hardin County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. Employees of the county who need 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 nursing mothers, however if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

# HARDIN COUNTY POLICY

## HARASSMENT

### POLICY

1. It shall be the policy of Hardin County to provide a work place free from harassment, including sexual harassment, for all employees, and to take active steps to eliminate any harassment of any kind which the County becomes aware of. Harassment includes unlawful, unwelcome words, acts or displays based on sex, sexual preference, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

2. Harassment is strictly prohibited by Hardin County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business. Employees engaging in harassment, including sexual harassment, shall be subject to discipline, up to and including termination of employment.

### DEFINITIONS:

3. **Harassment:** Verbal or physical conduct designed to threaten, intimidate, or coerce. Also, verbal taunting (including racial and ethnic slurs) which, in the employee's opinion, impairs his/her ability to perform his/her job.

4. **Sexual Harassment:** Unwelcome sexual advances for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, that lowers moral and, therefore, interferes with work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors.

**Verbal:** Sexual innuendoes, suggestive comments, jokes of sexual propositions, and threats.

**Non-verbal:** Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures (this includes inappropriate e-mail material sent over the internet to other employees or simply being displayed on the monitor).

# **HARDIN COUNTY POLICY**

## **HARASSMENT**

**Physical:** Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

### **CLAIMS**

5. All claims of harassment of any kind shall be taken seriously and investigated.

6. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

7. No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of harassment. Retaliation against an employee who reports harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

### **REPORTING**

8. Employees who feel they have been harassed should immediately report the situation to the Elected Official/Department Head who is responsible for the department in which they work.

9. If, for any reason, the employee feels that reporting the harassment to the Elected Official/Department Head may not be the best course of action, the report should be made to the Human Resources Department or to the County Attorney.

10. The Elected Official/Department Head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

11. 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.

12. 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) Immediately report continuing harassment to the Elected/Appointed Official who is responsible for your department or to the Human Resources Department.

# **HARDIN COUNTY POLICY**

## **SEXUAL HARASSMENT**

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

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

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

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

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

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

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

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

## **HARDIN COUNTY POLICY SEXUAL HARASSMENT**

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

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

# **HARDIN COUNTY POLICY FRAUD, WASTE, AND ABUSE**

## **Policy Statement:**

Fraud, waste and abuse of resources of any kind by employees of Hardin County are prohibited. Hardin County places a strong emphasis on establishing and maintaining strong internal control systems to assist in the prevention, deterrence, and detection of fraud, waste, and abuse.

Employees are required to report factual information suggestive of fraudulent, wasteful, or abusive activities that may involve Hardin County or any of the employees. Hardin County will pursue available legal remedies against persons involved in fraudulent, wasteful, or abusive acts against the County.

## **Reason for Policy:**

This policy is established to protect the assets, resources, and interests of the County; to increase the awareness of all employees of the possibility of fraud, waste, and abuse, and to govern the reporting and investigation of allegations of suspected fraud, waste, and abuse.

## **Procedures and Responsibilities:**

### 1) Responsibilities of Elected Officials/Department Heads

Elected Officials/Department Heads are responsible for establishing the appropriate tone of intolerance for fraud, waste, and abuse by establishing a working environment founded on integrity and high ethical standards and principles. They should display the proper attitudes toward complying with laws, policies, regulations, and rules in fraud prevention.

They should also be cognizant of the risks and exposures inherent in their area of responsibility, and should establish and maintain proper internal controls that will provide for the security and accountability of the resources entrusted to them.

### 2) Responsibilities of all Employees

All employees are responsible for acting with propriety in the use of any resources of the County and to abide by laws, policies, regulations and rules of the County. When suspected fraud, waste, or abuse is observed by or made known to an employee, the employee is responsible for reporting that information to the County Judge or his Designee.



# **HARDIN COUNTY POLICY FRAUD, WASTE, AND ABUSE**

## 3) Responsibilities of the County Judge or his Designee

The County Judge of Hardin County or his Designee shall have the primary responsibility for the investigation, documentation, and reporting of all allegations of suspected fraud, waste, and abuse in the County. The investigations, documentation, and reports shall be considered confidential to the extent permitted by law.

## 4) Investigation Process

The County may use any available resources to investigate allegations of suspected fraud, waste, and abuse. Participation among appropriate parties, including the County Judge, County Attorney, Auditor, and Law Enforcement Officials, shall allow for a comprehensive and coordinated investigative process to be conducted.

## 5) Actions

Hardin County may pursue disciplinary and recovery actions against all employees found to have participated in fraudulent, wasteful, or abusive acts as defined by this policy.

### **Definitions:**

**Fraud** - any intentional act or omission designed to deceive others and resulting in the victim suffering a loss and/or the perpetrator achieving a gain. (A willful or deliberate act or failure to act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means.) For purposes of this policy, fraud and fraudulent activities include, but are not limited to, such things as:

- Theft of any county asset including money, tangible property, time
- Embezzlement
- Bribery/rebate/kick-back
- Misappropriation, misapplication, destruction, removal or concealment of county property
- Forgery, alteration or falsification of documents
- Conflicts of interest

## **HARDIN COUNTY POLICY FRAUD, WASTE, AND ABUSE**

**Waste** - intentional or unintentional, thoughtless or careless expenditure, mismanagement, use or squandering of resources to the detriment of the County. Waste also includes incurring unnecessary costs as a result of inefficient or ineffective practices, systems, or controls.

**Abuse** - Excessive or improper use of a resource. Intentional destruction, diversion, manipulation, misapplication, or misuse of resources. Extravagant or excessive use as to abuse one's position or authority.

**Employees** - All personnel employed by the County who receive compensation, in either a full-time, part-time, or temporary capacity.

**Factual Information** - Information supported by observations and/or documentation.

**Contact Office** - County Judge's Office

## **HARDIN COUNTY POLICY WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Hardin County Policy or Federal or State law to his or her Supervisor, Department Head, or Elected Official, unless any of these persons are the alleged perpetrators of the alleged violation of policy or law. If any of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the County Judge, County Attorney, or Human Resources. The County will investigate the reported activity.

An Official, Supervisor, Department Director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or Federal or State law to a designated person, pursuant to this policy.

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

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

An employee with a question regarding this policy should contact Human Resources.

# **HARDIN COUNTY POLICY ANTI-RETALIATION**

Hardin County is committed to protect employees from interference with making a protected disclosure, retaliation for having made a protected disclosure, or by being closely associated with someone making a protected disclosure, or for having refused an illegal order as defined in this policy. This policy is derived from various State or Federal Laws. Pursuant to these laws, Hardin County employees, including Elected/Appointed Officials, may not: 1) retaliate against an employee who has made a protected disclosure or who has refused to obey an illegal order, nor 2) directly or indirectly use or attempt to use the official authority or influence of his or her position or office for the purpose of interfering with the right of an employee to make a protected disclosure to the employee's immediate supervisor, department head, elected official or the Human Resources Department. Retaliatory conduct will not be tolerated and will result in disciplinary action up to and including termination.

- PURPOSE**
1. No hardship, no loss of benefits, and no penalty may be imposed on an employee as punishment for:
    - a) Filing or responding to a bona fide complaint of discrimination or harassment;
    - b) Appearing as a witness in the investigation of a complaint;
    - c) Being associated with someone filing a complaint of discrimination, harassment, or retaliation; or
    - d) Serving as an investigator.
  2. Ensure that all employees, including Elected/Appointed Officials, know and understand that the County prohibits retaliation of any kind.
  3. Ensure that employees, including Elected/Appointed Officials, know what measures will be taken when retaliation is observed or reported.
  4. Ensure that employees who make complaints of retaliation, or is closely associated with someone making a complaint, or provide information related to such complaints are aware this action is considered a protected activity.

## **DEFINITIONS**

1. Retaliation - taking any adverse action against an employee concerning their employment because that employee has engaged in some form of "protected activity", or because the employee has a close association with someone engaging in some sort of protected activity.
2. Protected Activity - a good faith disclosure opposing an unlawful practice prohibited by employment discrimination laws; participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity Charge; in addition to being closely associated to someone participating in a protected activity.

## **HARDIN COUNTY POLICY ANTI-RETALIATION**

3. Good Faith Disclosure - means disclosure of County-related misconduct made with a belief in the truth of the disclosure by an employee based upon facts. A disclosure is not in good faith if made with reckless disregard for or willful ignorance of facts that would disprove the disclosure.

4. County-related Misconduct includes any activity by a County department or by an employee that is undertaken in the performance of the employee's official duties, whether or not such action is within the scope of the individual's employment, and that is in violation of any State or Federal law or regulation or County policy, including but not limited to corruption, bribery, theft of County property, fraudulent claims, fraud, coercion, conversion, discrimination, harassment, civil rights violations, misuse of County property and facilities, or willful failure to perform duty.

### **EXAMPLES OF RETALIATION/ADVERSE EMPLOYMENT ACTIONS**

Includes but may not be limited to:

1. Promotion or denial of promotion;
2. Refusal to hire;
3. Threats or reprimands;
4. Negative job performance evaluations;
5. Harassment;
6. Adverse treatment, suspension, or a discharge;
7. Poor work assignments;
8. Demotions or reduction in pay.

### **EXAMPLES OF PROTECTED ACTIVITY**

Includes but may not be limited to:

1. Complained/reported a problem with discrimination, including sexual harassment and all other categories (race and national origin, age, gender, pregnancy, disability, religion, etc.);
2. Complained/reported safety issues;
3. Requested accommodations for a disability;
4. Filed workers compensation claim;
5. Served as a witness at an unemployment hearing;
6. Was a whistleblower;
7. Refused to violate the law or a code of ethics;
8. Sued the County under certain laws such as the discriminations laws, whistleblower laws, and benefit related laws;
9. Any good faith communication that discloses or demonstrates an intention to disclose information that may evidence either an improper governmental activity, or any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

# **HARDIN COUNTY POLICY ANTI-RETALIATION**

## **SCOPE OF POLICY**

No employee of the County, or Elected Officials of the County, shall engage in retaliation in response to a protected disclosure or to the oral or written filing of a complaint.

