

**BANDERA COUNTY
PERSONNEL POLICY MANUAL**

*ADOPTED ON
JANUARY 28, 1999
BY THE
BANDERA COUNTY
COMMISSIONERS' COURT*

Welcome to Bandera County!

We are glad to have you on the team of public servants that make up Bandera County government. From elected to temporary employees, our job is to serve our neighbors. All of us must work together to meet their needs, earn their respect, and deserve their support.

As taxpayers, we ourselves expect quality service from government. As public servants, we owe it to ourselves as well as our community to ensure that quality is what we provide.

This Personnel Policy is a brief reference on how we work as a team to provide that public service. Whether you are a new or experienced employee, this policy is designed to give you facts about the County, how it works, and the policies that govern us as employees.

Our community and its needs constantly change and your duties and county policies will change as well. The tradition of public service will always remain the same. You work for your community, and therefore yourself. The respect you show for your job and the public is a measure of the respect you have for yourself.

Sincerely,

Richard Evans

County Judge

County History

Bandera County was organized in 1856. The following were Elected Officials at that time:

O.B. Miles, County Judge
A. Hoffman, Sheriff
Irvin F. Carter, Tax Assessor
P.O. Pool, County Clerk

The present courthouse was completed in 1891. The courthouse had an estimated cost of \$19,910.00 and the contractor furnished all materials and labor. County officials at the time the building project was initiated were:

George T. Lincoln, County Judge
C.W. Harris, Commissioner Pct 1
A.H. Barter, Commissioner Pct 2
B.F. Bellows, Commissioner Pct 3
J.D. Harper, Commissioner Pct 4

On September 26, 1891, the Commissioners' Court inspected and accepted the courthouse building. An order was given to the Sheriff to take charge of the building and move the county offices.

Current Elected Officials

Richard Evans, County Judge

H. Bruce Elikor, Commissioner Pct. 1

Ronnie Basinger, Commissioner Pct. 2

Richard Keese, Commissioner Pct. 3

Doug King, Commissioner Pct. 4

Herschel Moore, Justice of the Peace Pct. 1

Bobbie Basinger, Justice of the Peace Pct. 2

Frances Kaiser, Justice of the Peace Pct. 3

Lynn Holt, Justice of the Peace Pct. 4

Phil Tobin, Constable Pct. 1

Ernest Reich, Constable Pct. 2

Don Walters, Constable Pct. 3

Bill Stanton, Constable Pct. 4

James MacMillan, Sheriff

Candy Wheeler, County Clerk

Tammy Kneuper, District Clerk

Kay Welch, County Treasurer

MaeVion Meyer, County Tax Assessor/Collector

Kerry Schneider, County Attorney

**BANDERA COUNTY PERSONNEL POLICY
TABLE OF CONTENTS**

1. COUNTY EMPLOYMENT

Employment at Will.....	1.01
Employee Status.....	1.02
Equal Employment Opportunity.....	1.03
Application for Employment.....	1.04
Nepotism.....	1.05

2. EMPLOYEE BENEFITS

Vacation.....	2.01
Sick Leave.....	2.02
Holidays.....	2.03
Law Enforcement Holidays.....	2.03A
Jury Duty Leave.....	2.04
Military Leave.....	2.05
Funeral Leave.....	2.06
Personal Leave.....	2.07
Insurance.....	2.08
Workers' Compensation.....	2.09
Retirement.....	2.10
Social Security.....	2.11
Family and Medical Leave.....	2.12
Inter-Department Transfers.....	2.13

3. WORK RULES AND EMPLOYEE RESPONSIBILITIES

Attendance and Timeliness.....	3.01
County Property-Vehicles & Equipment.....	3.02
Conflict of Interest.....	3.03
Political Activities.....	3.04
Safety.....	3.05
Sexual Harassment.....	3.06

4. PAYROLL

Pay Periods and Time Sheets.....	4.01
Compensation.....	4.02
Payroll Deductions.....	4.03
Work Schedule.....	4.04
Hours Worked and Overtime.....	4.05
Overtime Compensation.....	4.06

5. GRIVANCES

Grievances..... 5.01

6. DISCIPLINE

Discipline..... 6.01

7. DRUGS AND ALCOHOL

Drugs and Alcohol..... 7.01

8. SEPARATIONS

Separations..... 8.01

ATTACHMENT I

BANDERA COUNTY SICK LEAVE POOL POLICY

ATTACHMENT II

BANDERA COUNTY CORPORATE POLICY FOR THE
ELIMINATION OF SUBSTANCE ABUSE IN THE
WORKPLACE

**BANDERA COUNTY
POLICY ON EMPLOYMENT AT WILL**

EMPLOYMENT AT WILL

1. All employment with Bandera County shall be considered “at will” employment.
2. No contract of employment shall exist between any individual and Bandera County for any duration, either specified or unspecified.
3. Bandera County shall have the right to terminate the employment of any employee for any reason, or no reason, at any time either with or without notice.

**BANDERA COUNTY
POLICY ON EMPLOYEE STATUS**

FULL TIME

1. A full time employee shall be any employee in an authorized position which has a normal work schedule that averages 40 hours per week.

PART TIME

2. A part time employee shall be any employee in an authorized position which has a normal work schedule of less than 40 hours per week.

TEMPORARY

3. A temporary employee shall be any employee who is hired into an authorized position which is expected to last for some specific duration, should not exceed six months, or until a specific project is completed.

4. Temporary employees may be either full time or part time.

REGULAR

5. A regular employee shall be any employee hired into an authorized position which is not considered temporary.

6. Regular employees may be either full time or part time.

EMPLOYMENT

7. 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.

**BANDERA COUNTY
POLICY ON EQUAL EMPLOYMENT OPPORTUNITY**

EQUAL OPPORTUNITY

1. It shall be the policy of Bandera County to be an equal opportunity employer.
2. Race, color, religion, national origin, sex, age, sexual preference, 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 bonafide occupational qualification (BFQQ) exists.

REASONABLE ACCOMMODATION

3. 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 no-disabled individuals.
4. Reasonable accommodation shall be determined through consultation with the disabled individual and, where deemed necessary, through consultation with outside resources.

