

# **MILAM COUNTY**

## **PERSONNEL POLICY MANUAL**

**ADOPTED JULY 26, 1999**  
**AMENDED MARCH 13, 2006**  
**AMENDED NOVEMBER 22, 2010**  
**AMENDED AUGUST 22, 2011**  
**Amended November 14 2011**  
**Amended January 23 2012**  
**Amended August 26 2013**  
**Amended December 22, 2014**

**All Department Heads are required to make sure your employees receive the amended manual & updates. On Page 57 is a RECEIPT the employee needs to sign, date & return to the HUMAN RESOURCE DIRECTOR.**

**New Employees will receive a Manual from the Human Resource Director.**

**MILAM COUNTY  
PERSONNEL POLICY  
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# NOTICE TO EMPLOYEES

MILAM COUNTY operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. Every effort will be made to ensure the employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute an employment agreement between the County and any of its employees and in no way limit or restrict the at-will nature of employment. The County has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the County means MILAM County, Texas.

Other County officials and department heads may have additional policies governing their employees. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the County wide policies and procedures, please consult the County Auditor.

# MILAM COUNTY PERSONNEL POLICY MANUAL INTRODUCTION

## PURPOSE AND APPLICABILITY

### A. PURPOSE

The purpose of this manual is to develop a system, which will provide uniform personnel guidelines for all the employees of MILAM County. It is hoped that these guidelines will promote a high degree of understanding, cooperation, and unity between the officials of this County and you, its personnel.

As such, this Policy and Procedure Manual is designed to:

Create and maintain a modern and comprehensive system of personnel administration;

Increase efficiency and economy in the service of this County.

Establish a system of fairness and equity for the employee and taxpayer alike; and

Encourage higher moral among County personnel by providing good working relationships and opportunity for advancement and consideration.

### B. APPLICABILITY

The policies created in this manual are designed to apply to all employees in the service of MILAM County. They shall not, however, apply to those individuals or areas of the job which are regulated by Statute.

The County commissioner's Court is the source of authority concerned with setting personnel objectives and issuing policy statements. The Elected Officials or Department Heads will be responsible for the implementation of the policy statement and for the development of detailed procedures consistent with its intent.

## POLICY ON EMPLOYMENT AT WILL

1. All employment with MILAM County shall be considered "at will" employment.
2. No contract of employment shall exist between any individual and MILAM County for any duration, either specified or unspecified.
3. MILAM 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.
4. MILAM County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, for any reason, with or without notice.
5. Employees of MILAM County shall have the right to leave their employment with the County at any time, with or without notice.

6. MILAM County reserves the right to change the provisions of this manual at any time, with or without notice. Further it is a general guide and the provisions of this policy do not constitute an employment contract.

## **MILAM COUNTY POLICY ON EMPLOYEE STATUS**

### **REGULAR FULL TIME**

A full time employee shall be any employee in a position who has a normal work schedule of at least thirty (30) hours per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non exempt, hourly, or exempt. Non exempt employees are eligible for overtime compensation. Exempt are not eligible for overtime. Milam County makes exempt status determination based on the Fair Labor Standards Act.

### **REGULAR PART TIME**

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

### **TEMPORARY SEASONAL**

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

### **TEMPORARY PART TIME**

A temporary short term part time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but not longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short term part time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

### **EMPLOYMENT AT WILL**

All employees are considered to be "at will" employees as defined in the POLICY ON EMPLOYMENT AT WILL and employee status shall not be considered a contract of employment

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

### **EQUAL OPPORTUNITY**

It shall be the policy of MILAM County to be an equal opportunity employer

Race, color, religion, national origin, sex, age, and disability shall not be factors in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or

programs, or any other benefit, condition, or privilege of employment except where required by law or where a bona fide occupational qualification (BFOQ) exists.

**REASONABLE ACCOMMODATION**

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

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

**MILAM COUNTY POLICY ON APPLICATION FOR EMPLOYMENT**

**JOB ANNOUNCEMENTS**

**Each official having a job opening shall be responsible for determining how that opening will be announced, but all jobs shall be posted in the courthouse for 3 working days before any job offer of employment is made.**

- 1) Job announcements shall be faxed to the Human Resource Department.
- 2) Employment may be filled within the office without other notice.
- 3) Employment may be filled by a county employee transferring after the 3 day notice is posted for current employees of the County.
- 4) If employment is not filled within the office or other county employee transferring the Department Head chooses how to advertise for that available position.

**APPLICATION PROCEDURE**

Before an individual can be considered to be an applicant for employment with the County, he/she shall be required to complete a MILAM County employment application.

Copies of the MILAM County's employment application are available from the County Treasurer's Office and may be picked up at any time during the normal working hours for that office.

**SELECTION**

Each elected or appointed official, or his/her designee, shall be responsible for selecting the applicant who he/she feels best meets the qualifications for an open position in his/her department.

**PROCESSING**

The Treasurer's office should be notified of who is hired, the starting date, hourly pay rate and provided with the original employment application. The employee should be told to report to the Treasurer's office for processing at 9 a.m. on their first day of employment.

**DISQUALIFICATION**

Reasons for which an applicant shall be disqualified for consideration for employment shall include, but not be limited to, the following:

- a. The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying

- b. The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process;
- c. The applicant has committed or attempted to commit fraudulent act at any stage of the application process; or
- d. The applicant is not legally permitted to hold the position.

**MILAM COUNTY POLICY ON NEPOTISM**

**HIRING OF RELATIVES**

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

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

**AFFINITY KINSHIP/CONSANGUINITY KINSHIP CHART**

**Affinity Kinship**

<b>First Degree</b>	<b>Spouse, spouse's child mother or father, child's spouse, parent's spouse</b>
<b>Second Degree</b>	<b>Spouse's brother or sister, spouse's grandparent, spouse's grandchild, brother or sister's spouse, grandparent's spouse, grandchild's spouse</b>

**Consanguinity Kinship**

<b>First Degree</b>	<b>Mother, father, daughter or son</b>
<b>Second Degree</b>	<b>Brother, sister, grandparent or grandchild</b>
<b>Third Degree</b>	<b>Great-grandparent, great-grandchild, uncle, aunt, nephew, niece</b>

## MILAM COUNTY POLICY ON VACATION

### ELIGIBILITY

All full-time regular employees shall be eligible for vacation benefits.

Part-time and temporary employees shall not be eligible for vacation benefits.

### YEARS WORKED

### VACATION TIME

1-10 YEARS

80 HOURS

10 YEARS or more

120 HOURS

A day of vacation shall count as 8 hours no matter what type of schedule an employee is assigned. Working four (10) ten hour days and if a holiday occurs during shift or you take a day of vacation you will only be paid for 8 hours unless you charge an additional 2 hours to vacation or comp time (if accrued).

Vacation shall not accrue while an employee is on leave without pay.

### INITIAL ACCRUAL AND WAITING PERIOD

Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation. Vacation time will accrue at a rate of **6.667 hours per full month worked from employee anniversary date to 10 years; 10.0 hours per full month worked from 10 years or more.** **An employee must work for a minimum of six full months in such a position before being eligible to take one week's vacation from date of hire.**

### MAXIMUM ACCRUAL

The maximum amount of unused vacation an employee shall be allowed to have at one time is **40 hours. You have one year from your anniversary date to take the 80 hours you accrued or lose it. This assumes you have carried over 40 hours from the previous year.**

When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until sufficient time has been used to bring the balance below the maximum allowed under this policy.

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

- a. The employee's supervisor prepares a request for accrual above the maximum explaining why the employee was unable to take vacation; and
- b. The request is approved by the Commissioners' Court.
- c. **The employee must take the amount carried over in the next three (3) months or lose it with the amount carried over not exceed 40 hours..**

**SCHEDULING**

Scheduling of vacations will be with the approval of the employee's department head. Seniority 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.

**MINIMUM USAGE**

The minimum amount of vacation that may be taken at one time shall be one hour.

**BORROWING**

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.

**PAY IN LIEU OF VACTION**

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

**HOLIDAY DURING VACATION**

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.

**PAY AT TERMINATION**

An employee who has not worked for a minimum of 6 full months in a position which accrues vacation shall not be eligible for any vacation pay upon termination of employment.

**RECORD KEEPING**

*ALL EMPLOYEES* both exempt and non-exempt must accurately record all vacation time used on his or her time sheet.

**MILAM COUNTY POLICY ON SICK LEAVE**

**ELIGIBILITY**

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

Sick leave shall be earned at the rate of one half day (4 hours) per month worked. Employees and department heads shall be responsible for managing accrued and used sick leave time.

Those individuals that are terminated or leave county employment by their own choice will not be paid for any accrued sick leave.

**USE OF SICK LEAVE**

Sick leave may be used for the following purposes:

- a. Illness or injury of the employee;
- b. Appointments with physicians, optometrists, dentists, and other qualified medical professionals; and
- c. To attend to the illness or injury of a member of employee's immediate family.