The County will make every reasonable effort to stop retaliation immediately and conduct a thorough investigation of alleged acts of retaliation, and to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate.

No reference to the good faith disclosure of County related misconduct will be placed in an employee's Personnel file.

Reports of alleged County related misconduct that are not made in good faith or an employee who intentionally files a false report of wrongdoing are not protected under this policy. Those who make disclosures not in good faith will be disciplined up to and including termination.

## **SANCTIONS**

Anyone who violated the non-retaliation policy is subject to disciplinary action as follows but not necessary in this order:

1. Reprimand
2. Probation
3. Suspension
4. Demotion
5. Reassignment
6. Termination

## **PROCEDURES**

Note that the confidentiality of the employee making the good faith disclosure will be maintained, unless it becomes necessary to disclose the identity to conduct a thorough investigation.

All reports of illegal or dishonest activities should be reported to the Elected/Appointed Official, County Attorney, or Human Resources Department.

# HARDIN COUNTY POLICY

## SOCIAL MEDIA

**POLICY STATEMENT:** Hardin County recognizes the importance of social media in today's culture. However, use of social media by employees may become a problem if it interferes with the employee's work, is used to harass co-workers, customers or the community at large, creates a hostile work environment, or harms the goodwill and reputation of the County among its customers or the community at large. The 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 specific guideline exists, employees are expected to use their professional judgment. If uncertain about the appropriateness of a social media posting, employees should discuss the matter with their Elected Official/Department Head.

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

- POLICY GUIDELINES:**
- 1) **Off-duty use of social media.** In general, the County considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas as long as they do not conflict with County policies or business. All County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to harassment, code of conduct, and protecting confidential information. If your posts on social media mention Hardin County, make clear that you are an employee of Hardin County and that the views posted are yours alone and do not represent the views of Hardin County.
  - 2) **On-duty use of social media.** Employees can only engage in social media activity during work time if it is directly related to their work, was approved by their supervisor, and does not identify or reference County employees, customers, or vendors without express permission.
  - 3) **County Identification.** Unless given written consent, employees are not permitted to use the County's logo or individual Department logos on their posts.

# HARDIN COUNTY POLICY

## SOCIAL MEDIA

Employees cannot link to the County's website or post County material on a social media site without permission obtained from their Department Head/Elected Official.

4) **Representation.** Under no circumstances should an employee represent themselves as an official spokesperson or representative of Hardin County or any County department or office without the approval of Commissioners' Court or the employee's own Elected Official/Department Head. If posts on social media mention the County, its services, employees, vendors, or customers, employees are required to make clear that they are an employee of the County, and that the views posted are the employee's alone, and do not represent the views of the County.

5) **Confidentiality.** Employees may not identify or reference County clients, customers, or vendors without permission, and may not post pictures or videos of County property or co-workers on the Internet without permission. Employees may write about their jobs in general but may not disclose any confidential, personal, or private information. Violations of copyright laws and privacy policies are prohibited.

6) **Respect.** Employees are expected to demonstrate respect for the dignity of the County as well as its customers, vendors, and employees. Ethnic slurs, personal insults, or language that may be considered inflammatory should be avoided. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

7) **Accountability.** Ultimately, employees are responsible for their own social network media activity and are solely responsible for any liability created by posting any inflammatory, defamatory or untruthful information about another individual or organization. Remember that anything that is posted may be publicly available for any indefinite period of time (even if attempts are made to modify or delete).

**8) Disciplinary Action: Any violation of this policy, including activity which occurs outside the workplace, is subject to discipline up to and including termination of employment.**



## **HARDIN COUNTY POLICY OUTSIDE EMPLOYMENT**

Hardin County employees are expected to give their full and undivided attention to their job duties. They should not use Hardin County facilities or equipment or their association with Hardin County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, County employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Hardin County that interferes with the employee's assigned duties with Hardin County.

## **HARDIN COUNTY POLICY DRESS CODE/PERSONAL APPEARANCE**

Hardin County expects all employees to be well groomed, clean, and neat at all times.

Females: No low-cut blouses or low-cut dresses, no see-through blouses or sweaters (except with camisoles). No beach type sandals (flip flops).

Males: Hair to be neatly groomed. No ponytails or hair below shoulders. No beach type sandals (flip flops).

Exception: Jeans on Friday (must be suitable for office attire with no holes in them).

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.

\*Departmental dress code/personal appearance policies take precedent over this policy.

## **HARDIN COUNTY POLICY LICENSES AND CERTIFICATIONS**

Hardin 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.

## **HARDIN COUNTY POLICY POLITICAL ACTIVITY**

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

County employees shall not:

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

## **HARDIN COUNTY POLICY CONFLICT OF INTEREST**

Employees of Hardin 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 Hardin County employee.

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

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

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

## **HARDIN COUNTY POLICY 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.

## **HARDIN COUNTY POLICY CONFIDENTIALITY**

Hardin 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.

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.

## **HARDIN COUNTY MISCELLANEOUS**

### **QUESTION ON POLICIES**

Any questions any employee may have on **any** of the policies can be directed to the Elected Official/ Department Head or the Human Resources Department.

### **CHANGES TO THESE POLICIES**

These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners Court.



**SECTION 1-C  
COUNTY PROPERTY AND  
EMPLOYEE RESPONSIBILITY**

# **HARDIN COUNTY POLICY**

## **COUNTY PROPERTY/VEHICLE USAGE**

### **Property**

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.

### **Vehicle**

Some employees may be required to use county vehicles as a part of their job. Employees who are assigned County vehicles shall be responsible for the care, maintenance, proper use and upkeep 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.

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

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

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

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

## **HARDIN COUNTY POLICY CELL PHONE USAGE**

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

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

Employees in possession of a Hardin County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

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

# HARDIN COUNTY POLICY TECHNOLOGY

- DEFINITION** 1) Computers, computer systems and electronic media equipment (including computer accounts, laptop computers, printers, networks, software, electronic mail, internet, World Wide Web access connection, and voice mail) are technology that Hardin County provides to employees who have a **business need**.
- PURPOSE** 2) Hardin County desires to protect its interest with regard to its electronic records. Employees are expected to exhibit the same high level of ethical and business standards when using this technology as they do with more traditional workplace communication resources.
- 3) Hardin County's e-mail and internet system is intended to be used for business purposes. All e-mail/internet records are considered County records and should be transmitted only to individuals who have a business need to receive them. Employees should always ensure that the business information contained in e-mail/internet messages is accurate, appropriate, and lawful.
- MONITORING** 4) Employees have no right to an expectation of privacy. Hardin County owns the computer and software making up the systems and permits employees to use them in the performance of their duties for the County. E-mail messages, internet and computer records are to be treated like shared paper files, with the expectation that anything in them is available for review by the **Elected Official/Department Head for that department only**.
- PERSONAL USE** 5) Brief and occasional personal use of the computer systems, electronic mail systems 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 expense to the County; however, personal use is up to the Elected Official/Department Head.
- REVELATION TO LAW ENFORCEMENT** 6) The County reserves the right to disclose employee's electronic records to law enforcement officials or to other third parties, through subpoena or process, without notification to or permission from the employees sending or receiving the messages. As a condition of initial and continued employment, all employees consent to Hardin County's review and disclosure of electronic records.

# **HARDIN COUNTY POLICY TECHNOLOGY**

## **ILLEGAL MATERIAL**

7) Using Hardin County's automation systems to create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory entity. Such material violates Hardin County anti-harassment policies and is subject to disciplinary action. Hardin County's electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province or other local jurisdiction in any way. If needed in a criminal investigation or prosecution of a case, Hardin County law enforcement, prosecutors and court personnel may need to access certain material on the internet for investigative and prosecutorial purposes.

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

## **INAPPROPRIATE MATERIAL**

8) Activities that could damage Hardin County's reputation or potentially put the employee and Hardin County at risk for legal proceedings by any party is forbidden. "Chain letters", solicitations, and other forms of mass mailing are not permitted.

9) An employee who receives inappropriate communications on the e-mail system should notify his/her Department Head immediately.

## **PASSWORDS**

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

## **OUTSIDE SOFTWARE**

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

## **VIOLATION OF POLICY**

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

**SECTION 1-D  
SAFETY AND HEALTH**

# **HARDIN COUNTY POLICY WORKERS' COMPENSATION**

ACKNOWLEDGEMENT OF PARTICIPATION IN THE POLITICAL SUBDIVISION WORKERS' COMPENSATION ALLIANCE (PSWCA) DIRECT CONTRACTING PROGRAM. Upon hire, County employees shall acknowledge on separate documentation that they have received information that informs them of the County's election to utilize the Political Subdivision Workers' Compensation Alliance and how to obtain health care if the employee sustains a work-related injury/illness.

Each County employee is required to sign the following statement: "If I am injured on the job, I understand that:

1. I must choose a treating doctor from the list of contracted providers provided by my employer or obtain the list myself from [www.pswca.org](http://www.pswca.org).
2. I must go to my treating doctor for all health care related to my injury. If I need a specialist, my treating doctor will refer me. If I require emergency care, I may go anywhere.
3. Making a false or fraudulent workers' compensation claim is a crime that may result in fines and/or imprisonment.
4. Additional information regarding the Alliance is available on TACRMP's website at [www.county.org](http://www.county.org).

**Medical Attention:** An employee who sustains a bona-fide, on-the-job, work-related illness or injury may seek medical attention from a provider as described above. Any employee who suffers a job-related illness or injury, no matter how insignificant, shall be required to notify his or her Department Head and the Human Resources Department as soon as possible. The County encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work.

**Eligibility:** All Hardin County employees, Elected Officials and Reserve Deputies are covered by Workers' Compensation while on duty for the County.

**Benefits:** Employees receive no pay for the first seven (7) days following a work-related injury or illness; however, if you are out for two weeks, you will receive pay for the first seven (7) days. The amount of pay you receive approximates 70% of your hourly wage or salary.