**BANDERA COUNTY
POLICY ON APPLICATION FOR EMPLOYMENT**

APPLICATION PROCEDURE

1. Applications will only be accepted for job openings in authorized positions. Applications will be made available from the department in which the opening exists.
2. All applicants will receive a standard job application form and a job description for the posted position.

SELECTION

3. 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.

DISQUALIFICATION

4. An applicant shall be disqualified from consideration for employment if he/she:
 - a. Does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying;
 - b. 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. Has committed or attempted to commit a fraudulent act at any stage of the application process; or
 - d. Is not legally permitted to hold the position.

**BANDERA COUNTY
POLICY ON NEPOTISM**

HIRING OF RELATIVES

1. Nepotism is the exercise of favoritism in employment, appointments, or other patronage toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by Bandera County.

2. In accordance with the Texas Nepotism Statutes, VTCA Government Code 573, and elected or appointed official of Bandera County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he or she supervises.

**BANDERA COUNTY
POLICY ON VACATION**

ELIGIBILITY

1. All full-time regular employees shall be eligible for vacation benefits.
2. Part-time and temporary employees shall not be eligible for vacation benefits.

ACCRUAL RATE

3. Employees who have worked for less than five (5) years in a regular full-time position eligible to receive vacation shall accrue vacation at the rate of .833 working days per month, which is equivalent to 10 working days per year.
4. Employees who have worked for five (5) but less than ten (10) years in a regular full-time position eligible to receive vacation shall accrue vacation at the rate of one (1) working day per month, which is equivalent to twelve (12) working days per year.
5. Employees who have worked for ten (10) or more years in a position eligible to receive vacation shall accrue vacation at the rate of 1.25 working days per month, which is equivalent to 15 working days per year.
6. For purposes of this policy, a working day shall be defined as an 8-hour day.
7. Vacation shall not be accrued while an employee is on leave without pay.

INITIAL ACCRUAL AND WAITING PERIOD

8. Accrual of vacation shall begin at the time and employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of six (6) months in such a position before being eligible to take any vacation.

MAXIMUM ACCRUAL

9. The maximum amount of unused vacation an employee shall be allowed to have at one time is twenty (20) days, 160 hours. Any days accrued in excess of this limit must be taken as vacation time off prior to the employees anniversary date of employment. Failure to take this time off will result in forfeiture of the excess accrual unless the conditions of paragraph 10 are met.

POLICY ON VACATION

MAXIMUM ACCRUAL (contd.)

10. 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;
 - b. The request is approved by the Commissioners' Court; and
 - c. If granted, the excess vacation time must be taken within 90 days or the request must be re-submitted.

SCHEDULING

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

MINIMUM USAGE

12. The minimum amount of vacation that may be taken at one time shall be one-half (1/2) day.

BORROWING

13. 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 VACATION

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

HOLIDAY DURING VACATION

15. 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

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

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

POLICY ON VACATION

RECORD KEEPING

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

**BANDERA COUNTY
POLICY ON SICK LEAVE**

ELIGIBILITY 1. All full time regular employees shall be eligible for the paid sick leave benefit.

ACCRUAL RATE 2. Eligible employees shall accrue sick leave at a rate of eight (8) hours per month.

3. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

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

USE OF SICK LEAVE

5. 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; or
c. To attend to the illness or injury of a member of the employee's immediate family.

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

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

NOTIFICATION 8. 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.

9. 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.

POLICY ON SICK LEAVE

NOTIFICATION (contd.)

10. 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.

11. 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.

12. Supervisor should notify the Treasurer's Office of any employee's absence that will exceed three (3) days in order to determine sick leave availability, FMLA eligibility, or sick leave pool eligibility.

DOCUMENTATION

13. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a Bandera County Physical Capabilities form completed by their physician.

14. Documentation requirements shall also apply in situations where the absence is for the care of a member of the immediate family. A physician's statement or other acceptable documentation would be acceptable.

15. 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.

MINIMUM USE

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

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

PAY AT TERMINATION

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

POLICY ON SICK LEAVE

SICK LEAVE POOL

19. Bandera County Commissioners Court has established a program to allow employees to transfer earned sick leave to a sick leave pool. This authority is granted in VTCA Local Government Code, Chapter 157, Subchapter E, Sections 157.071-157.075.

20. Please refer to the “BANDERA COUNTY SICK LEAVE POOL POLICY” (Attachment I).

**BANDERA COUNTY
POLICY ON HOLIDAYS**

ELIGIBILITY 1. All full time regular employees shall be eligible for the paid holiday benefit.

HOLIDAYS 2. The County holidays for the following calendar year shall be determined annually by the Bandera County Commissioners' Court.

HOLIDAY DURING VACATION

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

HOLIDAY ON DAY OFF

4. If a designated holiday falls on an eligible employee's scheduled day off, the employee shall be allowed to take another day off with pay during the following 30 days.

5. 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 6. 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 30 days equivalent to the amount of time worked on the holiday.

SPECIAL OBSERVANCES

7. Special consideration shall be given to employee's requesting time off for religious or other special observances which are not designated as paid holidays for the County.

8. 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.

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

ACCRUAL 10. A maximum of 48 hours holiday personal leave time may be carried over to the following year; only if every effort has been made to allow employees to use their holiday personal leave.

**BANDERA COUNTY
POLICY ON HOLIDAYS
PERTAINING TO LAW ENFORCEMENT**

- ELIGIBILITY** 1. All full time regular employees of law enforcement departments.
- HOLIDAYS** 2. Eligible employees shall receive holiday personal leave time equal to the number of hours of holiday time approved by the Commissioners' Court each year when they set the official County holidays.
3. Employees hired after January 1 of any given year shall receive holiday personal leave for the remaining county holidays for that year.
- COMPUTATION** 4. Each designated holiday is considered 8 hours for purposes of calculating the holiday personal leave time.
5. Holiday personal leave time is calculated on a calendar basis.
- USAGE** 6. Law Enforcement employees must coordinate and receive approval from their supervisors prior to any usage of holiday personal leave time.
- ACCRUAL** 7. A maximum of 48 hours holiday personal leave time may be carried over to the following year; only if every effort has been made to allow employees to use their holiday personal leave.
- PAYBACK** 8. Any deputy, dispatchers, or jailers leaving employment prior to the completion of the calendar year may owe hours back to the County if they have taken all holiday personal leave time prior to the completion of the calendar year. These hours will have to be calculated and applied towards the final paycheck. It is permissible for the employee to take time off at any time during the year, only those leaving service prior to the end of the year may have to pay back holiday personal leave time.