For purposes of this policy, immediate family shall be defined as the employee's spouse, child, child's spouse, parent, spouse's parents, sibling, sibling's spouse or other person living in the employee's home who is **dependent** on the employee for care. Dependent means they are deductible on their federal income tax form.

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

#### **NOTIFICATION**

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.

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

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

#### **DOCUMENTATION**

If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness.

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

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

#### **MINIMUM USE**

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

**SICK LEAVE POOL POLICY** – see page 9

# MILAM COUNTY POLICY ON SICK LEAVE POOL

## **PURPOSE:**

The purpose of the Milam County sick leave pool is to provide additional sick leave days to County employees in the event of a catastrophic illness or injury, surgery, or disability to an Employee or Immediate Family Member as defined in the Milam County Personnel Policy Manual approved by the Milam County Commissioners' Court. Days may be applied from the pool only after the employee has exhausted all accrued sick leave, discretionary leave, compensatory time, holidays earned and vacation time.

## **DEFINITIONS:**

- 1) **"EMPLOYEE"** means a District, County, or Precinct employee with 12 or more months of continuous employment with the District, County, or Precinct who is paid from the general fund of the County, from a special fund of the County, or from special grants paid throughout the County.
- 2) **"MEMBER"** means Regular, full-time employee.
- 3) **"IMMEDIATE FAMILY"** shall be defined as the employee's spouse, child, child's spouse, parent, spouse's parents, sibling, sibling's spouse or other person living in the employee's home who is dependent on the employee for care. Dependent means they are deductible on their federal income tax form as defined in the Milam County Personnel Policy Manual.
- 4) **"CATASTROPHIC ILLNESS or INJURY"** is defined as a terminal, life-threatening, and / or severe condition or combination of conditions affecting the mental or physical health of the employee or Immediate Family Member that requires the services of a medical care provider for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave, vacation leave and compensatory time) and to lose compensation from the County.

Examples of qualifying events include but are not limited to:

- a. Strokes with residual paralysis or weakness
  - b. Incapacitating heart attack or stroke
  - c. Major surgery such as hysterectomies, mastectomies, heart bypass surgery
  - d. Debilitating cancer
  - e. Hepatitis
  - f. Car wreck requiring hospitalization
  - g. Broken hip / limbs
  - h. Pregnancy will NOT be covered by the sick leave pool but COMPLICATIONS due to pregnancy or delivery will be considered.
- 5) **"MEDICAL CARE PROVIDER"** – a hospital, clinic, health care professional, or group of health care professionals who provide a service to patients.
  - 6) **"SICK LEAVE"** shall be earned at the rate of one half day (4 hours) per month worked – according to the guidelines of the Milam County Personnel Policy Manual.
  - 7) **"VACATION LEAVE"** accrues at a rate of 6.667 hours per full month worked from employee anniversary date to 10 years; 10.0 hours per month 10 years or more. – According to the guidelines of the Milam County Personnel Policy Manual.

- 8) **"COMPENSATORY TIME"** at a rate of one and one-half (1-1/2) times the amount of overtime worked.
- 9) **"SICK LEAVE DAYS FROM THE BANK"** are those days granted to a Member.
- 10) Qualifying conditions are a catastrophic condition or combination of severe conditions affecting the physical or mental health of a member or immediate family member as authenticated by a medical care provider.
- 11) **"UNIT OF SICK LEAVE DAYS"** is the number of sick days which are awarded from the pool and shall be within the discretion of the committee up to 40 working days per sick leave pool request.
- 12) **"OWNERSHIP OF DONATED HOURS"**. Hours donated become the property of the Milam County Sick Leave Pool and cannot be returned in the event of a membership cancellation.

#### **COMPOSITION OF COMMITTEE:**

- 1) The Committee shall be composed of seven (7) voting representatives and shall be: one representative from the Sheriff's Department, County Clerk, County Attorney, County Auditor, a member of the Commissioners Court, and two Employees; with the County Attorney serving as chair. Five members of the committee shall be in attendance for a quorum.
- 2) Vacancies that arise during the year shall be filled by appointment by the committee. The appointment shall be made from the group represented by the vacating member.

#### **COMMITTEE DUTIES AND RESPONSIBILITIES:**

- 1) At the yearly meeting, the committee shall elect a vice-chairperson and a secretary.
- 2) Requests for sick leave pool days shall be confidentially and individually reviewed by the committee in a called meeting. A member may be required to appear before the committee to substantiate a request.
- 3) The committee reserves the right to approve, disapprove, or modify the number of hours requested from the pool.
- 4) The decision of the committee shall be based on a majority vote of the quorum. A quorum shall be based on at least five committee representatives.
- 5) The Committee Chairperson and / or Administrator must notify the Department Head of all approved and/or denied sick leave request. The Department Head must give a copy of the approved and/or denied sick leave request to their employee.
- 6) The Committee Chairperson shall forward all approved sick leave requests to the County Auditor's Office.

#### **APPEALS:**

A member may appeal the committee's decision by submitting a written request to appear before the committee.

The Committee reserves the right to modify or waive any requirement listed above, with the approval of the Commissioners Court, to address any special circumstances that arise.

**AMENDMENTS:**

These guidelines may be amended at any time upon the recommendation of the committee. Any recommended amendments must be approved by the Commissioners Court.

**ELIGIBILITY, ENROLLING, AND REQUEST PROCESS:**

Regular, full-time employees are eligible to join the sick leave pool. You may contribute to the pool by donating a minimum of eight (8) hours of unused sick leave, discretionary leave or vacation days to the pool anytime during the calendar year. There is no maximum limit on hours donated. You may enroll in the employee sick leave pool by contacting the Human Resource Department or the County Auditor's Office. You do not have to contribute to the pool to receive the leave but must have 12 months of continuous employment; if you do not meet requirements, you may apply for a waiver. Upon termination of employment, you may donate your leave to the sick leave pool.

You may apply for sick leave pool days so long as the employee has used all accrued leave time including but not limited to sick leave, discretionary leave, compensatory time, holidays earned and vacation time. Also, to apply for days from the sick leave pool, the employee's or immediate family members' condition must fit the County's definition of catastrophic. Employees may apply for additional sick leave from the pool through the Human Resources Department or County Auditor's Office.

**HIPPA (Health Insurance Portability and Accountability Act) – IMPORTANT NOTICE OF YOUR RIGHT TO DOCUMENTATION OF HEALTH COVERAGE –** HIPAA limits the circumstances under which coverage may be excluded for medical conditions present before you enroll. Under the law, a pre-existing condition exclusion generally may not be imposed for more than 12 months (18 months for a late enrollee). The 12 month (or 18 month) exclusion period is reduced by your prior health coverage. If you have bought health insurance other than through an employer group health plan, a certificate of prior coverage may help you obtain coverage without a pre-existing condition exclusion. Contact your former employer or non-employer insurance carrier for a Certificate of Health coverage or contact the Texas State Insurance Department for further information.

You have the right to receive a certificate of prior health coverage since July 1, 1996. You may need to provide other documentation for earlier periods of health care coverage. Check with the Auditor to see if your new plan excludes coverage for preexisting conditions and if you need to provide a certificate or other documentation of your previous coverage with your former employer.

**SICK LEAVE POOL REQUEST:**

If a member is critically ill and unable to file a request for sick leave days from the bank, the department head may submit an application at the request of the employee's family.

**WORKERS COMPENSATION:**

Note: Workers' compensation is not a form of leave.

**FORMS:**

Application for **CONTRIBUTION OF TIME, REQUEST FOR TIME and MEDICAL PROVIDER FORMS** will be available at the Human Resource Department or County Auditor's Office.

**CESSATION OF SICK LEAVE POOL:**

The sick leave pool shall cease to grant sick leave days when all days in the sick leave pool have been depleted. Any days contributed that remain in the pool at the end of the fiscal year shall roll forward for use during the following years.