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

# **HARDIN COUNTY POLICY WORKERS' COMPENSATION**

**Benefits:**

Deputies or jailers who sustain injuries while on the job will receive their full salary while incapacitated until the end of the Sheriff's term of office under which the injury occurred or until the deputy is able to return to a duty, whichever comes first. Their commission expires with the last day of office of the Sheriff. This will not affect any payment of medical benefits due under the workers' compensation coverage or any indemnity benefits based on eligibility at that time.

Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of his/her job.

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

**Exclusion:** Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God in certain limited circumstances (i.e., not being assigned to official duty during a hurricane, lightning storm, etc.) or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

**Return to Service:** A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by Human Resources before an employee may return to work.

An employee on injury leave must report to work after being approved to do so by either the employee's attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary actions, up to and including discharge.

The employee's supervisor must notify the Human Resources Director upon the employee's return to duty so that the Human Resources Director may resume recordkeeping for purposes of payroll, benefits, and leave and length-of-service accruals.

**Temporary Light Duty Status:** During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment will be evaluated for a determination of whether a light-duty position is available in which the County can use the employee's limited services.



## **HARDIN COUNTY POLICY WORKERS' COMPENSATION**

**Reasons for Termination of Employment During Injury Leave:** An employee may be terminated while on leave for an on-the-job injury for the following:

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician;
2. Failure to accept a "light duty" assignment (unless FMLA applies);
3. Failing to follow prescribed treatment including medical appointments;
4. Participating in activities which, according to the County's medical and legal advisor, justify termination because they are injurious to recovery or they do not aid in healing;  
or
5. Other lawful reasons.

## **HARDIN COUNTY POLICY HEALTH AND SAFETY**

- 1) The safety of Hardin County is based on the firm conviction that accidents can be prevented, and that no part of the operation of Hardin County is more important than the safety of its workers.
  - A) **The County:** Hardin County will make every reasonable effort to provide and maintain a safe, healthy work environment at all facilities and to follow operating practices designed to assure the safety of all employees.
  - B) **The Department Head:** Each Department Head is responsible for seeing that all employees reporting to him/her comply with the County's safety rules and any safety rules specific to the department in which the individual works.
  - C) **The Employee:** Every employee is expected to comply with County safety rules and safety standards and to make every effort to work in such a manner as to prevent injury to him and fellow employees. All employees will give full support to the County and the Department Heads in the safety program.
- 2) All employees who are required to drive a Hardin County vehicle or their own vehicle in the performance of their duties are required to demonstrate clear driving records before performing driving functions for the County. Further, employees who perform driving functions for the County at any time must, as soon as practicable, advise the Department Heads of any Driving While Intoxicated (DWI) or Driving under the Influence (DUI) conviction.
- 3) All employees of Hardin County shall be safety conscious. All employees and Department Heads will report safety hazards and practice accident prevention at all times. Any violation of a standard of conduct, including safety, may result in disciplinary action including termination.
- 4) Hardin County endeavors to provide a healthy environment. Therefore, no smoking is allowed inside of any County owned/leased building or within twenty (20) feet of the exterior entrances of any County owned/leased building.

## **HARDIN COUNTY POLICY WORKPLACE VIOLENCE**

1) It is the policy of Hardin County to promote a safe environment for its employees. The County is committed to working with its employees to maintain a work environment free from violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our County, no workplace is immune. Every workplace will be affected by disruptive behavior at one time or another.

2) Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

3) We need your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on County premises, whether he or she is a County employee or not, report it immediately to an Elected Official/Department Head or the Human Resources Department so appropriate action can be taken. Threats or assaults that require immediate attention should be reported to the Sheriff's Department.

# **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

## **PURPOSE**

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

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

## **POLICY**

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

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

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

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

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

## **DEFINITIONS**

- 1) County Premises – All County property including vehicles, lockers, and parking lots.
- 2) County Property – All County owned or leased property used by employees such as vehicles, lockers desks, closets, etc.
- 3) Controlled Substance – Any substance listed in Schedule I-V of Section 202 of the Controlled Substance Act (21 U.S.C.S 812), as amended. A copy of this information is available for review in the Human Resources Department.
- 4) Drug – A drug is any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

## **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

- 5) Drug Paraphernalia – Equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance.
- 6) Fitness for Duty – To work in a manner suitable for the job. To determine “fitness”, a medical evaluation may include drug and/or alcohol testing.
- 7) Illegal Drug – An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal or regulated under any Federal, State or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally. Included is marijuana or cannabis in all forms.
- 8) Negative Test Results – “Negative Test” results are results that indicate no alcohol or drugs are in the employee’s system other than properly used prescription medication.
- 9) Reasonable Cause/Reasonable Suspicion – Supported by evidence strong enough to establish that a policy violation has occurred.
- 10) Testing – Is generally defined as a urine, blood, or breath test to determine chemical or drug content. Testing may occur in the following instances:
  - a) Pre-employment
  - b) “Fitness-for-Duty” testing
  - c) Reasonable cause to suspect use
  - d) Injury involving employee(s) causing or contributing to the injury
  - e) On-the-job accident

Testing will remain confidential.

- 11) Under the influence – Intoxicated by not having the normal use of mental and physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, or a combination of two or more of those substances, or any other substance into the body.
- 12) Safety-Sensitive Position – A safety-sensitive position is defined as a position involving job duties, when if performed with inattentiveness, errors in judgement, or diminished coordination, dexterity, or composure, may result in mistakes that could present a real or imminent threat to the personal health and safety of the employee, co-workers, or the public.

# **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

## **GENERAL POLICY PROVISIONS**

Any of the following actions constitutes a violation of the Policy and may subject an employee to disciplinary action including immediate termination:

- 1) Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting or assisting another to do so, while in the course of employment or engaged in a County sponsored activity, on County premises, in County owned, leased or rented vehicles, or on business.
- 2) Working or reporting to work, conducting County business, or being on County premises or in County-owned, leased or rented vehicle while under the influence of an illegal drug, alcohol or in an impaired condition.
- 3) Switching, altering or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process.
- 4) The use of prescription or over-the-counter drugs, while on County property or while on duty for the County, in a manner other than that intended by the manufacturer or prescribed by a physician.
- 5) The only exception to this policy is the possession of controlled substances by law enforcement personnel, evidence technicians, court personnel and prosecution as part of their job-related duties.

## **PREVENTIVE ACTS**

Employees taking drugs prescribed by an attending physician must advise their direct Supervisor in writing of the probable adverse effects, if known, of such medication regarding their job performance, physical/mental capabilities, the safety of the employee, fellow employees or the public (For example: If taking medication which makes you drowsy, report to Supervisor or use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty). This written information must be kept confidential and communicated to the direct Supervisor prior to the employee's commencing work. All medical information will be kept confidential.

## **CORRECTIVE ACT**

Although certain employees will not be subject to random alcohol and drug testing as a result of the Policy, any employee involved in a work-related accident may be subject to alcohol and/or drug testing.

# **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

## **SEARCHES**

The County reserves the right to conduct searches or inspections of an employee's person or personal effects including (without limitation) purses, briefcases, and motor vehicles located on County property based on reasonable cause, as well as County property used by an employee, including (without limitation) lockers, desks, and offices whether secured, unsecured or secured by a lock or locking device provided by the employee based on reasonable suspicion.

Searches of the person shall include the emptying of pockets and the production of other items concealed in clothing. Any further searches will be conducted by law enforcement personnel.

The County may, with the aid of trained drug-detection dogs, conduct random unannounced searches of County property and employee personal property located on County premises, to include (but not limited to) lockers, desks, personal vehicles, purses, and briefcases.

Any item found during a search believed to be an illegal drug or drug paraphernalia will be confiscated by County security. The individual from whom the item or substance has been confiscated will be given a written receipt listing the items or substance seized.

In the administration of these search provisions, personal privacy will be considered to the maximum extent practicable.

## **APPLICANT TESTING**

Refusal to give written consent for an alcohol and/or drug screening test will disqualify the candidate from consideration for employment.

A. Objectives - To maintain the high professional standards of the County's workforce, it is imperative that individuals who use alcohol and/or illegal drugs be screened out during the initial employment process before they are placed on the employment rolls of the County. This procedure will have a positive effect by reducing instances of illegal drug use by employees working within the County, and will provide for a safer work environment. For these reasons, drug testing shall be required of persons given conditional offers of employment in safety sensitive positions.

B. Vacancy Announcements - Every vacancy announcement for positions designated for pre-employment testing shall state: "Any applicant tentatively selected for this position will be required to submit to testing to screen for alcohol and/or illegal drug use prior to employment." In addition, each applicant will be notified that employment in the position will be contingent upon a negative drug test result. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided to applicants in some other manner.

# **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

C. Consequences - The County will decline to extend a final offer of employment to any applicant with a verified positive test result. The Officer working on the applicant's file shall be directed to object to the applicant on the basis of failure to pass the physical, failure to pass the drug/alcohol testing, a lack of personal characteristics necessary to relate to public employment, or failure to support the goals of the County. The County shall inform such applicant that a confirmed presence of alcohol and/or an illegal drug in the applicant's test result precludes the County from hiring the applicant.

## **EMPLOYEE TESTING**

Refusal by an employee to submit to drug and alcohol testing will be considered cause for discharge.

A. Objective - The County's objective is to provide a safe, drug-free environment for employees and to provide rehabilitative assistance for employees who have substance abuse problems.

B. When

1. Testing may be required during routine physicals; such as return-to-work physicals.
2. Any employee suspected of having caused or contributed to an on-the-job accident may be tested.
3. Individual testing shall be required when there is reasonable suspicion that drug or alcohol is affecting job performance and conduct in the work place.

C. Reasonable Suspicion Testing

When, as determined by the immediate supervisor and the next higher level of management, reasonable grounds exist to believe that an employee is impaired or an employee's unsatisfactory behavior or job performance reasonably suggests to management that substance abuse may be a contributing factor, the County reserves the right to require an immediate fitness for duty examination such as a medical evaluation which may include drug and/or alcohol testing.



# **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

## D. Consequences

1. A positive test shall mean either the presence of a drug and/or alcohol.

(a) Employees who refuse a test shall be considered to have received a positive result and shall be terminated.