**BANDERA COUNTY
POLICY ON JURY DUTY LEAVE**

JURY DUTY

1. Employees of Bandera 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.
2. 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.
3. Employees will not be allowed to accept any fees for jury service from Bandera County.
4. Employees serving on the jury in a jurisdiction other than Bandera County will be allowed to accept the fees.

OFFICIAL COURT ATTENDANCE

5. 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

6. If an employee is absent from work due to 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.

**BANDERA COUNTY
POLICY ON MILITARY LEAVE**

GUARD AND RESERVE

1. 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.
2. 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.
3. 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.
4. An employee may use vacation leave, personal 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

5. 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

6. 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.

**BANDERA COUNTY
POLICY ON FUNERAL LEAVE**

FAMILY FUNERAL LEAVE

1. Employees shall be allowed up to three days leave with pay for a death in the immediate family.
2. For purposes of this policy, immediate family shall include the employee's spouse and the child, parent, grandparents, grandchildren, brother or sister of the employee or the employee's spouse.

ADDITIONAL LEAVE

3. 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.

**BANDERA COUNTY
POLICY ON PERSONAL LEAVE**

ELIGIBILITY 1. All full time regular employees shall be eligible for the paid personal leave benefit after completing 1 year of service as a full time regular employee.

ACCRUAL RATE 2. Eligible employees shall accrue 3 work days per calendar year effective January 1 of each year.

MAXIMUM ACCRUAL

3. The maximum amount of personal days an employee shall be allowed to have is 3 work days. Unused personal leave shall not be carried forward into the next calendar year.

USE OF PERSONAL LEAVE

4. Personal leave may be used for any lawful purpose that the employee chooses.

5. All use of personal leave must be approved by his/her supervisor before actual use.

MINIMUM USE 6. The minimum amount of personal leave that an employee may use at any time shall be one-half (1/2) day.

PAY AT TERMINATION

7. Employees shall not be paid for unused personal leave at the termination of employment.

**BANDERA COUNTY
POLICY ON INSURANCE**

ELIGIBILITY

1. All full time regular employees shall be eligible for the group medical, life, and/or dental insurance benefit on the first (1st) of the month following ninety (90) days from date of employment.
2. The County will pay a portion of the premium for the group medical and dental coverage of eligible employees. The amount paid by the county will be determined annually by Commissioners' Court. The balance of the premium will be paid by the employee.

DEPENDENT COVERAGE

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

LIFE INSURANCE

5. Life insurance is provided to all eligible employees. Bandera County pays the premium. Eligible employees may cover their eligible dependents, paying the full premium through payroll deductions.

DENTAL INSURANCE

6. Dental insurance is available to all eligible employees. Eligible employees may cover their eligible dependents, paying premiums through payroll deduction.

OTHER INSURANCE

7. Other insurance policies may be offered to all eligible employees on an annual basis through our insurance provider. The employee will pay for all costs of these benefits through a payroll deduction from their paycheck each pay period.
8. Employees may only make changes to their insurance coverage during annual open enrollment period or if they have a qualifying life experience.

INFORMATION

9. Details of coverage under the available insurance plans are available in the County Treasurer's Office and may be obtained during the normal working hours for that office.

**BANDERA COUNTY
POLICY ON WORKERS' COMPENSATION**

ELIGIBILITY

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

BENEFITS

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

3. 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

4. Any employee who suffers a job related illness or injury shall be required to notify his/her supervisor as soon as possible.

5. The employee who suffers a job related injury or illness must report to the County Treasurer's Office within one working day (if physically capable) to file a written report. If not physically capable, he/she must report when able.

6. 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

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

CONTRIBUTORY FACTORS

8. 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.

9. A workers' comp injury may qualify an injured employee for FMLA.

**BANDERA COUNTY
POLICY ON RETIREMENT**

- ELIGIBILITY** 1. Regular employees who work 900 or more hours per year shall be eligible for the retirement benefit through the Texas County and District Retirement System.
- CONTRIBUTIONS** 2. Eligible employees shall make contributions to the retirement program through a system of payroll deduction.
3. Bandera County shall make a contribution to each eligible employee's retirement account as provided by State law and approved by Commissioners' Court.
- INFORMATION** 4. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

**BANDERA COUNTY
POLICY ON SOCIAL SECURITY**

SOCIAL SECURITY

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

CONTRIBUTIONS 2. Contributions to this program shall be made by deductions from each employee's paycheck in accordance with the requirements of this program.

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

**BANDERA COUNTY
POLICY ON FAMILY AND MEDICAL LEAVE**

ELIGIBILITY

1. To be eligible for benefits under this policy, an employee must:
 - a. Have worked for Bandera County at least 12 months (it is not required that these 12 months be consecutive); and
 - b. Have worked at least 1250 hours during the previous 12 months.

QUALIFYING EVENTS

2. Family or medical leave under this policy may be taken for the following situations:
 - a. The birth of a child and in order to care for that child;
 - b. The placement of a child in the employee's home for adoption or foster care;
 - c. To care for a spouse, child, or parent with a serious health condition; or
 - d. The serious health condition of the employee.

SERIOUS HEALTH CONDITION

3. 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.
4. 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

5. Up to 12 weeks leave per 12-month period may be used under this policy.
6. 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.
7. 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.
8. 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.

POLICY ON FAMILY AND MEDICAL LEAVE

PAID AND UNPAID LEAVE

9. 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.

10. An employee who is taking leave because of the employee's own serious health condition, or the serious health condition of an eligible family member, shall be required to first use all paid sick leave, vacation leave, and any other accrued paid leave with the rest of the 12-week leave period being without pay.