**SICK LEAVE POOL CONTRIBUTION FORM**

EMPLOYEE NAME \_\_\_\_\_ SS# \_\_\_\_\_

\_\_\_\_\_ # OF DAYS CONTRIBUTED TO THE SICK LEAVE POOL

\_\_\_\_\_ # OF HOURS CONTRIBUTED TO THE SICK LEAVE POOL

DATE OF CONTRIBUTION \_\_\_\_\_

IF TERMINATING AN EMPLOYEE, GIVE DATE OF TERMINATION

\_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
Personnel Department

**SICK LEAVE POOL REQUEST FORM**

DATE \_\_\_\_\_

EMPLOYEE NAME \_\_\_\_\_ SS# \_\_\_\_\_

PERIOD TIME REQUESTED from: \_\_\_\_\_ to: \_\_\_\_\_ (attach copy of time sheets involved)

\_\_\_\_\_ NUMBER OF DAYS REQUESTED (NOT TO EXCEED 40 WORKING DAYS)

\_\_\_\_\_ NUMBER OF HOURS REQUESTED (NOT TO EXCEED 320 HOURS)

REASON FOR REQUEST (Attach Medical Care Providers statement outlining nature of illness and expected date of return).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Employee, Department Head or Family Member

Leave Approved or Denied (circle one)

\_\_\_\_\_  
Committee Chairperson & Date

Leave Recorded

\_\_\_\_\_  
Personnel Department & Date

Page 12

**SICK LEAVE POOL FORM FOR FAMILY OR  
MEDICAL LEAVE REQUEST  
HEALTH CARE PROVIDER CERTIFICATION**

Please print

MILAM COUNTY EMPLOYEE NAME

\_\_\_\_\_  
TITLE DEPARTMENT

\_\_\_\_\_  
DATE

Status:  Full Time  Part Time  Temporary

Period time requested for: \_\_\_\_\_ to \_\_\_\_\_ (attach time sheet)

To be completed by Personnel Office

The above named Employee is requesting family and medical leave from work with his / her employer MILAM COUNTY

\_\_\_\_\_  
It is our understanding that you are currently treating

Status:  Employee  Employee Spouse  Employee Parent

Employee Child

Period of time leave is requested \_\_\_\_\_ until

\_\_\_\_\_  
Intermittent or reduced schedule – List dates

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Job Description

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**To be completed by Medical Care Provider**

**Please assist us by clarifying the facts about the requested leave by completing the information below.**

1. As a duly authorized medical care provider, I certify that I am currently treating \_\_\_\_\_.
2. The Patient has been diagnosed and is receiving treatment for the following condition(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The relevant medical facts regarding the Patient's condition include the following:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The condition began on \_\_\_\_\_.
5. In my opinion, that condition will last until (provide date if possible) \_\_\_\_\_.
6. As a result of that condition it is my opinion that (circle the letter):
  - a. The Employee is currently unable to perform his / her employment functions set forth on the attached job description.
  - b. The Employee is currently needed to care for the Patient.
  - c. Intermittent leave is medically necessary for the Employee, or to care for the Patient.
  - d. None of the above.
7. In my opinion, the Employee will not be able to return to work until (provide date if possible) \_\_\_\_\_.
8. If the Patient requires treatment of the medical condition that necessitates intermittent leave, please describe treatments to be administered.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. The date of these treatments will be \_\_\_\_\_.

---

---

---

10. In my opinion, the treatments will last until

---

---

---

---

---

11. As a result of the Patient's condition and / or necessary treatments, it is my opinion that the Employee will be unable to perform his / her employment functions, or is needed to care for the Patient, and therefore unable to work during the following intermittent periods.

From _____	Until _____

---

Health Care Provider's Signature

---

Health Care Provider's Printed Name

---

Date

---

OFFICE MAILING ADDRESS

---

PHONE NUMBER

PHYSICIAN'S COMMENTS:

---

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**Page 16 skipped in error.**

The following were appointed by the Commissioners' Court on March 22, 2010 to study & report back to the Court with their recommendation in regards to the Sick Leave Pool.  
Wynema Adams, Jolene Cahill, George Tomek and Barbara Vansa

**MILAM COUNTY POLICY on SICK LEAVE POOL was  
ADOPTED  
and APPROVED THIS 22<sup>nd</sup> DAY OF NOVEMBER 2010.**

Frank Summers

**MILAM COUNTY JUDGE**

GEORGE TOMEK, Commissioner Precinct #1  
KENNETH HOLLAS, Commissioner Precinct #2  
C. DALE JAECKS, Commissioner Precinct #3  
BURKE BAUERSCHLAG, Commissioner Precinct #4

**UPDATED 06-15-2011**

**Page 10** – Committee Duties and Responsibilities  
#4 – corrected quorum to 5 not 4

**Page 12** – Sick Leave Pool Contribution Form & Sick Leave Pool Request Form  
Added: Period Time Requested (attach copy of time sheets involved)  
Added: \_\_\_\_\_ # hours  
Added: \_\_\_\_\_ # number of hours

**Page 13-15** Information reorganized on pages

**Page 16** – skipped in error

APPROVED this   27   day of            June           , 2011.

David L. Barkemeyer, County Judge

\_\_\_\_\_  
Commissioner Precinct #1

\_\_\_\_\_  
Commissioner Precinct # 2

\_\_\_\_\_  
Commissioner Precinct #3

\_\_\_\_\_  
Commissioner Precinct #4

## **MILAM COUNTY POLICY ON HOLIDAYS**

### **ELIGIBILITY**

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

### **HOLIDAYS**

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

### **HOLIDAY DURING VACATION**

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**

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 90 days. If the postponed holiday is not taken within the next 90 days it is forfeited.

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

### **EMERGENCIES**

An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 90 days equivalent to the amount of time worked on the holiday.

### **SPECIAL OBSERVANCES**

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

Determination of granted leave under Section 7 of this policy shall be made by the supervisor of the department in which the employee works, based on the needs of the department.

Vacation, compensatory time, or leave without pay may be used for leave granted under Section 7 of this policy.

## **MILAM COUNTY POLICY ON JURY DUTY LEAVE**

### **JURY DUTY**

Employees of the County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.

Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule.

Any fees paid for jury service may be kept by the employee.

### **OFFICIAL COURT ATTENDANCE**

Employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require.

### **PRIVATE LITIGATION**

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

## **MILAM COUNTY POLICY ON MILITARY LEAVE**

### **GUARD AND RESERVE**

County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per year with pay to attend authorized training sessions and exercises.

The fifteen (15) day paid military leave shall apply to the calendar year and any unused balance at the end of the year shall not be carried forward into the next calendar year.

Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule.

An employee may use annual leave, earned compensatory time, or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.

### **ORDERS**

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

### **ACTIVE MILITARY**

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

## **MILAM COUNTY POLICY ON FUNERAL LEAVE**

### **FAMILY FUNERAL LEAVE**

Employees shall be allowed up to three (3) days with pay for death in the immediate family.

For purposes of this policy, immediate family shall include the employee's spouse and the children, parent, brother or sister of the employee or the employee's spouse.

Employees may be allowed time off with pay to attend the funeral of grandparents, aunt, uncle or first cousin of employee or employee's spouse, allowing up to eight (8) hours per funeral.

### **OTHER LEAVE**

Employees 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.

**ADDITIONAL LEAVE**

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

**RECORD KEEPING**

All eligible funeral leave will be shown as funeral leave on your time sheet.

**MILAM COUNTY POLICY ON MEDICAL INSURANCE**

**ELIGIBILITY**

All full time regular employees of the County shall be eligible for the group medical insurance benefit. **New employees become eligible for insurance benefits the first day of month following 60 days of employment.** Example: if an employee is hired on January 15<sup>th</sup> they become eligible for insurance on April 1<sup>st</sup>.

Premium for the coverage for eligible employees shall be paid by the county.

**DEPENDENT COVERAGE**

Eligible employees may cover their qualified dependents by paying the full premium for the dependents.

Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

**EXTENSION OF INSURANCE**

Employees who leave the employment of the County may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Loss of coverage may occur due to termination, lay off, death of employee, divorce or loss of coverage due to children ceasing to be a dependent child under the terms of our plan.

The maximum length coverage can be extended is 18 months for an employee and 36 months for a dependent.

Upon notification from you that a qualifying event has occurred we will notify your health insurance carrier to mail you a "COBRA" package, which will include the rates, premium due, due dates and forms to be completed and returned.

**INFORMATION**

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

## **HIPAA**

(Health Insurance Portability and Accountability Act)

### **IMPORTANT NOTICE OF YOUR RIGHT TO DOCUMENTATION OF HEALTH COVERAGE**

HIPAA limits the circumstances under which coverage may be excluded for medial conditions present before you enroll. Under the law, a pre-existing condition exclusion generally may not be imposed for more than 12 months (18 months for a late enrollee). The 12 month (or 18 - month) exclusion period is reduced by your prior health coverage. If you have bought health insurance other than through an employer group health plan, a certificate of prior coverage may help you obtain coverage without a pre-existing condition exclusion. Contact your former employer or non-employer insurance carrier for a Certificate of Health coverage or contact the Texas State Insurance Department for further information.

You have the right to receive a certificate of prior health coverage since July 1, 1996. You may need to provide other documentation for earlier periods of health care coverage. Check with the Auditor to see if your new plan excludes coverage for preexisting conditions and if you need to provide a certificate or other documentation of your previous coverage with your former employer.

## **MILAM COUNTY POLICY ON WORKERS' COMPENSATION**

### **ELIGIBILITY**

All the County employees are covered by workers' compensation insurance while on duty for the county.

### **BENEFITS**

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

Workers' compensation also pays a partial salary continuation benefit for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses.

### **ACCIDENT REPORTING**

Any employee who suffers a job related illness or injury no matter how insignificant shall be required to notify his or her supervisor as soon as possible.

Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

### **PHYSICIAN'S RELEASE**

An employee who has lost time because of a work related accident or illness shall be required to provide a full release from the attending physician before being allowed to return to work and they must be able to perform the essential functions of their job.

### **CONTRIBUTORY FACTORS**

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

## MILAM COUNTY POLICY ON RETIREMENT (see page 54 also)

### CONTRIBUTIONS

Eligible employees shall make contributions to the retirement program through a system of payroll deduction.

MILAM County shall make a contribution to each eligible employee's retirement account equal to or greater to the contribution required by the employee. The current contribution required by you is 7% of your gross wages.

### INFORMATION

Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

You become vested in a pension when you have completed 8 years of service or when your years of service with MILAM County and the combination of your age equal 75.

## MILAM COUNTY POLICY ON SOCIAL SECURITY

### SOCIAL SECURITY

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

### CONTRIBUTIONS

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

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

## LONGEVITY PAY

Certain employees are entitled to receive longevity pay in addition to their regular salaries.

Each regular full-time employee of Milam County is eligible for longevity pay of \$5.00 per month for each year of service as an employee of the county up to and including **24 years of service**. Such pay will begin at the end of the fourth year and will be increased at the end of each 4 years thereafter. Longevity pay will be distributed once per year as a part of the first regular pay check in December of the applicable year.

A regular full-time employee is one who is budgeted by name for 40 hours per week in a single position.

An employee is not eligible to receive longevity pay unless that employee is in a position that is eligible for receipt of longevity pay, and also has completed four full years (48 months) of county lifetime service.

## CONDITIONS AND LIMITATIONS

To be entitled to longevity pay for a month, an employee must be full time, not be on leave without pay the first workday of the month and have accrued at least four years of service credit by the end of the preceding month.

An eligible employee who enters leave-without-pay status or who terminates county employment after the first workday of the month is entitled to payment of full longevity pay for the month.

An eligible employee who terminates county employment and who remains on the payroll to exhaust vacation entitlement or accrued compensatory time is entitled to payment of full longevity pay for each month or fraction of a month the individual continues on the payroll.

## CREDITABLE SERVICE

To determine the amount of creditable County lifetime service for longevity pay, all prior employment with any department within the County will be counted **as long as employment has been CONTINUOUS with Milam County. If an employee leaves on his or her own or is terminated and returns to County Employment their longevity starts over.**

While the County Treasurer's Office will be responsible for maintaining longevity pay information the employee will be solely responsible for insuring the accuracy of creditable service time due that employee.

## PAYROLL DEDUCTIONS, PAYROLL CHARGES

Longevity pay is an integral part of each eligible employee's gross compensation and is subject to the same payroll deductions (Federal Income Tax, Social Security Tax, County Retirement, etc.) and payroll charges (Worker's Compensation Insurance, Unemployment Insurance, etc.) as regular salary.

Longevity pay received by an employee will be allocated to direct and/or indirect costs of grants and contracts on the same basis as the regular salary of the employee.

## MILAM COUNTY TRAVEL POLICY

### ELIGIBILITY

Milam County officials, employees, and others who are required to travel in the performance of County business, or to attend training sessions, conferences or other meetings that will benefit the County will be reimbursed as provided in these policies.

### TRANSPORTATION

An Official, employee, or other person using a private motor vehicle for transportation incurred on official County business will be reimbursed at the **rate set by the Commissioners' Court** (applicable to change as vehicle operation costs increase and or decrease), not to exceed the total amount authorized in the County's budget. Mileage will be allowed for the most direct route on major highways. **(Current rate 55cents per mile eff. 01-23-2012)**. Mileage will be calculated using **MAP QUEST**. Incidental miles accrued as a result of traveling while in the destination city will be supported by odometer readings to be provided before reimbursement.

When using air travel or other forms of public transportation receipts must accompany the expense report. Parking, tolls, and other incidental costs incurred must be supported by

receipts. If travel involves the use of a rental car the cost of the rental car plus any fuel charges that are supported by receipts are eligible for reimbursement.

When two or more employees, officials, or other persons on county business travel together only one may claim the mileage reimbursement. This provision does not preclude any passenger from receiving reimbursement for eligible expenses.

When two or more employees from the same department are traveling to the same destination to attend the same function, the department head will determine the most practical and economical method of transportation and who will be reimbursed for the transportation expense.

Air travel or other forms of public transportation may be eligible for reimbursement of the total cost when it is to the County's benefit, even though it costs more than private motor vehicles.

Reimbursement for travel and other expenses associated with seminars, conferences and other meetings will not exceed the amount provided in the department's budget.

#### **TEXTING**

**Feds outlaw texting for commercial drivers: Drivers of commercial trucks and buses could be subject to fines of up to \$2750 if they're caught texting while driving, according to new rules announced March 2010 by the U. S. Department of Transportation. (Provided by Milam County HR)**

#### **LODGING**

Reimbursement for lodging will be actual single rates. Lodging receipts must accompany the expense report.

If two or more officials, employees and/or other persons share room reimbursement may be claimed by each occupant with the limitation that the total reimbursement does not exceed the total cost of the room.

#### **MEALS**

Officials, employees, or other persons traveling outside Milam County on official County business shall be reimbursed for meals at a rate not to exceed \$50.00 for each full day of travel status upon providing receipts.

Employees traveling out of county who incur expenses for less than three meals in any one day will be reimbursed up to the following amounts upon providing receipts.

Breakfast	\$15.00
Lunch	\$15.00
Dinner	\$20.00

This subsection applies to:

Any day in which the person was not in travel status at normal meal time for all three meals and/or any day in which the employee is furnished one or more meals without charge because the meal or meals were included in the hotel charge or seminar registration charges.

**An itemized receipt must accompany all reimbursement requests for meals. Reimbursement for meals is allowed only for trips that involve overnight out of county travel. (Approved 01-15-2008)**

## **EXPENSE REPORT**

All claims for travel reimbursement must be submitted on an expense report form designated by the County Auditor. This report must be signed by the person requesting reimbursement of travel expenses and by their respective department head when applicable. The report must be complete, accompanied by all required receipts, and submitted not later than 30 days after the date of travel.

## **MILAM COUNTY POLICY ON LEAVE OF ABSENCE**

It is MILAM County's policy to grant a leave of absence to all eligible employees on a non-discriminatory basis. A leave of absence may be granted for medical reasons, workers' compensation injuries/illnesses, personal emergency, educational purposes, military duty, jury duty or witness duty. A leave of absence may not exceed 12 weeks (84 consecutive days) in a 12 month period unless required by federal or state law or as specified within this policy and may be with or without pay to the extent the employee has paid vacation, sick or comp time leave accrued.

All regular, full time and part time employees may request a leave of absence at any time.

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 employees 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.

## **GROUP INSURANCE BENEFITS DURING UNPAID LEAVE**

Employees on unpaid leave scheduled to extend beyond the calendar month in which the leave begins will be eligible to continue coverage in the county's group insurance plan at their own cost through their rights under COBRA. Those employees whose leave qualifies for the FMLA will have their insurance continued by the county under the conditions set forth in the FMLA (29 C.F.R. Part 825). The procedures for continuing coverage on you and/or your dependents will be fully explained at the time the leave is granted.

Unless otherwise stated in the policies, group insurance coverage will not be interrupted for a leave of absence scheduled for thirty (30) days or less and which begins and ends in the same calendar month.

Before returning to work following any medical leave, including a leave granted for workers compensation injuries or illnesses, an employee must submit a physicians verification stating the employee's ability to return to work and the date there of.

## **ACCRUAL OF SENIORITY AND BENEFITS**

Employees will not accrue benefits e.g. vacation, holidays, etc., during a unpaid leave of absence. Employees who return to active employment at the end of their leave (not to exceed 12 weeks) will be reinstated without loss of seniority earned prior to the commencement of their leave.

## **COORDINATION OF BENEFITS**

All leaves of absence, regardless of reason, require the use of all accrued vacation (illness, injury, FMLA, personal) to minimize the impact of a leave of absence for both the county and the employee.

## **NOTIFICATION REQUIREMENTS**

It is the employee's responsibility to provide his/her immediate supervisor and department head all the following information in writing as soon as he/she becomes aware of the need for a leave of absence:

The reason the leave of absence is being requested.

The anticipated dates the leave of absence will begin and end.

A physician's certificate or other medical proof acceptable to the county indicating the nature of the illness or injury.

## **DURING THE LEAVE OF ABSENCE THE EMPLOYEE MUST PROVIDE:**

Periodic updates to the employee's supervisor and/or department head at least every 15 days concerning the employee's status, expected date of return, and continued intent to return to work upon expiration of the leave.

Immediate notification of the employee's supervisor or department head of a need to request a change in the duration of the leave of absence.

If an employee desires a leave of absence for elective medical procedures, he/she must submit the request for a leave at least two weeks prior to the date he/she wishes such leave to commence.