(b) Employees who test greater than 0.00 on any test for alcohol shall be referred to a Substance Abuse Professional (SAP) for evaluation and shall be subject to indefinite suspension and/or termination. The employee will be considered as needing assistance in resolving problems associated with alcohol, and will be subject to at least six follow-up tests in the following twelve months, or as directed by SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use. An employee's refusal to visit a SAP or follow his treatment plan shall result in termination. All SAP fees will be the responsibility of the employee.

(c) Employees tested after being referred to a SAP and showing a breath alcohol level greater than 0.00 shall be subject to termination.

(d) Employees who test positive for a controlled substance and do not have a valid prescription shall be subject to indefinite suspension and/or termination.

(e) If an employee is suspended, prior to reinstatement the employee must submit to another screen test, at his/her own expense, and have a negative result for alcohol and/or received a negative result for a controlled substance test, otherwise the employee will be discharged.

(f) The County will decide when the test shall be administered. Before the employee returns to work, he/she will be required to sign a reinstatement agreement that states under what conditions the employee will be reinstated and that unannounced follow-up alcohol and/or drug testing may be conducted.

2. An employee who has been suspended for a positive drug test (does not have a valid prescription) and allowed to return to work will be discharged for a positive result on any confirmatory drug test.

# **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

## E. Policy Parameters

1. For confidentiality, only Department Heads who have a need to know will be informed of positive results of fitness for duty examinations. Employee's privacy will be protected. All testing paperwork will be kept in a separate file, and not in the general personnel file.
2. All testing will be administered by contract service providers with appropriate certifications under Federal and State laws.
3. Only conclusive results are to be reported to the County. A positive urinalysis test will be confirmed by a second test using gas chromatography or mass spectroscopy. Both tests must be positive or the results are considered inconclusive thereby causing a negative presence of substance to be reported to the County.

## **SUPERVISORY AND EMPLOYEE TRAINING**

Supervisors will receive training regarding the Alcohol and Drug Policy. All employees will receive copies of the Alcohol and Drug Policy.

## **DISCIPLINARY ACTION**

Any employee suspected of violating this Policy may be immediately suspended without pay pending completion of an investigation.

During the course of an investigation, the suspected employee shall have the opportunity to provide an explanation. In the event that a determination is made by the County that the employee violated this Policy, the employee may be terminated. Should the determination be made that no violation occurred; the employee will be reinstated without penalty and will be paid any lost wages.

Any employee convicted of violating a criminal drug statute in this workplace must inform the County of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to inform the County subjects the employee to disciplinary action, up to and including termination for the first offense.

## **REFERRAL FOR ASSISTANCE PROGRAM**

The County's Health Insurance may provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing

## **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

treatment for addiction to, dependence on, or problem with alcohol, drugs, or other personal problems adversely affecting their job performance. The cost of treatment, counseling or rehabilitation resulting from this will be the responsibility of the employee.

When documented job impairment has been observed and identified, a supervisor may recommend counseling. Any action taken by the supervisor, however, will be based on job performance.

Should job performance not improve after a reasonable amount of time, the employee is subject to progressive corrective action up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself does not preclude County's use of corrective actions, participation in counseling services may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions.

These activities will be treated on the same basis as other personal business or health matters with regard to use of sick or compensation leave.

### **COORDINATION WITH LAW ENFORCEMENT AGENCIES**

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. The County will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. Searches will only be conducted of individuals based on reasonable cause; and only of their vehicles, lockers, desks, closets when based on reasonable suspicion. The County will cooperate fully in the prosecution and/or conviction of any violation of the law.

### **RESERVATION OF RIGHTS**

The County reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of this Policy, or procedures or benefits discussed herein. This policy and all future revisions will be effective upon adoption by the Commissioners Court.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment.

## **HARDIN COUNTY POLICY DRUG AND ALCOHOL – ALL EMPLOYEES**

Employees remain free to resign their employment at any time for any or no reason, without notice, and the County retains the right to terminate any employee at any time, for any or no reason, without notice.

### **OTHER LAWS AND REGULATIONS**

The provisions of this policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable Federal, State or local laws, regulations or judicial decisions. Unenforceable provisions of this policy shall be deemed to be deleted.

## **HARDIN COUNTY POLICY DRUG AND ALCOHOL – CDL EMPLOYEES**

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

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

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

A detailed policy and procedure is available in the Human Resources Office.

**SECTION 2-A  
EMPLOYEE PAYROLL**

## **HARDIN COUNTY POLICY FLSA SAFE HARBOR**

Hardin County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Treasurer's attention, Hardin 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, and early departures. Do not sign your time sheet if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time 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 Hardin 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 adjust another employee's time sheet to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to Human Resources.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security,

## **HARDIN COUNTY POLICY FLSA SAFE HARBOR**

Medicare, retirement; or, voluntary contributions to a deferred compensation plan. In any work week in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) the first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons: 1) your absence because the facility is closed on a scheduled work day; or 2) your absence because of the County's operating requirements; or 3) any other deductions prohibited by state or federal law.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the County Treasurer. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.



## **HARDIN COUNTY POLICY COMPENSATION**

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

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

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act.

All non-exempt County employees shall be paid an hourly wage.

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

## **HARDIN COUNTY POLICY 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 Commissioner's 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 HR Office.

## **HARDIN COUNTY POLICY PAY PERIODS/WORK SCHEDULES**

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

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.

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the work week for Hardin County shall begin at 12:00 a.m. on each Sunday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA 7(k) exemption shall have a work period of 14 days and 86 hours. (See Addendum 1)

Cost of living increases may be given to all employees at budget time as approved by Commissioners Court.

A ninety-day orientation period is established so new employees may become familiar with the job, and Department Heads may assess capabilities. However, the orientation periods for the Sheriff's Department, Juvenile Probation Department, and each Elected Official's Department are at the discretion of the Department Head.

# **HARDIN COUNTY POLICY HOURS WORKED AND OVERTIME**

## **HOURS WORKED**

1. 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.

## **OVERTIME APPLICATION**

2. Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement employees (see Addendum 1).

3. Overtime for law enforcement employees is defined in the policy addressing law enforcement overtime in the Sheriff's Department. (see Addendum 1).

## **OVERTIME DEFINITION**

4. Overtime will include all time actually worked for the County in excess of 40 hours in any work week.

## **PROCEDURES/RULES**

5. For purposes of this policy, paid hours off during that work week **shall not be considered time worked**. The overtime definition does not include Law Enforcement. The Sheriff's Department falls under their Policy and Procedure Manual concerning Over/Compensation time per FLSA (see Addendum 1).

## **OVERTIME APPROVAL**

6. Overtime must be authorized by the Department Head or immediate supervisor in advance of the overtime being worked.

7. Unusual or emergency circumstances may require employees to work overtime without having prior authorization. Whenever such circumstances occur, the employee shall be paid overtime.

## **HARDIN COUNTY POLICY HOURS WORKED AND OVERTIME**

8. Scheduled overtime, which is subsequently canceled for any reason and not worked, shall not entitle the employee to overtime compensation.

### **ON CALL DUTIES**

9. Certain positions as designated by the Department Head will be on an on-call status. On-call status may require an employee to leave a number where he/she can be reached.

10. If the employees designated as on-call are free to pursue their own activities, and the only stipulation is that they be available for on-call duties as required, then they will not be compensated for any time while on-call.

11. If an on-call status employee is directed to perform his duties, then he will be compensated for all time spent performing his duties from the time he leaves his home or other location to the directed area assigned until he returns to his home or previous location.

12. A workweek period for calculation of overtime is Sunday thru Saturday. The Sheriff's Department falls under their Policy and Procedure Manual concerning workweek periods.

# **HARDIN COUNTY POLICY OVERTIME COMPENSATION**

## **POLICY APPLICATION**

1. This policy shall apply to all County employees eligible for overtime compensation under the Fair Labor Standards Act. (FLSA) except for law enforcement employees (see Addendum 1).

2. Overtime for law enforcement employees shall be handled in accordance with the policy for overtime compensation established by the Commissioners Court, see Addendum 1.

## **OVERTIME COMPENSATION**

3. Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA.

4. Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half (1½) times the amount of overtime worked.

## **MAXIMUM COMPENSATORY TIME**

5. The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours, 480 hours for law enforcement employees (deputies and jailers).

6. 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.

## **USE OF COMPENSATORY TIME**

7. 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. Employees can be directed by Department Head on when to take compensatory time off.

# **HARDIN COUNTY POLICY OVERTIME COMPENSATION**

8. Compensatory time may be used for any purpose desired by the employee.

## **TERMINATION**

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

## **BUY BACK OF COMPENSATION TIME**

10. The 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.

## **CASH PAYMENT FOR OVERTIME**

11. The County shall retain the right to pay all or part of the overtime worked in any work week by paying for that overtime at one and one-half (1 ½) the employee’s regular rate of pay.

## **RECORD KEEPING**

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

13. The Department Head shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee. The Department Head shall update the balance due. The balances will be made available to the employees. Human Resources Department will also keep a record of time earned and taken.

## **OTHER ISSUES**

14. Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the FLSA and the regulations issued by the Department of Labor who administer that Act.

## **HARDIN COUNTY POLICY OVERTIME COMPENSATION**

15. Compensatory time earned is not transferrable between employees.

16. All questions concerning hours worked, overtime compensation, exempt/non-exempt status or any other matters covered by the FLSA should be directed to the Department Heads or the Human Resources Department.

### **LAW ENFORCEMENT**

17. The Sheriff's Department falls under their Policy and Procedure Manual concerning overtime compensation per FLSA (see Addendum 1).



## **HARDIN COUNTY POLICY DEMOTIONS, TRANSFERS & PROMOTIONS**

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

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

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

# **HARDIN COUNTY POLICY SEPARATIONS**

## **DEFINITION**

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

**TYPES OF SEPARATION** 2) All separations from Hardin County shall be designated as one of the following types.

- A) Resignation
- B) Retirement
- C) Discharge
- D) Reduction in force (layoff)
- E) Death
- F) Other

## **RESIGNATION**

3) A resignation shall be classified as any situation in which an Employee voluntarily leaves his/her employment with Hardin County and the separation does not fall into one of the other categories.