11. An employee taking leave for the birth of a child shall be required to take paid sick leave, vacation leave, and any other accrued paid leave for the recovery period after the birth of the child prior to going on leave without pay.

12. 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, except for sick leave, prior to going on leave without pay.

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

INSURANCE

14. 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.

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

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

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

POLICY ON FAMILY AND MEDICAL LEAVE

INTERMITTENT LEAVE AND REDUCED SCHEDULE (contd.)

18. 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.
19. 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.
20. 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.

PHYSICIAN'S STATEMENT

21. 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.
22. The employee should respond to the request within 15 days of the request or provide a reasonable explanation for the delay.
23. Certification of the serious health condition of the employee shall include:
 - a. The date the condition began;
 - b. Its expected duration;
 - c. The diagnosis of the condition;
 - d. A brief statement of the treatment; and
 - e. 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.
24. Certification of the serious health condition of an eligible family member shall include:
 - a. The date the condition began;
 - b. Its expected duration;
 - c. The diagnosis of the condition;
 - d. A brief statement of treatment; and
 - e. A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

POLICY ON FAMILY AND MEDICAL LEAVE

PHYSICIAN'S STATEMENT (contd.)

25. 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.

26. 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.

27. 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

28. Except where leave is unforeseeable, and employee shall be required to submit, in writing, a request for leave under this policy to his/her department head.

29. Where practicable, an employee should give his/her department head at least 30 days notice before beginning leave under this policy.

30. 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 reasonable practicable.

31. 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 32. 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.

33. 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.

POLICY ON FAMILY AND MEDICAL LEAVE

REINSTATEMENT (contd.)

34. 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

35. Except in situation 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, and 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 36. 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 37. 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.

**BANDERA COUNTY
POLICY ON INTER-DEPARTMENT TRANSFER**

ELIGIBILITY

1. All regular and temporary, full or part time, Bandera County Employees shall be eligible to apply for posted positions in other departments in Bandera County.
2. The employee making application should have the necessary qualifications for the posted position.

PROCEDURE

3. Employee must make application to the hiring official with the open posted position.
4. Hiring official will review application, interview, and determine application status in the same manner as other applicants, following FLSA regulations.
5. Employee's grade and step will be determined in accordance with Bandera County Pay Plan.
6. The effective date of the inter-department transfer shall be negotiated between both the hiring official and the official losing the employee, within a reasonable time period. This date shall also coincide with the beginning of a pay period.
7. The employee shall maintain original anniversary dates with regards to vacation, sick leave, and retirement benefits.

ACCRUED PAID LEAVE

8. Vacation shall be carried with employee to new department.
9. Sick leave shall be carried with employee to new department.
10. Comp time shall be paid out and charged to the department that allowed the accrual.
11. Any other paid leave authorized by Commissioners' Court shall be carried with employee to new department.

**BANDERA COUNTY
POLICY ON ATTENDANCE AND TIMELINESS**

ATTENDANCE

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

TARDINESS

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

3. 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

4. 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 reasonable practicable of the circumstances causing the tardiness or absence.

EXCUSED AND UNEXCUSED

5. 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.

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

ABANDONMENT OF POSITION

7. 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.

**BANDERA COUNTY
POLICY ON COUNTY PROPERTY
VEHICLES AND EQUIPMENT**

RESPONSIBILITY 1. 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.

2. Necessary repairs must be reported to the Department Head before any expenditure of funds.

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

PERSONAL USE 4. Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted.

LICENSES 5. A 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.

6. 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.

7. 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.

8. 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.

ACCIDENTS 9. 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.

10. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge.

**BANDERA COUNTY
POLICY ON CONFLICT OF INTEREST**

CONFLICT OF INTEREST

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

PROHIBITED ACTIVITIES

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

**BANDERA COUNTY
POLICY ON POLITICAL ACTIVITY**

POLITICAL ACTIVITY

1. Employees of Bandera County shall have the right to support candidates of their choice and to engage in political activity during their personal time.
2. County employees shall not:
 - a. Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
 - b. Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or
 - c. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

**BANDERA COUNTY
POLICY ON SAFETY**

SAFETY STANDARDS

1. 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 in which he/she works.

VIOLATIONS

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

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

REPORTING

4. Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head.

**BANDERA COUNTY
POLICY ON SEXUAL HARASSMENT**

POLICY

1. It shall be the policy of Bandera County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.
2. Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment.

DEFINITION

3. Sexual harassment shall include, but not be limited to, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:
 - a. Submission to such conduct is either an expressed or implied condition of employment;
 - b. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
 - c. The conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

CLAIMS

4. All claims of sexual harassment shall be taken seriously and investigated.
5. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.
6. No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment.

REPORTING

7. Employees who feel they have been sexually harassed should immediately file a written report of the situation to the elected or appointed official who is responsible for the department in which they work and a copy to the County Judge.
8. 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.
9. 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.

POLICY ON SEXUAL HARASSMENT

REPORTING (contd)

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

OTHER RIGHTS

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

**BANDERA COUNTY
POLICY ON PAY PERIODS AND TIME SHEETS**

PAY PERIOD

1. The pay period for Bandera County shall be a semi-monthly pay period with checks being issued on the fifteenth (15th) and the last day of each month or any other pay periods as may be established by Commissioners Court.
2. 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

3. Each employee, whether exempt or non-exempt, shall be required to fill out and sign the appropriate standard timesheet. This timesheet is to be submitted to his/her supervisor.
4. A schedule of the dates and times that time sheets are due will be published by the County Treasurer's Office at the beginning of each calendar year.
5. 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

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

**BANDERA COUNTY
POLICY ON COMPENSATION**

- APPLICATION**
1. This policy shall apply to all County employees except law enforcement employees.
 2. Compensation for law enforcement employees shall be handled in accordance with the policies established in the Sheriff's Department with the approval of the Commissioners' Court.