## **MATERNITY LEAVE**

Maternity is treated as any other illness. The employee is expected to perform her duties up to such time that her doctor states in writing that she may no longer work and she must return to her position as soon as the doctor releases her. The maximum time she may be absent from her job is up to the point that her doctor determines she may return to her job (usually 4 to 6 weeks and may not exceed 12 weeks) or that which is required by the FMLA, provided she is eligible under the act.

## MILAM COUNTY POLICY ON FAMILY AND MEDICAL LEAVE

### ELIGIBILITY

To be eligible for benefits under this policy, the county must employ 50 or more employees excluding elected officials and an employee must:

1. Have worked for the County at least 12 months (it is not required that these 12 months be consecutive); and
2. Have worked at least 1,250 hours during the previous 12 months

### QUALIFYING EVENTS

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

1. The birth of a child and in order to care for that child;
2. The placement of a child in the employee's home for adoption or foster care;
3. To care for a spouse, child, or parent with a serious health condition, or
4. The serious health condition of the employee.

### SERIOUS HEALTH CONDITION

Serious health condition of the employee shall be defined as a health condition that makes the employee unable to perform the essential functions of his or her job.

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

### LEAVE AMOUNT

Up to 12 weeks leave per 12 month period may be used under this policy.

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

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

If a husband and wife both work for the county, the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child is 12 weeks.

### PAID AND UNPAID LEAVE

If an employee has accrued leave, the employee shall be required to use appropriate paid leave first with the remainder of the 12 weeks as unpaid leave.

An employee who is taking leave because of the employee's own serious health conditions, or the serious health condition of an eligible family member, shall be required to first use all paid

vacation, sick leave, and any other paid leave, except for FLSA (Fair Labor Standards Act) compensatory time, with the rest of the 12 week leave period being without pay.

An employee taking leave for the birth of a child shall be required to take paid sick leave, and/or other paid leave for the recovery period, except for FLSA compensatory time, after the birth of the child prior to going on leave without pay.

After the recovery period from giving birth to a child, the employee shall be required to use vacation and other available paid leave, except for sick leave or FLSA compensatory time, 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, except for sick leave or FLSA compensatory time, prior to going without pay.

The maximum amount of paid and unpaid leave that maybe used under this policy in any 12 month period is 12 weeks.

### **INSURANCE**

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

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

Payment for coverage under section 16 of this policy shall be made through regular payroll deduction while the employee is on leave with pay.

While on leave without pay, the employee shall be required to pay for premiums due to the county under section 16 of this policy no later than 30 days after the due date which the count sets or the coverage shall be discontinued.

### **INTERMITTENT LEAVE AND REDUCED SCHEDULE**

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

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

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility.

### **PHYSICIANS' STATEMENT**

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

The employee should respond to the request within 15 days of the request or provide a reasonable explanation for the delay.

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

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

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

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

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the county, if the County has reason to doubt the certification.

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

### **REQUESTING LEAVE**

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

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

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

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

## **REINSTATEMENT**

Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave.

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

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

## **REPAYMENT OF PREMIUMS**

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the 12 weeks maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the county while the employee was on leave without pay.

## **OTHER BENEFITS**

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

## **OTHER ISSUES**

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

## **MILAM COUNTY POLICY ON MEMBERSHIP**

The county will pay membership fees for elected officials or employees to one professional organization or association per year that is directly related to their work area and or required for meeting continuing education requirements of the job. Official license fees that are required to hold a job shall not be paid by Milam County. (Effective 01-15-2008)

## **MILAM COUNTY POLICY ON ATTENDANCE AND TIMELINESS**

### **ATTENDANCE**

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

### **TARDINESS**

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

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

## **NOTIFICATION**

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

## **EXCUSED AND UNEXCUSED**

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

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

## **ABANDONMENT OF POSITION**

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

# **MILAM COUNTY POLICY ON COUNTY PROPERTY**

## **RESPONSIBILITY**

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

County employees shall only use equipment, vehicles, tools, and other County property that they are authorized to use.

## **PERSONAL USE**

Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted.

## **LICENSES**

County employee who operates any County equipment or vehicle which requires a license shall be required to have a current active license for that vehicle or equipment any time he/she operates it.

Any employee who operates a vehicle or equipment which requires a license for legal operation shall notify his or her supervisor of any change in the status of that license.

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

## **TEXTING**

**Feds outlaw texting for commercial drivers: Drivers of commercial trucks and buses could be subject to fines of up to \$2750 if they're caught texting while driving, according to new rules announced March 2010 by the U. S. Department of Transportation.  
(Provided by Milam County HR)**

## **ACCIDENTS**

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately.

A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Loss Control Coordinator.

**INTERNET & NETWORK ACCEPTABLE USAGE POLICY and  
MILAM COUNTY EMAIL USAGE POLICY (Provided by Milam County IT Director)**

## **Internet & Network Acceptable Usage Policy**

### **Introduction**

Computers, networks, and other electronic information systems are a necessary resource to accomplish Milam County's duties and responsibilities to the public, which it serves. Milam County allows its users to create & share pertinent information about county related business.

### **Purpose**

The purpose of this usage policy is to set guidelines to ensure that usage of the computers, networks, and the internet, complies with Milam County policy, to protect the county from any legal ramifications, and to educate the users in what Milam County deems as acceptable usage.

### **Audience**

All Milam County users must follow the Usage policy without exception.

### **Property of**

Any files, folders, programs, or any other electronic data that resides on any Milam County computer or network, is under the control, and is the property of Milam County and its taxpayers, except for that which is owned by the State of Texas.

### **Privacy**

Electronic data, such as files and folders, will be securely stored on Milam County computers. Each office within Milam County will be able to secure any document, so that the document cannot be accessed by anyone outside of that office. This does not apply to the Open Records Act. Personal data or data unrelated to Milam County business will be considered not private and will be monitored to ensure network safety and security.

### **General Guidelines**

- Personal use of the Internet is a privilege, not a right. As such, use should be limited. The privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- Employees need to keep in mind that all Internet usage can be recorded and stored along with the source and destination. Employees have no right to privacy with regard to Internet usage. Department heads have the ability and right to view employees' usage patterns and take action to assure that Internet resources are devoted to maintaining the highest levels of productivity.
- Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. Supervisory permission is needed and should be obtained for these activities, or the activities should be included in the employee's job description.

- Each employee using the Internet shall identify him/herself honestly, accurately and completely (including one's office affiliation and function where requested) when providing such information.
- Only those employees or officials who are expressly authorized to speak to the media or to the public on behalf of an office may represent such office within any news group or chat room. Other employees may participate in news groups or chat rooms in the course of business when relevant to their duties, but they should do so as individuals speaking for themselves and must include a disclaimer in their comments similar to the follow:

“This contains the thoughts and opinions of (employee name) and does not represent official (office name) policy.”

### **Restrictions**

- Personal use of the Internet should not impede the conduct of county business; only incidental amounts of employee time – time periods comparable to reasonable coffee breaks during the day – should be used to attend to personal matters.
- Intentionally accessing inappropriate Internet sites (such as those that contain sexually-explicit, racial, hate, or gambling content) creating or forwarding e-mail containing inappropriate content, or spending excessive amounts of work time at non-business related sites are strictly prohibited. Employees that intentionally access inappropriate Internet sites will be subject to disciplinary action.
- Subject to certain legal exceptions, the Internet should not be used for any personal monetary interest or gain.
- Employees should not subscribe to mailing list or mail services, and should not participate in electronic discussion groups (i.e., list server, Usenet, news groups, chat rooms, and instant messaging services) strictly for personal use.
- Personal Internet use should not cause Milam County to incur a direct cost in addition to the general overhead of an Internet connection.
- Employees must not intentionally use the Internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

## **Milam County Email Usage Policy**

Milam County's E-Mail system is primarily intended for business use. The e-mail system is county property and may be used for County business. The system is not to be used for employee personal gain or to support or advocate for non-county related business or purposes. All use of the email system is subject to management access pursuant to this policy.

1. Incidental and occasional personal use of e-mail is permitted, but such messages will be treated no differently from other messages. Keep in mind that any personal message can be retrieved by Milam County, even though it has been deleted from that person's inbox. It is recommended that you not put anything in an e-mail that you would not want others to see. Assume that the e-mail message that you are drafting will be made public, and draft it accordingly.
2. No computer system is completely secure. The e-mail system is not intended to transmit sensitive materials such as personnel decisions, legal opinions, and other similar information which may be more appropriately communicated by written memorandum or personal conversation.
3. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other person's e-mail messages without proper authorization in accordance with this policy.
4. This policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to Milam County's e-mail system as necessary for their business purpose with Milam County, and only if they abide by all applicable rules.
5. All messages on Milam County electronic mail systems are county property and are subject to the requirements and restrictions of all applicable State and Federal Statutes and Regulations concerning the collection, creation, storage, maintenance, dissemination, and access to data created and/or maintained by Milam County.
6. Employees e-mail communications should be routinely and regularly deleted from their in-box.
7. Inappropriate e-mail messages can give rise to claims of discrimination, harassment, defamation, and copyright infringement. Under no circumstances shall any employee use the e-mail system for messages that are or could reasonably be considered offensive to another on the basis of race, sex, age, sexual orientation, religious or political beliefs, national origin, or disability.
8. Solicitation of funds, political messages and harassing e-mail are prohibited.
9. Use of Milam County's e-mail system for personal business (profit or non-profit organizations of any kind) is prohibited.