4) Employees who are resigning are requested to submit a written notice of resignation to his/her supervisor.

## **RETIREMENT**

5) A Retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program.

6) An employee who is retiring should notify the Human Resources Department of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

## **DISCHARGE**

7) A discharge shall be any involuntary separation of employment that does not fall into one of the other categories of separation.

# **HARDIN COUNTY POLICY SEPARATIONS**

**REDUCTION IN FORCE** 8) 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.

**DEATH** 9) A separation by death shall occur when an individual dies while currently employed by the County.

10) If an employee dies while still employed by the County, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

**OTHER** 11) Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an “other” separation.

12) When a separation is designated as “other”, the Elected Official/Department Head shall provide details of the nature of the separation for the personnel records.

**NOTIFICATION** 13) As soon as an Elected Official/Department Head becomes aware of separation from employment, or the intent to separate employment, by an employee, the Elected Official/Department Head shall be responsible for immediately notifying the Human Resources Department.

## **HARDIN COUNTY POLICY RETIREE RE-HIRES**

Retired employees shall be eligible to apply for open positions with Hardin County as long as the following provision are met: 1) The retiree has been retired for at least six calendar months, 2) No prior arrangement or agreement was made between Hardin County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of six calendar months. A bona fide separation means there is no prior agreement or understanding between Hardin County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

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

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

**SECTION 2-B  
EMPLOYEE BENEFITS**

# HARDIN COUNTY POLICY INSURANCE

## ELIGIBILITY FOR HEALTH

1. All employees working 30 hours per week or more as determined within the chosen measurement period, set by Commissioners Court, will be eligible for the health insurance benefit.

Refer to the “Policy on Employee Status”, Section 1A-2, for more detailed information.

## ELIGIBILITY FOR DENTAL/LIFE

1. All employees working 40 hours per week shall be eligible for the dental and life insurance benefit.

## DETAILED INFORMATION

3. Upon employment, each employee is given insurance booklets containing detailed information about the County’s insurance programs.

## HEALTH

4. Health insurance will be effective the first of the month following a 60 day waiting period. However, if the 60<sup>th</sup> day falls on the first of the month it is effective that day. Termination date is last day of month following an employee’s separation of employment.

## DENTAL

5. All eligible employees **must** enroll in the dental insurance plan. Dental insurance will be effective the first of the month following a 60 day waiting period. However, if the 60<sup>th</sup> day falls on the first of the month it is effective that day. Termination date is last day of month following an employee’s separation of employment.

## LIFE

6. All full-time (A) employees and their dependents are eligible for life insurance. Life insurance will be effective the first of the month following a 60 day waiting period. However, if the 60<sup>th</sup> day falls on the first of the month it is effective that day. Termination date is last day of month following an employee’s separation of employment.

**HARDIN COUNTY POLICY  
HEALTH INSURANCE  
DEPENDENT COVERAGE**

**THIS POLICY IS EFFECTIVE DECEMBER 01, 2004**

**CURRENT EMPLOYEES:** Employees on the payroll prior to December 01, 2004, will be eligible for dependent health insurance benefits as determined by the Commissioners Court.

If current employee adds dependent (s) to health insurance coverage after December 01, 2004, then current employee will pay 100% of dependent (s) coverage.

**FUTURE EMPLOYEES:** Employees hired on or after December 01, 2004, will pay 100% of dependent (s) health insurance coverage.

# HARDIN COUNTY POLICY VACATION

**ELIGIBILITY**

1. **Only full-time regular** (A) employees shall be eligible for vacation benefits.
2. Part-time and temporary employees **shall not** be eligible for vacation benefits.
3. Vacation time runs from anniversary to anniversary date.

**ANNIVERSARY  
DATE**

**VACATION HOURS EARNED**

|  |             | <u>JAILERS</u> | <u>DEPUTIES</u> |
|--|-------------|----------------|-----------------|
| 1st through 4 <sup>th</sup> anniversary date             | (inclusive) | 80 hrs.        | 88 hrs.         |
| 5 <sup>th</sup> through 9 <sup>th</sup> anniversary date | (inclusive) | 120 hrs.       | 132 hrs.        |
| 10th through 19 <sup>th</sup> anniversary date           | (inclusive) | 160 hrs.       | 176 hrs.        |
| 20 anniversary date and over                             | (inclusive) | 200 hrs.       | 220 hrs.        |

SEE SECTION 2B-3 - 2 of 4

**Employee must complete 1 year of service to be eligible to receive 80/88/96 hours vacation.**

4. For the purposes of this policy, a working day shall be defined as the regular number of hours that an employee would be expected to work on a day that he/she is scheduled to work.
5. Vacation shall not accumulate while an employee is on leave without pay.



## **HARDIN COUNTY** **VACATION TIMELINE**

|            | 1<br>Year   | 2<br>Years  | 3<br>Years  | 4<br>Years  | 5<br>Years   | 6<br>Years   | 7<br>Years   | 8<br>Years   | 9<br>Years   | 10<br>Years  | 11<br>Years  | 12<br>Years  | 13<br>Years  | 14<br>Years  | 15<br>Years  | 16<br>Years  | 17<br>Years  | 18<br>Years  | 19<br>Years  | 20<br>Years  | &<br>Over    |
|------------|-------------|-------------|-------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 0<br>Hours | 80<br>Hours | 80<br>Hours | 80<br>Hours | 80<br>Hours | 120<br>Hours | 120<br>Hours | 120<br>Hours | 120<br>Hours | 120<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 160<br>Hours | 200<br>Hours |

### Jailers

|            |             |             |             |             |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|------------|-------------|-------------|-------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 0<br>Hours | 88<br>Hours | 88<br>Hours | 88<br>Hours | 88<br>Hours | 132<br>Hours | 132<br>Hours | 132<br>Hours | 132<br>Hours | 132<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 176<br>Hours | 220<br>Hours |
|------------|-------------|-------------|-------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|

### Deputies

|            |             |             |             |             |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|------------|-------------|-------------|-------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 0<br>Hours | 96<br>Hours | 96<br>Hours | 96<br>Hours | 96<br>Hours | 144<br>Hours | 144<br>Hours | 144<br>Hours | 144<br>Hours | 144<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 192<br>Hours | 240<br>Hours |
|------------|-------------|-------------|-------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|

Vacation time is credited on an employee's anniversary date.

# HARDIN COUNTY POLICY VACATION

## INITIAL ACCRUAL AND WAITING PERIOD

6. Vacation benefit begins after employee completes one (1) year of service. Example: Jan 10, 2018 thru Jan 09, 2019: 80/88/96 hours.

7. If you terminate employment before working one year, you will not be paid for any vacation.

## MAXIMUM ACCRUAL

8. The maximum amount of unused vacation an employee shall be allowed to have at one time is **his/her annual accrual plus 40/44/48 hrs.**

## SCHEDULING

9. Scheduling of vacations will be with the approval of the employee's Department Head. Seniority, or departmental needs, will be taken into consideration when two employees want off at the same time. All vacation requests must be in writing and submitted five days prior to the date requested off. This is subject to the discretion of the Department Head.

## BORROWING

10. 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.

## HOLIDAY DURING VACATION

11. If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the POLICY ON HOLIDAYS and shall not be charged against the employee's vacation balance.

## **HARDIN COUNTY POLICY VACATION**

### **PAY AT TERMINATION**

12. If an employee has worked for at least **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.

### **RECORD KEEPING**

13. **ALL COUNTY EMPLOYEES**, both exempt and non-exempt, must accurately record all vacation time earned or taken on his/her's time sheet. **All time sheets must be signed by the employee and Department Head.**

14. **ALL COUNTY EMPLOYEES** who are not required to turn in a time sheet, with the exception of Elected Officials, must accurately record on a LEAVE USE RECORD their vacation time earned or taken each payroll period. Failure to do so will result in no vacation time paid at time of separation of duty.

15. Vacation leave credits are not transferrable between employees.

# **HARDIN COUNTY POLICY**

## **SICK LEAVE**

### **ELIGIBILITY**

1. **Only full-time regular** (A) employees shall be eligible for the paid sick leave benefit.
2. Part-time and temporary employees **shall not** be eligible for paid sick leave benefit.
3. All full-time County employees earn 80 hours (88 hrs. for jailers/96 for deputies) of sick leave per year. Credit will be given on his/her anniversary date each year.
4. New employees may borrow up to 40 hours (44 hrs. for jailers/48 hrs. for deputies) against their 80/88/96 hour sick leave entitlement during their first year with the County. In the event that sick hours are used before the employee's first anniversary date, that time will be subtracted from his/her yearly allotment and only the balance will be available for use during the following year. Employees may only borrow against sick leave during their first year of employment.

### **MAXIMUM ACCRUAL**

5. Unused sick leave will be carried over from year to year with a maximum accrual of 480 hours. All sick leave balances accumulated as of November 28, 2011, will be grandfathered in.

### **USE OF SICK LEAVE**

6. Sick leave may be used for the following purposes:
  - A) Illness or injury of the employee (including infectious diseases);
  - B) Appointments with physicians, optometrists, dentists, and other qualified medical professionals; and
  - C) To attend to the illness or injury of a member of employee's immediate family.
7. For the purposes of this policy, immediate family shall include the spouse, child, parent or grandparent of the employee or the employee's spouse.
8. **Sick leave may not be used as vacation or any other reason not addressed in this policy.**

## **HARDIN COUNTY POLICY SICK LEAVE**

### **NOTIFICATION**

9. 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. Employees are to schedule their appointments as early as possible in the day or as late as possible in the afternoon to minimize business disruption.

10. 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 one (1) hour of the employee's normal time to begin work, when practical.

11. Where it is not practical to notify the supervisor within one (1) hour of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practical.

12. 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.

### **DOCUMENTATION**

13. If an employee uses over 3 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. Failure to provide appropriate documentation for the use of sick leave may result in disciplinary action up to and including termination.