SALARIED EMPLOYEES

3. All County employees shall be paid on a monthly salary basis.
4. For full time regular employees, the monthly salary compensates the employee for all hours worked up to 40 in any workweek.
5. For part time regular employees, the monthly salary compensates the employee for all hours worked in a workweek up to the amount designated by the County for the position.
6. Salaried employees shall be paid for half their monthly salary on each payday.

- TEMPORARY**
7. Temporary employees shall be paid hourly at a wage established by the budget for that position.

**BANDERA COUNTY
POLICY ON PAYROLL DEDUCTIONS**

REQUIRED DEDUCTIONS

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

RETIREMENT

2. 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

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

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

**BANDERA COUNTY
POLICY ON WORK SCHEDULE AND WORKWEEK**

WORK SCHEDULE

1. 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

2. 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.

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

WORKDAY

4. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

WORKWEEK

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

**BANDERA COUNTY
POLICY ON HOURS WORKED AND OVERTIME**

HOURS WORKED 1. Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations.

OVERTIME APPLICATION

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

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

OVERTIME DEFINITION

4. Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek

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

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

7. Accrued sick leave cannot be used to accumulate extra hours paid, whether straight time or overtime.

**BANDERA COUNTY
POLICY ON OVERTIME COMPENSATION**

POLICY APPLICATION

1. This policy shall apply to all County employees eligible for overtime compensation under the Fair Labor Standards Act (FLSA) except for law enforcement employees.
2. Overtime for law enforcement employees shall be handled in accordance with the policy for overtime compensation established by the Sheriff's Department.

OVERTIME COMPENSATION

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

MAXIMUM COMPENSATORY TIME

5. The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours except for law enforcement, which may accrue 480 hours.
6. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

USE OF COMPENSATORY TIME

7. Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works.
8. Compensatory time may be used for any purpose desired by the employee.
9. The County shall retain the right to control the accumulation of compensatory time by requiring an employee to use earned compensatory time at the discretion of the County.

POLICY ON OVERTIME COMPENSATION

TERMINATION 10. 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 COMPENSATORY TIME

11. 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

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

RECORD KEEPING

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

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

OTHER ISSUES 15. 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.

**BANDERA COUNTY
POLICY ON GRIEVANCES**

PROCEDURE

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

2. 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 the final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.

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

**BANDERA COUNTY
POLICY ON DISCIPLINE**

DISCIPLINE

1. Each department head, supervisor or foreman 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

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

AT WILL EMPLOYMENT

3. 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.

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

**BANDERA COUNTY
POLICY ON DRUGS AND ALCOHOL**

ADOPTION

1. The Bandera County Commissioners' Court on February 2, 1996 adopted a "Corporate Policy For Elimination Of Substance Abuse In The Workplace". This Policy is attached as Appendix II.

APPLICABILITY

2. All employees of Bandera County regardless of rank or position, including temporary and part-time employees, performing "safety sensitive" jobs, as defined in individual job descriptions, and/or D.O.T. regulated jobs will be subject to the pre-employment testing requirements of the Policy.

3. All other employees, although not subject to pre-employment testing, will be required to follow the policy regarding substance abuse in the workplace.

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

RESERVATION OF RIGHTS

5. Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

**BANDERA COUNTY
POLICY ON SEPARATIONS**

DEFINITION

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

TYPES OF SEPARATION

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

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

RESIGNATION

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

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

RETIREMENT

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

6. 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

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

8. Bandera County is an "at will" employer and a supervisor may dismiss an employee at any time for any reason or no reason, with or without notice.

REDUCTION IN FORCE

9. 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.

POLICY ON SEPARATIONS

DEATH

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

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

OTHER

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

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

NOTIFICATION

14. 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 Judge and the County Treasurer.

ATTACHMENT I

BANDERA COUNTY

SICK LEAVE POOL POLICY

(ADOPTED NOVEMBER 17, 1997)

**BANDERA COUNTY
SICK LEAVE POOL POLICY**

PURPOSE

1. The purpose of this policy is to provide a Sick Leave Pool Policy which will enable County employees to voluntarily transfer sick leave time earned by the employee to a county sick leave pool and to permit employees to draw time in the event of a catastrophic injury or illness.

DEFINITIONS

2. Eligible employees will be any employee earning sick leave time that has completed one year of employment. Elected officials will not be considered eligible employees.

3. Catastrophic injury or illness is one that prevents an employee from performing the functions of his/her job for an extended period of time.

4. Examples of illness/injuries generally considered severe enough to be catastrophic include but are not limited to:

- a. Stroke with residual paralysis or weakness;
- b. Incapacitating heart attack;
- c. Major surgery (for example-hysterectomy, mastectomy, heart bypass, prostate surgery);
- d. Hepatitis; and/or
- e. Broken hip

5. Examples of illnesses/injuries that generally would not be considered severe enough to be catastrophic include but would not be limited to:

- a. Broken limb;
- b. Cold/allergy;
- c. Certain types of surgery with minor or no complications; and/or
- d. Pregnancy with minor or no complications.

PROCEDURES

6. The County Treasurer is designated the administrator of the Sick Leave Pool Policy responsible for the administration of the Pool in accordance with this policy. In addition to the Treasurer, two other elected officials shall serve on the Sick Leave Pool Committee. The members of the committee shall be named by Commissioners' Court. The treasurer, as administrator, will approve, in writing, contributions to the Pool. A report will be made to Commissioners' Court for any activity in the Pool.

7. An eligible employee may contribute a maximum of 40 hours of earned accrued sick leave (in increments of 8 hours) to the Pool each fiscal year. Contributions are strictly voluntary. Sick leave time will be deleted from the employees sick leave as if he/she had used it and credited to the Sick Leave Pool Fund.

SICK LEAVE POOL POLICY

PROCEDURES (contd.)