10. Milam County may access e-mail messages within the county e-mail system of all individuals covered by this policy for any purpose not specifically prohibited by law. If practicable, the employee will be notified in advance of such access. Where advance notice is not practical, the employee will receive notice within a reasonable time thereafter of the date of the access, the purpose of the access, and the identity of the person(s) who accessed the information, and the information obtained.

11. Upon written request by the Milam County Commission or an employee's Department Head the contents of e-mail sent by, between and/or to individuals covered by this policy may be disclosed within or outside Milam County without the permission of the individual at any time deemed necessary by Milam County and for any purpose not specifically prohibited by law. I, the undersigned, acknowledge receipt of Milam County's e-mail policy and consent to work under the conditions set forth in the policy. I understand that I have no reasonable expectation to privacy in e-mail communications using Milam County's system, and I consent to the monitoring of such communications pursuant to the policy. I understand that violation of any above policies may result in disciplinary action up to and including termination of employment.

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Printed name of user

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Signature of user

---

Date

*Revised: July 07, 2009*

# Milam County Internet Usage Policy Agreement

I, the undersigned, acknowledge that I have read and understand the contents of the Milam County Internet Usage Policy. I understand that I have no reasonable expectation of privacy while on Milam County networks, and consent to the monitoring of any and all network equipment. I understand that violations of the policy may result in disciplinary action up to and including termination of employment.

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Printed Name of User

---

Signature of User

---

Date

*Revised: May 10, 2010*

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

### **CONFLICT OF INTEREST**

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

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

### **PROHIBITED**

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

Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance,

Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;

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

Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties to the County;

Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

## **MILAM COUNTY POLICY ON SOLICITATION**

MILAM County employees shall not solicit or be subject to solicitation from other employees or otherwise be coerced to make donations to any cause or organization during working hours or on county property, except that solicitations for charitable purposes within a department may be allowed if the employees first obtain the consent of his/her Department Head. Solicitation for commercial purposes is expressly prohibited. Violations of this policy will result in discipline up to and including discharge. Individuals entering the courthouse selling or soliciting for any cause are strictly prohibited and should be reported immediately to your supervisor.

## **MILAM COUNTY POLICY ON POLITICAL ACTIVITY**

### **POLITICAL ACTIVITY**

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

### **COUNTY EMPLOYEES SHALL NOT:**

Use their official authority or influence to interfere with or affect the result of any election or nomination for office;

Directly or indirectly coerce, attempt to coerce, 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

Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

In the event that an employee chooses to run against an incumbent for an elected position in the office for which they work, they must resign at the time they file for any primary election, the date of filing of a write-in petition, or at the time they are nominated for the sought after elected position, which ever comes first.

## **MILAM COUNTY POLICY ON SAFETY**

### **SAFETY STANDARDS**

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

### **VIOLATIONS**

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

An employee causing an accident resulting in major injury or death because of failure to follow safety standards shall be terminated.

## **MILAM COUNTY POLICY ON DISCIPLINE**

### **DISCIPLINE**

Authority to Discipline: Each supervisor shall have the authority to administer discipline to employees in his/her 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.

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

Reasons for Discipline: Examples of reasons for administering discipline shall include, but not be limited to, the following:

Incompetence or inefficiency; conviction of a felony or misdemeanor involving moral turpitude; habitual tardiness, absenteeism or absence without proper leave neglect, damage, waste or theft of County property; acts of insubordination; Accepting gifts that may be construed to be a reward for special treatment or as a reward for awarding of a competitive bid; nepotism; discourteous treatment of any citizen; engaging in any activity that is incompatible with good public service; or any other reason deemed appropriate by the County or using drugs or alcohol while on duty.

## **MILAM COUNTY POLICY ON SEXUAL HARASSMENT**

### **POLICY**

It shall be the policy of MILAM County to provide a work place free from 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.

### **DEFINITION**

Sexual harassment shall include, but not be limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature where:

Submission to such conduct is either an expressed or implied condition of employment;

Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or

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.

### **CLAIMS**

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

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

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

### **REPORTING**

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, another member of the Commissioners' Court, or to the County Attorney.

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

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

## POLICY ON PAYROLL GUIDELINES

All non-exempt employees (those subject to earning comp time/overtime) are required to fill out a time sheet for each month showing the daily hours (both in out times) worked beginning January 1, 2000. The Following points must be considered when filling out your time sheet:

Employees must record their starting time, time out for lunch, time in from lunch, quitting time and total hours for each workday. You must sign your time sheet stating that it is correct. Absences must be charged to appropriate paid leave accounts such as Sick Leave, Vacation or Comp time as appropriate. If no paid leave balance exists then any absence must be entered as LOP (Leave without Pay);

Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;

Employees are required to take scheduled lunch breaks. Lunch breaks may be altered occasionally, with your supervisions permission;

Employees time sheets will be scrutinized by the supervisor/department head and verified as correct by their signature;

Time sheets (signed by both the employee and supervisor) must be turned in to the Treasurer on the day designated or you face the possibility of not being paid until the next pay period;

The filling out of another employee's time sheet or falsifying the time sheet in any way will be grounds for discipline up to and including discharge and the individual may face prosecution for falsifying a government record.

Comp Time will be maintained by the **Department Head**, must be noted on the employee's regular time sheet, and must be taken within 30 days of accrual or it will be forfeited.

Exempt employees (those not covered by FLSA) are required to fill out time sheets when they are absent for a full day, i.e., vacation, sick, funeral, jury duty, etc.

Time sheets will be retained by the County Treasurer for (3) years and are subject to audit by various Federal Agencies.

## MILAM COUNTY POLICY ON PAY PERIODS AND TIME SHEETS

### PAY PERIOD

The pay period for the County shall consist of two weeks with paychecks being issued on the final Friday of the current pay period.

If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

**TIME SHEETS**

Each non exempt employee shall be required to fill out a time sheet to be turned in to his/her supervisor on the last day of each pay period. All exempt employees are required to complete and turn in to the Treasurer all full day absences.

The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

**PAY ADVANCES**

Advances in pay shall not be made to any employee for any reason.

**MILAM COUNTY POLICY ON COMPENSATION****APPLICATION**

This policy shall apply to all County employees.

Compensation for law enforcement employees shall be handled in accordance with the policies established in the Sheriff's Department as directed by the Commissioners' Court.

All County employees will be paid on a salary basis except for part time which will be paid on an hourly basis.

Deputies and Jailers are paid a salary and the work period salary compensates the employee for all hours worked in a work period up to the amount designated by the County which is currently a minimum of 160 hours and may reach 171 depending upon the work load. Hours worked between 161 and 171 will be paid at straight time. Hours worked over 171 are credited as comp time.

**TEMPORARY**

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

**MILAM COUNTY POLICY ON PAYROLL DEDUCTIONS****REQUIRED DEDUCTIONS**

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law.

**RETIREMENT**

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck.

**OPTIONAL DEDUCTIONS**

Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

## **MILAM COUNTY POLICY ON WORK SCHEDULE AND WORKWEEK**

### **WORK SCHEDULE**

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.

### **EXCEPTIONS**

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.

The need for schedules that vary from the normal schedule shall be determined by each department head.

### **WORKDAY**

The workday for the County shall begin at 12:00 a.m. each day and end 24 consecutive hours later.

### **WORKWEEK**

For purposes of record keeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for the County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive work days later (168 hours).

## **MILAM COUNTY POLICY ON HOURS WORKED AND OVERTIME**

### **HOURS WORKED**

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor standards Act (FLSA) and its regulations.

### **OVERTIME**

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement employees.

Overtime for law enforcement employees is defined in the policy addressing law enforcement overtime in the Sheriff's Department.

### **OVERTIME DEFINITION**

Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek. The regular lunch hour may not be accrued as comp time..

Paid leave shall not be counted in determining if overtime has been worked in any workweek.

Except in emergency situations, an employee shall be required to have authorization from his/her supervisor before working overtime.

Employees may be called upon to work on their day off and for more hours than their regular shift calls for due to an emergency or other requirements as determined by your supervisor.

## **MILAM COUNTY POLICY ON OVERTIME COMPENSATION**

### **POLICY APPLICATION**

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

Overtime for law enforcement employees shall be handled in accordance with the policy for overtime compensation established by the commissioner's court.

### **OVERTIME COMPENSATION**

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

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

### **MAXIMUM COMPENSATORY TIME**

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours.