14. Documentation requirements under Section 13 of this policy shall also apply in situations where the absence is for the care of a member of the immediate family.

15. Documentation of illness or injury shall be required for any sick leave use during the two (2) weeks prior to resignation of employment with the county or at any time the supervisor has reason to believe the employee is not sick and abusing the sick leave policy.

### **MINIMUM USE**

16. The **minimum** amount of sick leave that an employee may use at one time shall be **one hour**.

## **HARDIN COUNTY POLICY SICK LEAVE**

### **BORROWING**

17. Employees shall not be allowed to borrow sick leave against future accruals.

### **PAY AT TERMINATION**

18. Employees shall not be paid for unused sick leave at the termination of employment.

### **RECORD KEEPING**

19. **ALL COUNTY EMPLOYEES**, both exempt and non-exempt must accurately record all sick leave taken on his/her time sheet due to illness or accidents as specified. All sick leave earned must also be recorded.

20. **ALL COUNTY EMPLOYEES** who are not required to turn in a time sheet, with the exception of Elected Officials, must accurately record on a LEAVE USE RECORD their sick leave earned or taken each payroll period.

# HARDIN COUNTY POLICY

## HOLIDAYS

### ELIGIBILITY

1. **Only full-time regular** (A) employees shall be eligible for paid holiday benefits.
2. Part-time and temporary employees **shall not** be eligible for holiday benefits.

### HOLIDAYS

3. The County holidays for the following calendar year shall be determined by the County Commissioners' Court at its first meeting of each December, and is currently 14 (see listing of holidays on page 2 of this policy).

### HOLIDAY DURING VACATION

4. 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.

### HOLIDAY ON DAY OFF

5. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 12 months. If the postponed holiday is not taken within the following 12 months, it is forfeited.
6. An employee may be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday. This is subject to the discretion of the Department Head.

### SPECIAL OBSERVANCES

7. Special consideration may be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for the County.
8. Determination of granted leave for #7 of this policy shall be made by the Department Head of the department in which the employee works, based on the needs of the department.

## **HARDIN COUNTY POLICY HOLIDAYS**

9. Vacation, compensatory time, or leave without pay will be used for leave granted under #7 of this policy.

10. For the purposes of this policy, a working day shall be defined as the regular number of hours that an employee would be expected to work on a day that he/she is scheduled to work.

### **HOLIDAY PAY**

11. When a department is normally closed during a county approved holiday and an employee from that department is called out for an emergency situation during that county approved holiday, said employee will receive overtime pay for the actual hours worked for the emergency.

### **HOLIDAYS**

Paid holidays are established each year by the Commissioners Court.

The following normally are observed as paid holidays for regular full-time employees:

New Year's Day  
Martin Luther King, Jr. Day  
Presidents Day  
Texas Independence Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving (2 Days)  
Christmas (2 Days)



## **HARDIN COUNTY POLICY PERSONAL LEAVE**

1. **Only full-time regular** (A) employees shall be eligible for personal leave benefits.
2. Part-time and temporary employees **shall not** be eligible for personal leave benefits.
3. Subject to the approval of the Department Head, regular employees may be granted personal time off with pay for a period not to exceed two (2) days. Personal leave does not accrue from year to year and unused personal leave will not be paid upon separation from the county. Personal leave will not be counted as hours worked for the purposes of calculating overtime. Personal leave may not be used until the employee successfully completes the initial 90 day orientation period.

The leave record is recorded on the time sheet.

A) Upon the effective date of this policy, or upon completion of the 90 day orientation period, each regular full-time employee (A) of the County will be credited with 2 days of Personal Leave.

B) Thereafter, each regular full-time employee (A) shall be credited with 2 days of Personal Leave each anniversary date.

## **HARDIN COUNTY POLICY JURY AND WITNESS DUTY LEAVE**

### **JURY DUTY**

1) It is the policy of Hardin County to enable employees to fulfill their civic obligations. If an employee is called to jury duty, he/she must notify his/her department head immediately so appropriate arrangements can be made for the time off required.

2) Regular full-time (A) employees will be paid their regular wages while on jury duty.

### **WITNESS DUTY**

3) An employee who is required by law to appear in court to testify as a witness in a job related court case shall receive regular pay for the hours for such purpose. Any fee paid for such service may be retained by the employee.

## **HARDIN COUNTY POLICY FUNERAL LEAVE**

### **FAMILY FUNERAL**

1. **Only full-time regular** (A) employees shall be eligible for funeral leave benefits.
2. Part-time and temporary employees **shall not** be eligible for funeral leave.
3. Employees shall be allowed a maximum of three days leave with pay for a death in the immediate family.
4. For the purposes of this policy, immediate family shall include the spouse, child, grandchild, parent, grandparent, brother or sister of the employee or the employee's spouse.

### **OTHER LEAVE**

5. Employee may be allowed time off with pay, up to a maximum of four hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. This is subject to the discretion of the Department Head.

### **ADDITIONAL LEAVE**

6. If leave is needed beyond the limits set in this policy, it may be charged to available vacation, compensatory time, personal leave day or to leave without pay.

# **HARDIN COUNTY POLICY**

## **MILITARY LEAVE**

### **ELIGIBILITY**

1. All Hardin County employees who are members of the “uniformed services” and “uniformed services” defined - (38U.S.C. Section 4303 (13&16)), the commissioned corps of the Public Health Service, or any other category of persons designated by the President in time of war or emergency are eligible for military leave for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, or absence to determine the employee’s fitness to serve in the Armed Forces.

### **LEAVE OF ABSENCE**

2. Employees must provide advance written or verbal notice to his/her immediate supervisor that the employee will be leaving the job for military service or training. Notice may also be provided by an appropriate officer of the uniformed service in which military service is performed.

### **EXTENDED LEAVE OF ABSENCE**

3. Employees will be granted leave as required to fulfill their military obligations. In general, military leave shall be limited to a cumulative period of five (5) years, which may be extended as required by law.

4. Per Texas Government Code Section 437.202. LEAVE OF ABSENCE FOR PUBLIC OFFICERS AND EMPLOYEES. (a) Except as provided by Subsections (b) and (c), a person who is an officer or employee of this state, a municipality, a county, or another political subdivision of this state and who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. There is no carryover from one fiscal year to the next.

## **HARDIN COUNTY POLICY MILITARY LEAVE**

### **HEALTH BENEFITS WHILE ON LEAVE**

5. Employees on leave for military service are eligible for continued coverage for themselves and their dependents under Hardin County's health plan for up to 24 months. This continuation coverage will be discontinued if the employee fails to apply for or return to employment. The employee must pay the premiums for this coverage if he/she chooses to continue coverage under Hardin County's group health plan while on military leave.

6. If the employee is in military service for less than 31 days, he/she is only required to pay the same employee share of the premium that he/she paid as an active employee. If the employee is in military service for more than 31 days, he/she must pay 102 percent of the full premium under the plan, the same premium that would be paid for COBRA coverage.

### **OTHER BENEFITS WHILE ON LEAVE**

7. An employee who is absent for military service is entitled to participate in any rights or benefits, not based on seniority, which are provided to other Hardin County employees on paid or unpaid leave-of-absence.

Employees must pay the employee cost of benefits provided while he/she is on military leave to the same extent that other employees on leave-of-absence are required to pay. Employees who fail to pay the employee cost may not be provided with benefits.

### **RETURN FROM MILITARY SERVICE**

8. Hardin County will restore an employee who returns from military leave to the position he/she would have attained, with reasonable certainty, if continuously employed or a position of like seniority, status, and pay, the duties of which the employee is qualified to perform, provided the employee receives a satisfactory discharge and returns to or reapplies for work within the time period required by law.

9. For periods of military leave of less than 31 days, the employee must report for work at the beginning of the first full regularly scheduled shift on the first full calendar day following his/her completion of military service and expiration of time for safe transportation back to his/her residence plus eight hours.

## **HARDIN COUNTY POLICY MILITARY LEAVE**

10. If the period of military service is more than 30 days but less than 181 days, the employee must submit an application for re-employment no later than 14 days following completion of military service, or as soon as possible, if the failure to make timely application is through no fault of the returning employee.

11. If the period of military service was for more than 180 days, the employee must submit an application for re-employment not later than 90 days after the completion of military service.

12. All of the above limits must be extended by a period of up to two years if an employee is hospitalized or convalescing from an illness or injury incurred in, or aggravated during, the performance of military service.

### **BENEFITS ON RE-EMPLOYMENT**

13. An employee is entitled to the seniority and other benefits determined by seniority that the employee would have attained had he/she remained continuously employed upon re-employment.

14. A right or benefit is seniority-based if it is determined by or accrues with length of service. On the other hand, a right or benefit is not seniority-based if it is compensation for work performed or is subject to a significant contingency.

### **FORFEITURE OF RIGHTS**

15. (Sec. 4316 (b)(2)(A)(ii). If prior to leaving for military service an employee knowingly provides clear written notice of an intent not to return to work after military service, the employee waives entitlement to leave-of-absence rights and benefits not based on seniority. Notice of intent waives all leave-of-absence rights and benefits. They cannot surrender other rights and benefits that an employee would be entitled to under USERRA, particularly employment rights.

# HARDIN COUNTY POLICY RETIREMENT

## TEXAS COUNTY AND DISTRICT RETIREMENT

1) All regular non-temporary full-time and part-time employees shall become members of the Texas County & District Retirement System upon their date of employment. Seven percent of the gross earnings (including sick pay, vacation pay and any other paid leave) for each employee must be deducted each pay period and deposited in the employee's retirement account. This deduction is mandatory. The 7% is matched in an equal or greater amount by Hardin County.

2) Upon completion of the eight years of service required by County policy, employees will have a vested interest in the retirement system and upon retirement become eligible for benefits based on the contributions made by the employees and the County.

3) There is also a "Service" and "Non-Service" related Disability Retirement available. For specific criteria, contact the Human Resources Department.

## DEFERRED COMPENSATION

4) All regular employees are offered the opportunity to participate in a Deferred Compensation Plan. This is a tax-deferred investment program by which you may contribute a portion of your taxable income, to be invested in your behalf, so it will provide a supplemental retirement income at a future date.