8. To apply for use of time from the Sick Leave Pool, and eligible employee must complete a Request for Pool Leave form and submit it to the Administrator along with a copy of Certificate of Illness/Injury. The Certificate of Illness/Injury must be completed by both employee and a licensed physician.
9. The Committee will review each request on an individual basis to determine whether the condition is appropriate to be considered catastrophic and eligible to receive a grant of sick leave from the Pool.
10. An employee who is unable to work due to illness/injury and who has exhausted all paid leave may be eligible for leave under this policy.
11. An employee need not have contributed to the Sick Leave Pool to be eligible to receive time from the Pool.
12. An employee who contributes to the Pool and then exhausts his/her regular sick leave within the same fiscal year may retrieve the amount of time he/she contributed that fiscal year (if available) even if employee does not have a catastrophic illness/injury.
13. Eligible employees may be granted up to a maximum of one-third (1/3) of the total time in the Pool or ninety days, whichever is the lesser. Available Pool leave is to be granted on a first-come, first-serve basis.
14. Employees on Pool Leave will not accrue vacation, sick leave, and personal leave during the period of time on Pool Leave. Holidays that occur during Pool Leave are not counted as Pool Leave time.
15. The Committee may require the requesting employee to provide additional information or documentation to determine whether to approve a request for Pool Leave. The Administrator will respond to each request as promptly as possible. Normally approval, denial, or additional requirements will take place within three (3) business days.
16. The estate of a deceased employee is not entitled to payments for unused sick leave acquired by the employee from the County Sick Leave Pool.

ATTACHMENT II

BANDERA COUNTY

**CORPORATE POLICY
FOR THE
ELIMINATION OF SUBSTANCE ABUSE IN THE
WORKPLACE**

**PROGRAM ADMINISTRATOR:
COMPLIANCE MARKETING, INC.**

CORPORATE POLICY

TABLE OF CONTENTS

	Page
SECTION I – PURPOSE	1
SECTION II – SCOPE	1
SECTION III – POLICY	1
SECTION IV – PROTOCOL	2
SECTION V – ILLEGAL SUBSTANCES DEFINED	2
SECTION VI – PRESCRIPTION DRUGS	3
SECTION VII – SEARCHES	3
SECTION VIII – TESTING	3
A. Criteria For Screening	3
1. Pre-Employment	3
2. Random	3
3. Reasonable Cause	3
4. Post-Accident	4
5. Return to Duty and Follow Up	4
6. Pre-Access	4
7. Periodic	4
8. Annual	4
9. Alcohol	4
B. Approved Laboratory	5
C. Testing Procedures	5
D. Levels of Detection	5
SECTION IX – REPORTING OF RESULTS	6

SECTION X – DISCIPLINE	6
A. Pre-Employment	6
B. Random	7
C. Reasonable Cause	7
D. Post-Accident	7
E. Return To Duty and Follow-Up	7
F. Pre-Access/Periodic/Annual	7
G. Refusal To Submit	7
H. Client Policies	7
SECTION XI – APPEALS PROCESS	7
SECTION XII – ELIGIBILITY FOR RE-EMPLOYMENT	8
SECTION XIII – EVALUATION, REFERRAL, REHABILITATION	8
SECTION XIV – RECORD KEEPING	8
SECTION XV – EMPLOYEE ASSISTANCE PROGRAM	9

BANDERA COUNTY
CORPORATE POLICY
FOR
ELIMINATION OF SUBSTANCE ABUSE IN THE WORKPLACE

SECTION I. PURPOSE

This statement of policy of **Bandera County** presents the policy and procedures regarding **SUBSTANCE ABUSE IN THE WORKPLACE**, specifically; (1) use, possession and sale of illegal drugs, (2) the misuse of legal drugs, and (3) use or abuse of alcohol in the workplace.

In order to assure a safe, efficient and drug free working environment; as we cannot afford the loss that substance abuse in the workplace will cost in the form of employees, on the job accidents, absenteeism, low-productivity or poor quality work, and to comply with various local, state, and federal regulations, **Bandera County** (hereinafter known as the Company), is committed to having a Zero Tolerance Substance Abuse Program and maintaining a drug-free workplace.

The rules, regulations, and procedures within this policy have been established to promote a drug and alcohol free work environment for all company employees and the general public. The company recognizes that a successful approach to the problems attendant to substance abuse requires education, counseling, assistance, deterrents, and discipline. Confidentiality, consistent with legal, safety and security considerations, is also fundamental to this policy.

SECTION II. SCOPE

This policy applies, as a minimum standard, to all regular and part-time employees of the Company, all leased employees, all subcontractors, lower-tier contractors and their agents, vendors, suppliers and employees.

All employees performing “safety sensitive” jobs (jobs where their actions affect the safety of themselves, their fellow employees and/or the general public), and/or DOT regulated jobs are subject to all federal and state regulations and requirements in addition to this general Company Policy. (See DOT Addendum)

SECTION III. POLICY

Implementation of this anti-drug plan was effective on **February 2, 1996.**

The possession, use, sales, attempted sale, manufacture, purchase or transfer of illegal paraphernalia, controlled substances, mind altering chemicals, alcohol, or a Schedule I through V drug of the schedule of Controlled Substances of the Drug Enforcement Agency is forbidden on any worksite, in any vehicle, on any vessel, at any labor camp, in any parking lot or other facility utilized for business purposes by the Company or its employees. Employees and others as defined, will not work, operate any company equipment or vehicle, or enter into or onto any

company property, premise or facility if they are under the influence of any controlled substance, unprescribed drugs or alcohol.

Violation of this rule will be considered substance abuse and will be grounds for disciplinary action up to and including termination or employment, as will refusal to submit to a substance abuse screening and refusal to cooperate in reasonable searches as described.

SECTION IV. PROTOCOL

All employees will be required to sign a form acknowledging receipt of the Company Substance Abuse Policy.

All employees will have the opportunity, after review of the policy, to ask questions or clarify any points of the policy.

All employees will be required to sign a statement that they have reviewed the policy and have had the opportunity to discuss with management any questions or clarifications concerning the policy, and that they agree to accept and abide by the policy.

All employees will be required to sign a testing acknowledgment form. Employees refusing to sign the acknowledgment form will be asked to present their objections to management. After review of this objection by management, a meeting will be held between the employee and management as to the status of the employee. Status may include termination.