When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 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**

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works.

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

### **TERMINATION**

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 FOR OVERTIME RECORDKEEPING**

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 RECORDKEEPING**

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

The Treasurer shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee shall update the balance due to each employee at the end of each pay period and it will be shown on their paycheck.

#### **OTHER ISSUES**

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

### **MILAM COUNTY POLICY ON GRIEVANCES**

#### **PROCEDURE**

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor within 5 days of the action causing the grievance.

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 within 5 days from the discussion with the immediate supervisor.

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

The employee may request an informal hearing from the Commissioners' Court in either closed or open session. This step allows the employee to voice their grievance to a wider audience but no decision or comment will be made by the court.

### **MILAM COUNTY POLICY ON DISCIPLINE**

#### **DISCIPLINE**

Each supervisor shall have the authority to administer discipline to employees in his her 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.

#### **TYPES OF DISCIPLINE**

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

#### **REASONS**

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

- A. Insubordination
- B. Absence without leave, including failure to notify a supervisor of your absence
- C. Repeated tardiness or early departure
- D. Endangering the safety of other persons through negligent or willful acts

- E. Use of drugs or alcohol during work hours
- F. Violation of any of the personnel policies
- G. Conviction of a felony
- H. Falsification of documents or records
- I. Incompetence or neglect of duty
- J. Disruptive behavior which impairs yours of the performance of others.
- K. Bringing a firearm or illegal weapon on County Property.

#### **AT WILL EMPLOYMENT**

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

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

### **MILAM COUNTY DRUG, ALCOHOL AND SMOKING POLICY**

#### **ZERO TOLERANCE**

The purpose of this, policy is to identify and remove the adverse affects of alcohol and drugs on job performance, and to protect the health and safety of our employees by providing education and treatment.

Use and misuse of alcohol or drugs can and does impair the ability of an employee to perform his/her duties and may endanger the employee, his/her co-workers, and the public as well as property. The County seeks to prevent the use/abuse/misuse of drugs and alcohol by employees in any way which impairs their ability to perform their duties.

The County of MILAM shall implement a comprehensive and alcohol abuse education program. As part of that program, information will be provided to all employees concerning the effects of alcohol and drugs to their health and well beings and the County's

#### **ZERO TOLERANCE POSITION**

Alcoholism and other drug addiction are recognized as diseases responsive to proper treatment, and this will be an option as long as the employee cooperates and volunteers prior to testing positive for drugs or alcohol.

The manufacture, distribution, dispensing, possession, sale, purchase or use of a controlled substance on county property is prohibited.

Being under the influence of alcohol or illegal drugs on county property is prohibited. The unauthorized use or unauthorized possession of prescription drug, or over-the counter drugs on county property is prohibited.

Employees who violate this policy are subject to termination.

The policy applies to all employees of the county regardless of rank or position and includes temporary and part-time employees.

## DEFINITIONS

County Premises - All county property including vehicles, lockers, and parking lots.

County Property - All county-owned or leased property used by employees such as vehicles, lockers, desks, closets, etc.

Controlled Substance - Any substance listed in Schedules I-V of section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended. Copies are maintained for employee review by the County Treasurer.

Drugs - A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

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.

Fitness for Duty - To work in a manner suitable for performing satisfactorily, their assigned job. To determine "fitness for duty" a medical evaluation may be required and may include drug and/or alcohol testing.

Illegal Drug - An illegal drug is any drug or derivative thereof of 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, obtained illegally, used for any reason and inhalants used illegally. Included is marijuana or cannabis in all forms.

Reasonable Suspicion - Supported by evidence strong enough to establish by evidence that a policy violation has occurred.

Testing - Is generally defined as a urine, or breath test to determine chemical or drug content. Any employee maybe tested for drug or alcohol use when there is "reasonable suspicion" that:

1. The use of a drug or alcohol is affecting performance; or
2. The employee is engaged in any of the prohibited acts or activities listed in this policy.

Policy violation - Under the influence of alcohol is defined as having a blood alcohol concentration of 0.04 or more, where alcohol concentrations has the meaning assigned to it in Article 67011-1, revised statutes: or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcohol beverage or a controlled substance.

Any of the following actions constitute a violation of the policy and will subject an employee to immediate termination:

Using, selling, purchasing, transferring, drugs 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 County business.

Working or reporting to work, conducting county business or being on premises or in a county-owned, leased, or rented vehicle while under the influence of an illegal drug, alcohol or in an impaired condition.

Search procedures such as inspections of employee's personal property including briefcase, lunch boxes, or tool boxes, will be utilized as part of the county security measures. All employees will be required to cooperate as a condition of continued employment with special drug/alcohol searches in personal vehicles on County property, purses, clothing, briefcase, or other employee personal property when there is reasonable suspicion to believe that an employee may be in possession of drugs or alcohol and/or under its influence. Searches on County premises and County property can be conducted at any time. Failure to cooperate will lead to immediate termination of employment.

Employees taking drugs prescribed by an attending physician must advise their direct supervisor in writing on the possible effects of such medication regarding their performance and physical/mental capabilities. This written information must be kept confidential and communicated to their direct supervisor prior to the employee commencing work. All medical information will be kept confidential and MILAM County elected officials, without exception, will discipline any employee who is responsible for a breach of privacy and confidentiality in this regard. All prescription drugs must be kept in their original container.

Any employee involved in a work related accident where alcohol or drugs are believed to be a contributing factor will be tested and if the results prove positive, the employee will be terminated.

## **SUPERVISORY AND EMPLOYEE TRAINING**

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

MILAM County operates under the concept of **ZERO TOLERANCE** in the use/abuse of alcohol and drugs. 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 one's success rate. Employees who seek help and refrain from future violation of this policy in using drugs or alcohol while at work will not be disciplined.

Doctor/clinic appointments will be treated on the same basis as other personal business or health matters with regard to use of sick or compensation leave. Sick leave or compensation time may be taken as needed, with appropriate notification to your supervisor to allow for the work flow to be managed appropriately.

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of both state and federal laws. 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 search of an individual or property. Searches will only be conducted on individuals based on reasonable suspicion and only of their vehicles, lockers, desks, and closets. The County will cooperate fully in the prosecution and/or conviction of any employee violating drug and alcohol laws.

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.

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. 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 legal reason or no reason at all, with or without notice.

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.

Any employee who registers an alcohol concentration of 0.04 or greater and for illegal drugs at any level on any test administered by or for MILAM County will be terminated. Refusal to take a test or cooperate in taking a test when directed by their supervisor is grounds for immediate dismissal. An employee who self refers them self for an alcohol or drug problem (prior to testing positive) and who wishes to seek counseling/rehabilitation or other assistance will not be terminated and will be sent to a substance abuse professional for evaluation at the employee's expense in a paid status (to the extent they have sick leave or choose to use their accrued vacation or comp time).

Drinking any alcoholic beverages while working for the County will result in your immediate discharge. It will not be a violation of this policy if an employee consumes alcoholic beverages at a banquet, reception or other social function at which alcoholic beverages are served, even though the employee is representing MILAM County, where: Attendance is considered to be within the scope of the employee's job; and Such consumption does not impair the employees ability to effectively serve as a representative of MILAM County.

An employee will be terminated by the County if he/she refuses to provide adequate breath or urine for alcohol testing without a valid medical explanation after he/she has been directed to be tested in accordance with the requirements of this policy, or who engages in conduct that clearly obstructs any testing procedure

The Treasurer will receive the results of all drug tests and maintain the records under lock and key, separate from the employees personnel file. Results of drug and alcohol testing will only be released to those with a need to know, usually only the immediate supervisor.

Titles of those personnel who will be making the reasonable suspicion determinations include the Treasurer and other selected officials as deemed appropriate (These managers will have received 60 minutes of education on the detection of alcohol and drug misuse.)

## **MILAM COUNTY POLICY ON NON-SMOKING**

Smoking including second hand smoke has been proven to be detrimental to good health. In the interest of promoting good health, protecting non smokers from second hand smoke and managing MILAM County's health plan costs, the Commissioners' Court bans smoking within any County building.

Employees, elected officials, vendors and the public shall refrain from smoking inside all County buildings. No smoking signs will be posted at all entrances to county building.

Employees who violate this policy may be disciplined up to and including discharge.

Elected/appointed officials violating this policy may not receive favorable support for all but necessary departmental budgetary requests.

## **MILAM COUNTY POLICY ON SEPARATIONS**

### **DEFINITION**

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**

All separations from the County shall be designated as one of the following types.

- a. Resignation
- b. Retirement
- c. Dismissal
- d. Reduction in force (layoff)
- e. Death
- f. Neutral absence Policy

### **RESIGNATION**

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

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

### **RETIREMENT**

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

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

### **DISMISSAL**

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

MILAM County is an "at will" employer and an elected official/department head may dismiss an employee at any time for any legal reason or no reason, with or without notice.