## SOCIAL SECURITY

5) All Employees are covered by the Federal Social Security Act. A required percentage of an employee's salary is deducted to pay employee's portion of this protection, and the County matches the deduction dollar for dollar. This plan was designed for an employee's future security and that of their dependents by providing retirement, disability, death survivor and Medicare benefits.

## INSURANCE

In order to qualify for retiree insurance the retiree must be receiving a retiree annuity or qualify to receive a retirement annuity. Insurance coverage must be elected at date of separation from the County. This is a **one-time** offer.

## **HARDIN COUNTY POLICY RETIREMENT**

Hardin County will be responsible for 75% of the monthly health insurance rate for those employees who retire with 30 or more years of continuous active service with Hardin County. Retirees are responsible for 100% of dependent health insurance.

Insurance coverages will be terminated if the retiree fails to pay their monthly premiums by the fifth of the month in which it is due.

When a retiree reaches the age of 65, their health insurance, including dependent coverage, will be terminated.



# **HARDIN COUNTY POLICY**

## **FAMILY AND MEDICAL LEAVE (FMLA)**

**GENERAL:** Hardin County will comply with the Family and Medical Leave Act implementing regulations as revised effective March 08, 2013. Hardin County posts the mandatory FMLA Notice in the Human Resources Department and at other locations. Hardin County also posts the [DOL supplementary information concerning Military Family Leave](#) at the same locations. All new employees will receive a notice as required by the U.S. Department of Labor (DOL) on [Employee Rights and Responsibilities under the Family and Medical Act](#).

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this policy, you should contact the Human Resources Department.

There are two types of leave available, including the basic 12-week leave entitlement (Family and Medical Leave and military exigency leave), as well as the military caregiver leave (Military Family Leave) as described in this policy. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

**ELIGIBILITY:** To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

The employee must have worked for Hardin County for 12 months. The 12 months need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to active duty, National Guard, or Reserve military service obligation.

The employee must have worked at least 1,250 hours during the 12 month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee.

The protections afforded by USERRA extend to all military members (active duty and reserve), and all periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

**TYPE OF LEAVE:** To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.*
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.*
- 3) To care for a spouse, child or parent with a serious health condition (described below).*
- 4) The serious health condition of the employee that makes the employee unable to perform the essential functions of his/her job.*

## **HARDIN COUNTY POLICY FAMILY AND MEDICAL LEAVE (FMLA)**

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

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about this FMLA policy or Hardin County's sick leave policy should consult with the Human Resources Department.

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

An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to active military duty, or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities, and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meeting with staff at a care facility.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12 month period.

*6) Military care giver leave (also known as covered service member leave) to care for an ill or injured service member, or a covered veteran.*

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

## **HARDIN COUNTY POLICY FAMILY AND MEDICAL LEAVE (FMLA)**

**AMOUNT OF LEAVE:** An eligible employee can take up to 12 weeks for the FMLA circumstances listed in paragraphs 1 through 5 above under this policy during any 12 month period. Hardin County will measure the 12 month period from anniversary date to anniversary date.

An eligible employee can take up to 26 weeks for the FMLA circumstance listed in paragraph 6 above (military care giver leave) during a single 12 month period. For this military care giver leave, Hardin County will measure the 12 month period from the first day the employee takes leave for this reason and ends 12 months later. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for Hardin County and each wishes to take leave for the birth of a child, adoption, placement of a child in foster care, or to care for a parent with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for Hardin County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

**EMPLOYEE STATUS AND BENEFITS DURING LEAVE:** While an employee is on leave, Hardin County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee, the employee's family member, or a circumstance beyond the employee's control, Hardin County will require the employee to reimburse Hardin County the amount it paid for the employee's health insurance premium during the leave period.

Under current Hardin County policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources Department by the end of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a dental, vision, or other plan, then Hardin County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

**EMPLOYEE STATUS AFTER LEAVE:** An employee who takes leave under this policy for their own serious health condition will be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits, and working conditions.

# **HARDIN COUNTY POLICY**

## **FAMILY AND MEDICAL LEAVE (FMLA)**

**USE OF PAID AND UNPAID LEAVE:** An employee who is taking FMLA leave because of the employee's own serious health condition, or the serious health condition of a family member must use all paid leave as detailed: sick leave, compensatory time, vacation, personal, with the remainder of the 12 week leave period being without pay.

An employee who is taking leave for the birth of a child shall be required to take paid sick leave as appropriate, and/or other available paid leave (including compensatory time) both prior to the birth and for the recovery period after the birth of the child prior to going on leave without pay.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use all paid leave due (including compensatory time) except for sick leave (unless child is actually sick) prior to going on leave without pay.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave (including compensatory time) prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave, or sick leave (including compensatory time) prior to being eligible for unpaid leave.

**INTERMITTENT LEAVE:** The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently when medically necessary (take a day periodically when needed over the year), or under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12 month period).

**CERTIFICATION FOR THE EMPLOYEE'S SERIOUS HEALTH CONDITION:** Hardin County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

**CERTIFICATION FOR THE FAMILY MEMBER'S SERIOUS HEALTH CONDITION:** Hardin County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

**CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE:** Hardin County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

# HARDIN COUNTY POLICY

## FAMILY AND MEDICAL LEAVE (FMLA)

**CERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICE MEMBER FOR MILITARY FAMILY LEAVE:** Hardin County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury, or Illness of Covered Service Member.

**RECERTIFICATION:** In general, the employer may request the employee to provide a recertification no more often than every 30 days and only in connection with an absence by the employee. If a certification indicates that the minimum duration of the serious health condition is more than 30 days, the employer must generally wait until that minimum duration expires before requesting recertification. However, in all cases, including cases where the condition is of an indefinite duration, the employer may request a recertification for absences every six months. The employer may request a recertification in *less than 30 days* only if:

- the employee requests an extension of leave;
- the circumstances described by the previous certification have changed significantly; or
- the employer receives information that causes it to doubt the employee's stated reason for the absence or the continuing validity of the existing medical certification.

In general, the employer may ask for the same information in a recertification as that permitted in the original medical certification. However, an employer may provide the health care provider with a record of the employee's absences and ask if the serious health condition and need for leave is consistent with the leave pattern. The employee is responsible for paying for the cost of a recertification. The employer cannot require a second or third opinion for a recertification. In most circumstances, the employer must allow the employee at least 15 calendar days to provide the recertification after the employer's request.

**PROCEDURE FOR REQUESTING FMLA LEAVE:** All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Human Resources Department. Within five business days after the employee has provided this notice, the Human Resources Department will complete and provide the employee with the DOL Notice of Eligibility and Rights.

Where practicable, an employee should give at least 30 days' notice before beginning leave under this policy except for the exigency leave and military care giver leaves. Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date Hardin County receives notice.

**DESIGNATION OF FMLA LEAVE:** Within five business days after the employee has submitted the appropriate certification form, the Human Resources Department will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

**INTENT TO RETURN TO WORK FROM FMLA LEAVE:** On a basis that does not discriminate against employees on FMLA leave, Hardin County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

**ACCRUAL OF BENEFITS:** Employees will not earn benefits e.g. vacation, sick leave, holidays, or personal leave during an unpaid leave of absence.

# **HARDIN COUNTY POLICY LEAVE OF ABSENCE**

## **GENERAL**

- 1) It is Hardin County's policy to grant a leave of absence to all full time employees on a non-discriminatory basis. A leave of absence may be granted for educational purposes, military duty, jury duty, or witness duty. A leave of absence may not exceed 80 hrs. unless otherwise required by Federal or State law or as specified within this policy and will be without pay, requested only when all accrued vacation, compensation, and personal leave have been exhausted.
- 2) All full time (A) employees may request a leave of absence at any time
- 3) Subject to any applicable legal restrictions, requests for leave of absence will be considered on the basis of the employee's performance, responsibility level, length of service, reason for the request, and the county's ability to obtain a satisfactory replacement during the time the employee would be away from work. If an employee accepts other employment or fails to return to work on the next regularly scheduled workday following the expiration of his/her leave, it will be considered that the employee has voluntarily terminated his/her employment.

## **INSURANCE BENEFITS DURING LEAVE**

- 4) Unless otherwise stated in the policies, group insurance coverage will not be interrupted for a leave of absence scheduled for eighty (80) hours or less and which begins and ends in the same calendar month.