SECTION V. ILLEGAL SUBSTANCES DEFINED

A. Illegal drugs, illicit or controlled substances, mind altering chemicals include, but are not limited to:

1. Alcohol
2. Amphetamine
3. Barbiturates
4. Benzodiazepine
5. Cocaine
6. Codeine
7. LSD
8. Marijuana
9. Methamphetamine
10. Methadone
11. Methaqualone
12. Oxazepam
13. PCP
14. Prescriptions written for other than the employee
15. Other designer or look alike substance
16. Any drug which can impair full functioning ability

- B. Contraband items include, but are not limited to:
 - 1. Drug related paraphernalia
 - 2. Drug delivery systems

SECTION VI. PRESCRIPTION DRUGS

While the use of properly dispensed prescription drugs is not a violation of Company policy, employees who are taking prescribed medication that can cause drowsiness, that may impair their ability to operate machinery or that have other noticeable side effects, must report the drug use to their supervisor and/or management prior to engaging in work. This will allow the Company to evaluate the need for rearranging work assignments if there is a potential hazard presented by the use of such medication.

SECTION VII. SEARCHES

The Company reserves the right to make general or random searches of Company or employee personal property on or in company-owned or controlled equipment and facilities for prohibited drugs, drug paraphernalia or alcohol. If the Company has reasonable cause to suspect that an employee or group of employees may be in possession of prohibited drugs, drug paraphernalia or alcohol in violation of this policy, the Company may request such person(s) submit to a personal search. In addition, employee personal property on Company property is subject to inspection at any time. If prohibited drugs, drug paraphernalia or alcohol are found, the involved employee(s) will be subject to immediate termination. Refusal to submit to a search shall also be grounds for immediate termination.

SECTION VIII. TESTING

- A. Criteria For Screening.
 - 1. Pre-employment: All applicants will be screened before placement. Employment will be denied to an applicant whose test reveals the presence of a prohibited substance or derivative thereof.

All current employees who are transferred from a non-safety sensitive position to a safety sensitive position must pass a pre-employment drug screen before performing the safety sensitive position.
 - 2. Random: Employees of the Company, all subcontractors, lower-tier contractors and their agents, vendors, suppliers and employees are subject to impromptu, unannounced, or random screening for drug or alcohol abuse (see DOT Addendum).
 - 3. Reasonable Cause: Any employee may be tested based on a reasonable belief that the employee may be under the influence of prohibited

substances. The reasonable belief is based on, but may not be limited to the following conditions:

- a) Excessive absenteeism
 - b) Excessive tardiness
 - c) Physical evidence (i.e. stumbling, slurred speech, dilated pupils)
 - d) Noted differences or decline in quality of work
 - e) A credible eyewitness report of possession or use of drugs on the job
4. Post Accident: All employees who are involved in an accident in which at least one person requires a doctor's care are subject to a post-accident drug test. (Example: In a case where an employee is injured as a result of another employee's negligence, both employees will be requested to submit to a drug screen).
 5. Return To Duty/Follow-up: An employee whose drug screen is determined to be positive will be subject to disciplinary action up to and including termination. An employee may be given an opportunity to retain his or her employment on the condition that the employee first pass a return to duty drug screen. An employee who returns to duty shall be subject to a reasonable program of follow-up drug testing, without prior notice, for up to 60 months after his or her return to duty. The employee will be responsible for payment of the return to duty test and follow-up testing.
 6. Pre Access Testing: Testing required by certain "clients" prior to employees of the Company gaining access to their properties.
 7. Periodic Testing: Testing required by either the Company or certain "clients". Periodic testing may be conducted on a specific group of employees, or on all employees, as determined by the Company or by a client of the Company.
 8. Annual Testing: To comply with certain clients requirements, company employees performing work for such clients, who have not been drug and/or alcohol tested within the previous 12-months prior to performing work for such clients, may be required to submit to an Annual drug and/or alcohol test.
 9. Alcohol Testing: All employees, permanent, part-time and leased, as a condition of employment, are required to submit breath, saliva, urine and/or blood (for alcohol confirmation only) specimens on demand by the Company and/or as outlined by DOT (See DOT Addendum)

B. Approved Laboratory

1. DOT drug screening will be conducted at only SAMHSA/DHHS/DOT approved laboratories.
2. Non-DOT drug screening will be conducted at only certified Laboratories.

C. Test Procedure

1. Initial test to be a screening methodology known as enzyme immunoassay (EMIT).
2. Confirmation will be done by a second more specific test known as gas chromatography/mass spectrometry (GC/MS).
3. Initial alcohol test to be a screening by saliva strip or breathalyzer.
4. Alcohol confirmation to be by blood/alcohol test.
5. Alcohol and/or drugs other than those specified by DOT which are part of the Company policy will be tested for by separate test as required by DOT regulations.
6. Test results will be given only as positive or negative.

D. Levels Of Detection

The criteria for positive will be at or above the following levels. Any or all of the following may be included:

Non-DOT Initial Testing

Drug Tested	Test Cut-Off Levels
Amphetamines	1000 nanograms/milliliter
Barbiturates	300 nanograms/milliliter
Benzodiazepines	300 nanograms/milliliter
Cocaine metabolites	300 nanograms/milliliter
Cannabinoid metabolites	50 nanograms/milliliter
Opiates	300 nanograms/milliliter
Phencyclidine (PCP)	25 nanograms/milliliter
Methadone	300 nanograms/milliliter
Methaqualone	300 nanograms/milliliter
Alcohol (ethanol)	Detection

Non-DOT Confirmation Testing

Drug Tested	Test Cut-Off Levels
Amphetamines	500 nanograms/milliliter
Barbiturates	300 nanograms/milliliter
Benzodiazepines	300 nanograms/milliliter
Cocaine metabolites	150 nanograms/milliliter
Cannabinoid metabolites	15 nanograms/milliliter
Opiates	300 nanograms/milliliter
Phencyclidine (PCP)	25 nanograms/milliliter
Methadone	300 nanograms/milliliter
Methaqualone	300 nanograms/milliliter
Alcohol (ethanol)	.04 gm/deciliter

SECTION IX. REPORTING OF RESULTS

The laboratory will report all test results to the designated Company MRO or Program Administrator, as applicable, after completion of the testing process. No copies or results of the tests will be released beyond this point without the written request of the individual being tested.