### **REDUCTION IN FORCE**

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. The basis for lay off will be performance first and longevity second.

## **DEATH**

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

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

## **NEUTRAL ABSENCE**

Neutral Absence Termination:

Employees who are absent from work due to illness/injury on the job (Workman's compensation), off work as the result of an illness/accident (off the job) or for any other reason will be terminated after 84 days, with the only exception being state or federal mandated directives. Employees who are rehired by the County within 365 days of their termination will have their hire date bridged and they will be immediately eligible for all County benefits and their vacation accrual, longevity pay, etc., will be based on the bridged hire date. The County is under no obligation to hire an employee back

When a separation is designated as "other", the supervisor shall provide details of the nature of the separation for the personnel records.

## **NOTIFICATION**

As soon as a supervisor becomes aware of separation from employment, or the intent to separate employment, by an employee, the supervisor shall be responsible for immediately notifying the County Treasurer.

The STEP MERIT POLICY section of the Milam County Personnel Policy Manual will be replaced with the following section:

**MILAM COUNTY POLICY ON JOB REVIEW & PAY LEVELS**

Those elected officials and department heads that supervise others are encouraged to conduct periodic job performance reviews at least annually and to document that review in the employees' personnel file. Those employees that are not satisfactorily performing their jobs should be communicated with regarding their performance deficiencies, but are reminded that all employees of the county are "employees at will" and are subject to termination should their service no longer be required.

Pay levels for all jobs are set by the Commissioners Court and published in conjunction with the annual budget. Job grades are established for certain categories of jobs (J P Clerks; Deputy Tax, County & District Clerks; Administrative categories; and all equipment operators) along with starting salaries for new hires with minimum experience. Department heads may set higher starting salaries based on the interviewees experience level. All new hires must be approved by Commissioners Court unless the court has approved hiring within budgeted levels.

All promotions to higher grades must be approved by Commissioners Court. Promotion to higher grades may be proposed at the time that new budgets are set or at the time that vacancies at higher levels occur. Qualifications for promotion to higher level jobs are determined by the department heads but should be based on job content and ability to perform.

So called merit or step increases, wage pool concepts and automatic increases for new employees are no longer in effect.

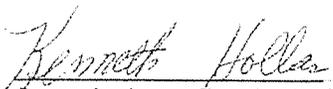
This policy will become effective upon final approval by the Commissioners Court, and may be amended by a vote of the Commissioners Court at anytime in the future.

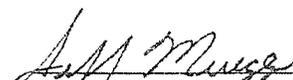
Approved by the Milam County Commissioners Court on August 22, 2011.

  
\_\_\_\_\_  
Judge Barkemeyer

  
\_\_\_\_\_  
Commissioner Precinct #1

  
\_\_\_\_\_  
Commissioner Precinct #2

  
\_\_\_\_\_  
Commissioner Precinct #3

  
\_\_\_\_\_  
Commissioner Precinct #4

**PAY LEVELS**

**DEPUTY COUNTY AND DISTRICT CLERKS / TAX OFFICE CLERKS**

**Recorded in Volume 58 Page 644**

Deputy IV / Chief Deputy	\$31,500
Deputy III	\$29,000
Deputy II	\$27,000
Deputy I	\$25,000
Progression	\$23,000 to 24,500
After one year probation	\$22,500
Starting Salary (Minimum Experience)	\$21,500

**J P Clerks**

**Recorded in Volume 58 Page 644**

Clerk II	\$27,500
Clerk I	\$25,000
Progression	\$23,00 to \$24,500
After one year probation	\$22,500
Starting Salary (Minimum Experience)	\$21,500

**ADMINISTRATIVE SALARY GRADES**

**Recorded in Volume 58 Page 645**

Senior Administrative Assistant	\$29,000
Administrative Secretary II	\$28,000
Administrative Secretary I	\$27,000
Secretary	\$26,000
Coordinator and Other Titles	\$25,000
Progression	\$22,000 to \$24,500
Starting Salary	\$21,500

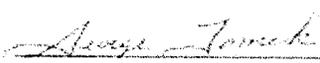
**ROAD and BRIDGE OPERATOR SALARY GRADES**

**Recorded in Volume 58 Page 646**

Senior Equipment Operator II / Road Foreman	\$33,320
Senior Equipment Operator	\$32,430
Equipment Operator II	\$31,835
Equipment Operator I	\$30,312
Equipment Operator Trainee	\$20,800 to \$29,021

Approved by the Milam County Commissioners Court on August 22, 2011.

  
 Judge Barkemeyer

  
 Commissioner Precinct #1

  
 Commissioner Precinct #2

  
 Commissioner Precinct #3

  
 Commissioner Precinct #4

## Continued from page 22

### MILAM COUNTY POLICY ON RETIREMENT

#### **CONTRIBUTIONS**

Eligible employees shall make contributions to the retirement program through a system of payroll deduction.

MILAM County shall make a contribution to each eligible employees' retirement account equal to or greater to the contribution required by the employee. The current contribution required by you is 7% of your gross wages.

#### **INFORMATION**

Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

You become vested in a pension when you have completed 8 years of service or when your years of service with MILAM County and the combination of your age equal 75.

#### **59 YEARS OF AGE & MINIMUM 18 YEARS SERVICE**

Any regular Milam County Employee that is retirement eligible with a minimum of 18 years service and has obtained the age 59 will be eligible for county paid health insurance at the rate of active employees. Employees with 30 year's service who have attained the age of 52 are also eligible for county paid health insurance at the rate of active employees. The employee must still be employed full time at time of eligibility to get this benefit.

#### **65 YEARS OF AGE & MINIMUM 12 YEARS SERVICE**

Upon deciding to retire from Milam County employment, a regular Milam County employee must be 65 years of age with a minimum of 12 years to be eligible for the Senior Care Health plan.

**In order for a smooth transaction, employees will be required to submit their retirement date to the treasurer's office 90 days in advance due to Scott & White deadlines. Otherwise, the employee will be responsible for payment of the delayed coverage.**

**These plans are effective as of the date of passage on November 12, 2002. These plans are not retroactive**

**RESOLUTION**

WHEREAS, Milam County Officials desire to have a clear and understandable personnel policy manual for their employees, and;

WHEREAS, the new policy manual will help Milam County comply with current employment laws and standards, and;

WHEREAS, the new personnel manual will allow for the implementation of a more effective county government which will benefit the citizens of Milam County through more efficient standards, and;

WHEREAS, the following elected officials and department heads agree to abide by and, fully implement the policies contained therein,

\_\_\_\_\_  
County Judge

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

\_\_\_\_\_  
County Auditor

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

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

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

\_\_\_\_\_  
Tax Assessor Collector

\_\_\_\_\_  
J.P. Pct. 1

\_\_\_\_\_  
J.P. Pct. 2

\_\_\_\_\_  
J.P. Pct. 3

\_\_\_\_\_  
J.P. Pct. 4

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

\_\_\_\_\_  
Commissioner Pct 1

\_\_\_\_\_  
Commissioner Pct. 2

\_\_\_\_\_  
Commissioner Pct. 3

\_\_\_\_\_  
Commissioner Pct. 4

\_\_\_\_\_  
Veteran's Service Officer

\_\_\_\_\_  
County Health Director

\_\_\_\_\_  
Constable Pct. 1

\_\_\_\_\_  
Constable Pct. 2

\_\_\_\_\_  
Constable Pct. 3

\_\_\_\_\_  
Constable Pct.4

\_\_\_\_\_  
Extension Office Rep.

\_\_\_\_\_  
District Judge

\_\_\_\_\_  
IT Director

WHEREAS, any and all previous policy manuals, implied policies, informal policies, verbal policies and written contracts whether known or unknown, are hereby rescinded and declared null and void.

NOW, THEREFORE BE IT, RESOLVED, that on this **22 day of November 2010** the Milam County Commissioners Court does hereby adopt, accept and place into effect this manual called the Milam County Personnel Policy Manual and it shall be in effect from this day forward until amended or rescinded by official order or resolution of the Milam County Commissioners Court.

/s/ Frank Summers

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**County Judge**

/s/ George Tomek

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**Commissioner Precinct No. 1**

/s/ Kenneth Hollas

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**Commissioner Precinct No. 2**

/s/ Dale Jaecks

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**Commissioner Precinct No. 3**

/s/ Burke Bauerschlag

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**Commissioner Precinct No. 4**

*This RECEIPT needs to be given to the  
Human Resource Director  
@ 103 West Main, Cameron Texas 76520.*

**RECEIPT OF MILAM COUNTY PERSONNEL POLICY MANUAL**

I, \_\_\_\_\_ an employee of the Milam County

\_\_\_\_\_ do acknowledge that I did receive a hard

copy or an email copy of the MILAM COUNTY PERSONNEL POLICY MANUAL that was

updated by the Milam County Commissioners' Court on August 22<sup>nd</sup>, 2011.

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

\_\_\_\_\_  
Date Received