## **ACCRUAL OF BENEFITS**

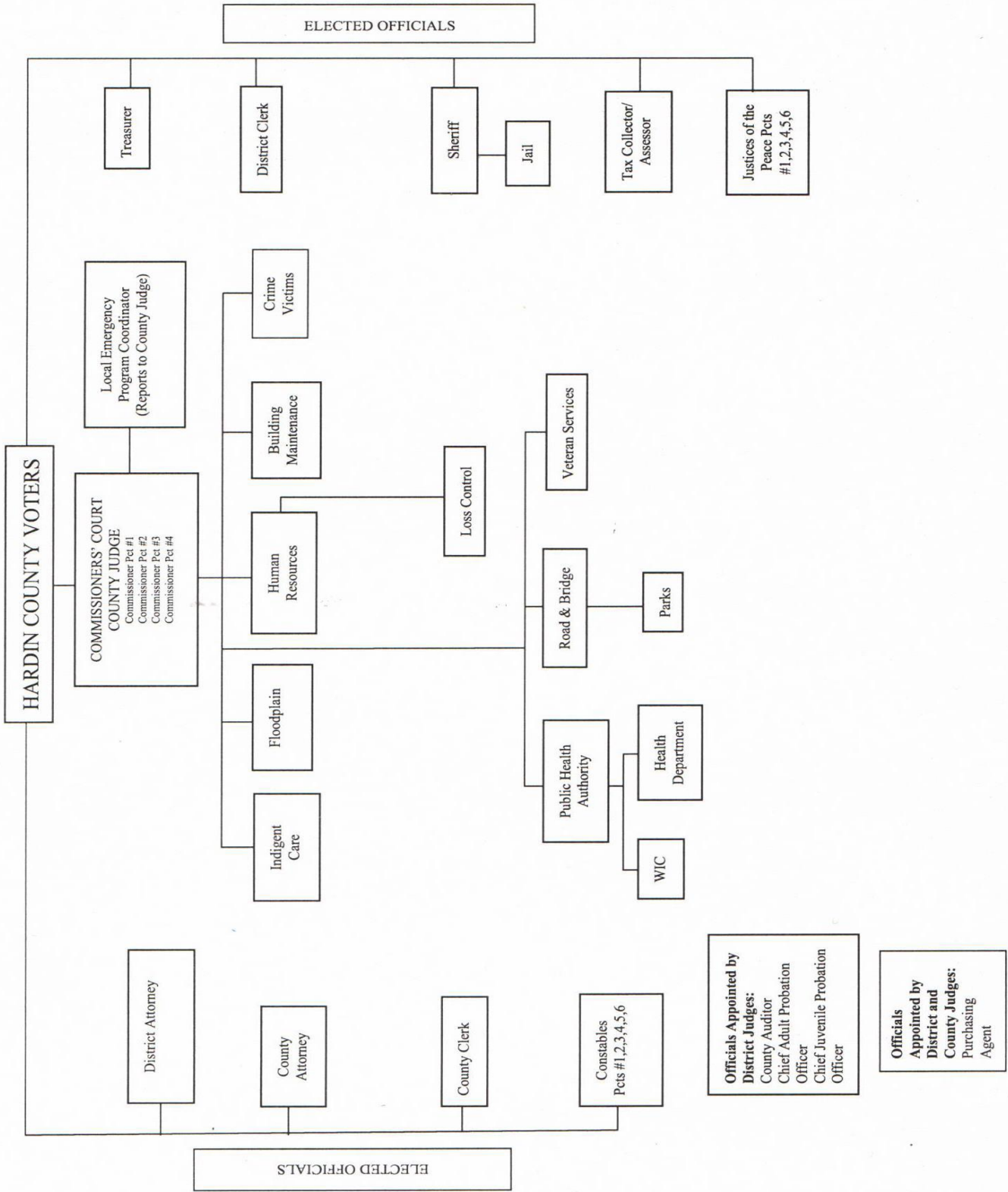
- 5) Employees who return to active employment at the end of their leave (80 hrs.) will be reinstated without loss of time earned prior to the commencement of their leave.

## **NOTIFICATION REQUIREMENTS**

- 6) It is the employee's responsibility to provide his/her immediate department head all the following information in writing as soon as he/she becomes aware of the need for a leave of absence:
  - A) The reason the leave of absence is being requested.
  - B) The anticipated dates the leave of absence will begin and end.

In addition, during the leave of absence, the employee must provide:


- A) Periodic updates to the employee's department head at least every 3 days concerning the employee's status, expected date of return, and continued intent to return to work upon expiration of the leave.
- B) Immediate notification to the employee's department head of a need to request a change in the duration of the leave of absence.



**ADDENDUM I  
HARDIN COUNTY SHERIFF'S OFFICE  
POLICIES AND PROCEDURES  
2.17 TIME KEEPING**



**Hardin County Sheriff's Office  
Policies and Procedures**

|   |   |
|---|---|
| <b>Subject:</b> Time Keeping  | <b>Policy Number:</b> 2.17              |
| <b>Issue Date:</b> October 17, 2007   | <b>Revision Date:</b> November 19, 2017 |
| <b>Approval Authority<br/>Title and Signature:</b> Sheriff Mark L. Davis  |   |

**POLICY:**

All time worked by employees shall be authorized and recorded according to current labor laws and in a manner consistent with County recording procedures.

**PROCEDURE:**

**Definitions:**

- A. Regular Time – that time for which an employee has been hired and will be paid for at the rate for which the employee agreed to when employed.
  - 1. Patrol Deputies: Patrol Deputies work four (4) twelve-(12) hour days and four (4) days off. Deputies shall receive one hour for meal breaks during their day, resulting in eleven paid hours each day. The pay period includes fourteen days each period. This creates a "14-Day Work Period" as described by Federal Labor Law which means that any time worked beyond the employee's normally scheduled work days, up to 86 hours during this period, is compensated at the regular rate (straight time) for the employee as agreed to when hired (RE: 7(k) Exemption as applicable to public safety personnel). Hours worked exceeding 86 in a pay period shall be compensated at a rate of 1.5 the actual time worked. Said compensation shall be made in the form of compensatory time to be "banked" by the employee. Certain special events and extra overtime may be compensated in the form of money as directed and approved by the Sheriff or his designee. The accrual of compensatory time shall be capped at a maximum of 480 hours. Employees may be directed to use compensatory time off in order to maintain a balance below the maximum allowable amount.
  - 2. Correctional Officers: Correctional Officers work four (4) twelve-(12) hour days and four (4) days off. Deputies shall receive one hour for meal breaks during their day, resulting in eleven paid hours each day. The pay period includes fourteen days each period. This creates a "14-Day Work Period" as

described by Federal Labor Law which means that any time worked beyond the employee's normally scheduled work days, up to 86 hours during this period, is compensated at the regular rate (straight time) for the employee as agreed to when hired (RE: 7(k) Exemption as applicable to public safety personnel). Hours worked exceeding 86 in a pay period shall be compensated at a rate of 1.5 the actual time worked. Said compensation shall be made in the form of compensatory time to be "banked" by the employee. Certain special events and extra overtime may be compensated in the form of money as directed and approved by the Sheriff or his designee. The accrual of compensatory time shall be capped at a maximum of 480 hours. Employees may be directed to use compensatory time off in order to maintain a balance below the maximum allowable amount.

3. All Other employees and civilian employees that work five (5) eight (8) hour days: Time during this 40-hour period is compensated at the regular rate for which the employee agreed to when hired. Any time worked over forty (40) hours in a period will be compensated at a rate of 1.5 times. This is compensated with comp time to be "banked" by the employee. In certain instances, the employee may receive actual pay (money) for the extra time worked at the discretion of the Sheriff.
4. Dispatchers: Dispatchers work a schedule that creates a "7-Day Work Week" which means that any time worked up forty (40) hours in any period is compensated at the regular rate for which the employee agreed to when hired. Any time worked over forty (40) hours in a period will be compensated with money at a rate of 1.5 times per hour rate of pay.
5. Administrative staff: Some Administrators are considered "Exempt" employees and work those hours necessary to accomplish their job. In other words, they may or may not be eligible for overtime/comp time at the discretion of the Sheriff.
6. Supervisors of employees working a 40-hour work week should attempt to adjust the employee's work schedule as necessary in the event an employee works overtime during that pay period. Flex time is permitted during the pay period in which the extra time is worked.

B. Authorized - approved by the Sheriff or his designee.

C. Mandatory Training – Training defined by State law for which the employee is required to attend during a set period of time, e.g. "Special Investigative Topics", "Cultural Diversity" or other training specifically directed by the Sheriff or his designee.

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- D. Overtime – Term used to describe time worked in addition to regular time which the employee will be compensated according to current Federal Law.
- E. Comp-Time – Term used to describe time worked in addition to regular scheduled time which will be compensated with an amount of time equal to one and one-half the time worked or regular time (straight time) whichever is applicable.

#### Scheduling

- A. The Sheriff or his designee shall be responsible for creating work schedules for all employees. The schedule shall reflect work times for all employees, which are consistent with current labor laws which total equal hours worked for each employee, assigned same or similar tasks.

#### Time sheets/record keeping

- A. Every employee shall be required to complete a County Time Sheet and turn same in to the Office Manager for every time period. Failure to accurately reflect the time worked and accrued time used (i.e. Comp, sick, vacation, holiday, personal) by the employee and turned in on time may result in disciplinary action.
- B. Employees shall seek authorization from their immediate supervisor for approval to work beyond the end of their scheduled shift.
- C. Only time approved by the employee's immediate supervisor or the Sheriff shall be recorded on each employee's time sheet. Employees may take accrued time, which has been authorized by their immediate supervisor.
- D. The Office Manager or designee shall be responsible for keeping current comp time balances on each employee eligible for it and for processing all time sheets during each time period and shall also be responsible for forwarding a list of all employees' comp time balances to their immediate supervisor at least once each month.

#### Training

- A. Only the Sheriff or his designee may authorize training. Training request should be made through their chain of command.
- B. The Captain or above must approve all training for which an employee expects to be compensated for attendance or reimbursement for training fees.
- C. The Department may schedule mandatory training for all employees. Employees attending mandatory training shall be compensated for their time. Also any fees related to said mandatory training shall be paid by the Department.

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- D. Most employees work 11 or 12-hour shifts and most schools are scheduled for 8-hour days. Any such employee attending an 8-hour day school will still owe the Department an additional 3 or 4 hours, depending on job description, at the end of each school day and is expected to report for work at the end of each school day.
- E. All requests for time off (sick, vacation, comp, holiday, etc.) shall be approved by the employee's immediate supervisor prior to taking the time off.

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# ACKNOWLEDGMENT

I have received my copy of the HARDIN COUNTY PERSONNEL POLICY MANUAL and agree to read the policy manual within the next 8 (eight) working days. The manual outlines my privileges and obligations as an employee and also includes a summary of my benefits. I acknowledge that the provisions of these policies are part of the terms and conditions of my employment and that I agree to abide by them. I accept responsibility for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my Department Head or the Human Resource Department.

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

This personnel manual does not represent a contract or a guarantee of my position. I further understand that my employment is terminable at will so that both the County and its employees remain free to choose to end their relationship at any time for any reason or no reason.

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

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

When I terminate my employment with Hardin County I authorize the County Treasurer to withhold from my final paycheck any monies owed to Hardin County.

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I may be required to take earned compensatory time off at the County's discretion. I also understand that I may choose to schedule accrued compensatory time in accordance with the provisions of the Fair Labor Standards Act.

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Signature of Employee

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Printed Name of Employee

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Date Signed

Adopted June 2000  
Revised 11.20.18  
Effective 01.01.19