An applicant whose test result was positive shall be informed that employment will not be offered because he/she did not pass the drug test. He/she shall not receive a copy of the test results. However, upon request, the Company may advise him/her of the substance(s) detected. An employee whose test result was positive and confirmed positive, shall be informed in a meeting that his/her drug test was positive and of the substances detected. The employee may elect to have a representative present at this meeting.

If available at the time, a copy of the written report from the laboratory shall be given to the employee; if it is not then available, it shall be given to the employee as soon as practicable after receipt by the Company. During this meeting, the employee shall have an opportunity to ask questions and/or offer an explanation.

An employee who falls under the DOT regulations will have his/her test results reviewed by the Company appointed Medical Review Officer as per 49 CFR Parts 40, 382, 391, & 199, prior to being reported as positive.

As soon as practicable following the meeting with the employee, the Company shall make a determination of what action if any will be taken and advise the affected employee of its' decision. Disciplinary action may be taken, including termination.

SECTION X. DISCIPLINE

- A. Pre-Employment: Any applicant who tests positive as a result of a pre-employment drug test or refuses to submit to a pre-employment drug test will be disqualified from further consideration for employment.

Any current employee transferring from a non-safety-sensitive position to a safety sensitive position who tests positive as a result of a pre-employment drug test or refuses to submit to a pre-employment drug test will not be hired into the safety sensitive position and may be terminated from employment.

- B. Random Test: Any employee who tests positive as a result of a random drug screen may be terminated from employment.
- C. Reasonable Cause: Any employee who tests positive as a result of reasonable cause drug test may be terminated from employment.
- D. Post Accident: Any employee who tests positive as a result of a drug test taken after an accident may be terminated from employment.
- E. Pre-Access/Annual/Periodic: Any employee who tests positive as a result of a Pre-Access drug/alcohol test may be discharged from further employment.
- F. Return to Duty and Follow-Up: Any employee who tests positive in a return to duty or follow-up drug test may be discharged from further employment.
- G. Refusal to Submit/Insubordination: Any employee who refuses to take a required drug test, refuses to provide a specimen at the collection site, refuses to cooperate during the collection process, refuses to complete any relevant documentation, such as a Urine Custody and Control Form or any other paperwork, fails to properly cooperate with collection site personnel, in any conduct which creates reason to believe a urine specimen has been altered or substituted, fails to report to the collection site without a legitimate reason and fails to provide an adequate specimen without medical basis, may be terminated from employment.
- H. Client Policies: The Company will comply with all of its clients' policies regarding positive dispositions (i.e. if a client's policy is to not allow on its property an employee who has previously tested positive, the employee will not be authorized access to the client's property).

SECTION XI. APPEALS PROCESS

Any employee wishing to challenge a positive test result must notify the Company in writing of this intent within twenty-four (24) hours of the employee's notification of a positive result.

The cost of the challenge test will be the responsibility of the employee.

The challenge test performed must be as stringent as the original test and be performed by a DHHS/SAMHSA approved laboratory.

The challenge test must be performed on the same specimen as the original test.

If the retest is negative, the cost will be refunded to the employee.

SECTION XII. RE-EMPLOYMENT ELIGIBILITY

If an employee is terminated as a result of substance abuse screening the Company may consider that employee eligible for rehire with the following stipulations:

- The successful completion of substance abuse rehabilitation at a recognized treatment facility
- The treating physician must provide the Company with his/her evaluation of the individual's response to the treatment and his/her recommended one year after care program.
- During the re-employment period at the Company there must be no evidence indicating that the work performance is affected by alcohol/drug use or abuse on or off the job.

Completion of the above stipulations will not guarantee re-employment; however, this simply means that the employee may be considered eligible for rehire.

SECTION XIII. EVALUATION, REFERRAL, AND REHABILITATION

Should an employee tests positive for alcohol abuse, he/she may be subject to referral to a Substance Abuse Professional (SAP) (See DOT Addendum) for evaluation. Payment for this evaluation will be the responsibility of the employee.

If the SAP requires that, prior to returning to duty, the employee must enroll in a treatment or rehabilitation program, the employee may be required to pay all fees that be incurred from such rehabilitation and/or treatment.

If the employee tests positive for drug abuse, he/she may be subject to referral to the Medical Review Officer (MRO) (See DOT Addendum) for review. If the MRO requires that, prior to returning to duty, the employee must enroll in a treatment or rehabilitation program, the employee may be required to pay all fees that may be incurred from such rehabilitation and/or treatment.

SECTION XIV. RECORD KEEPING

All records will be maintained in a separate, locked, limited access file, in the offices of the Company and/or Substance Abuse Program Administrator, as per federal and state regulations.

The Substance Abuse Program Administrator is:

Compliance Marketing, Inc.
2455 N.E. Loop 410, Ste 247
San Antonio, Texas 78217

SECTION XV. EMPLOYEE ASSISTANCE PROGRAM

An Employee Assistance Program (EAP) including educational training and literature is available to help employees solve drug and alcohol problems by providing educational information concerning the effects and consequences of drug use on personal health, safety and work environment.

A community service Hot-Line telephone number and employee assistance is available.

The Company has trained its management and supervisors in:

- Identifying evidence of on the job use of prohibited substances
- Identifying and documenting job performance and on the job behavior that may reflect the impact of personal problems
- Procedures for referral for testing of employees suspected of violating this policy
- Random testing procedures
- Drug testing procedures and technology
- Procedures for conducting workplace inspections
- Employee Assistance for substance abuse problems

It is the Company's desire that employees voluntarily seek assistance under a program designed for drug or alcohol rehabilitation when such action is determined to be in the best interest of the employee. To assist in this a listing of treatment hospitals, counselors and other assistance groups will be maintained, including a twenty-four (24) hour hot-line for crisis assistance.

The company requires those persons it employs to perform their respective functions in a proper workmanlike manner, unimpaired by the side effects of drug or alcohol abuse. While no system or program will eliminate such usage entirely, it is believed that the program outlined here will greatly reduce the risks associated with drug or alcohol abuse.