

BREWSTER COUNTY

EMPLOYEE HANDBOOK



ADOPTED JANUARY 28TH, 2025

BREWSTER COUNTY
EMPLOYEE HANDBOOK

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EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

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

I further understand that the Brewster County Employee Handbook is not a contract of employment. I understand that I am an at-will employee and that either the County or I may terminate my employment at any time, with or without cause, and with or without notice.

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

I understand as a County employee, I may have no expectation of privacy when using county computers, networks, or other county owned equipment. Improper use may result in discipline up to and including termination.

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

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

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

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

Printed Name of Employee

Signature of Employee

Date Signed

COUNTY OF BREWSTER COMMISSIONERS COURT ORDER

WHEREAS the Brewster County Commissioners Court desires to provide the employees of Brewster County with a uniform format for dealing with various employment related issues; and

WHEREAS the Brewster County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Brewster County Commissioners Court and hereby approve, and adopt, the BREWSTER COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 13TH DAY OF MAY 2025



County Judge



Commissioner Pct. 1

- ABSENT -

Commissioner Pct. 3



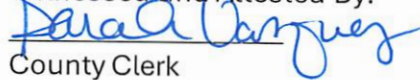
Commissioner Pct. 2



Commissioner Pct. 4



Witnessed and Attested By:



County Clerk

RESOLUTION FOR BREWSTER COUNTY

I the undersigned have read the Brewster County Employee Handbook that the Brewster County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Brewster County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Brewster County employees, and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Brewster County Employee Handbook, as witnessed by my signatures below.

Printed Name of Elected Official

Office of Elected Official

Signature of Elected Official

Date Signed

Brewster County Employee Handbook

Welcome to Brewster County!

We are excited to have you as an employee of Brewster County. You were hired because the elected official, appointed official or department head believes you can contribute to the success of Brewster County, and share our commitment to serving the public and our constituents with excellence.

Brewster County is committed to providing excellent service to the public in all our county offices. As part of the team, we hope you will discover that the pursuit of excellence is a rewarding aspect of your career here.

This employee handbook contains some key policies, benefits, and expectations of Brewster County, and other information you will need. Each elected or appointed official may have detailed policy and procedures for their office.

Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Brewster County employee. You should use this handbook as a ready reference as you pursue your career with Brewster County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this employee handbook.

Welcome aboard!

Sincerely,



County Judge



Commissioner Pct. 1



Commissioner Pct. 2

-ABSENT-

Commissioner Pct. 3



Commissioner Pct. 4

SECTION 1: GENERAL POLICIES

COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT-WILL

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

Brewster County may 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.

Brewster County may also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of Brewster County may have the right to leave their employment with the County at any time, with or without notice.

1A-2 EMPLOYEE STATUS POLICY

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

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

Modified Full time: A modified full time employee may be any employee in a position who has a normal work schedule of less than forty (40) hours per week, but more than thirty (30) hours per week. Modified full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits.

Regular Part Time: A part time employee may 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 may 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. Seasonal employees can be either part time or full time, and they may qualify for health insurance through the county under the Affordable Care Act depending on the number of hours worked per week, and the length of employment. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

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

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

Temporary Regular Variable Hour: A temporary variable hour employee may be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee's start date. This position will be expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee

will move into either a Regular Full Time position or a Regular Part Time position. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee's schedule becomes regular, then the employee may be reclassified as temporary full time or temporary part time depending on the hours worked. Temporary variable hour employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

1A-3 EQUAL EMPLOYMENT OPPORTUNITY

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

1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

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

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

1A-5 PERSONNEL FILES

The Brewster County Treasurer's department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, participation forms, salary, and job changes, Special Qualification Pay documentation, as well as records concerning performance, discipline and compensation.

It is important that the personnel records of Brewster County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Brewster County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether the employee has family members confidential. Employees may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after their first day of employment.

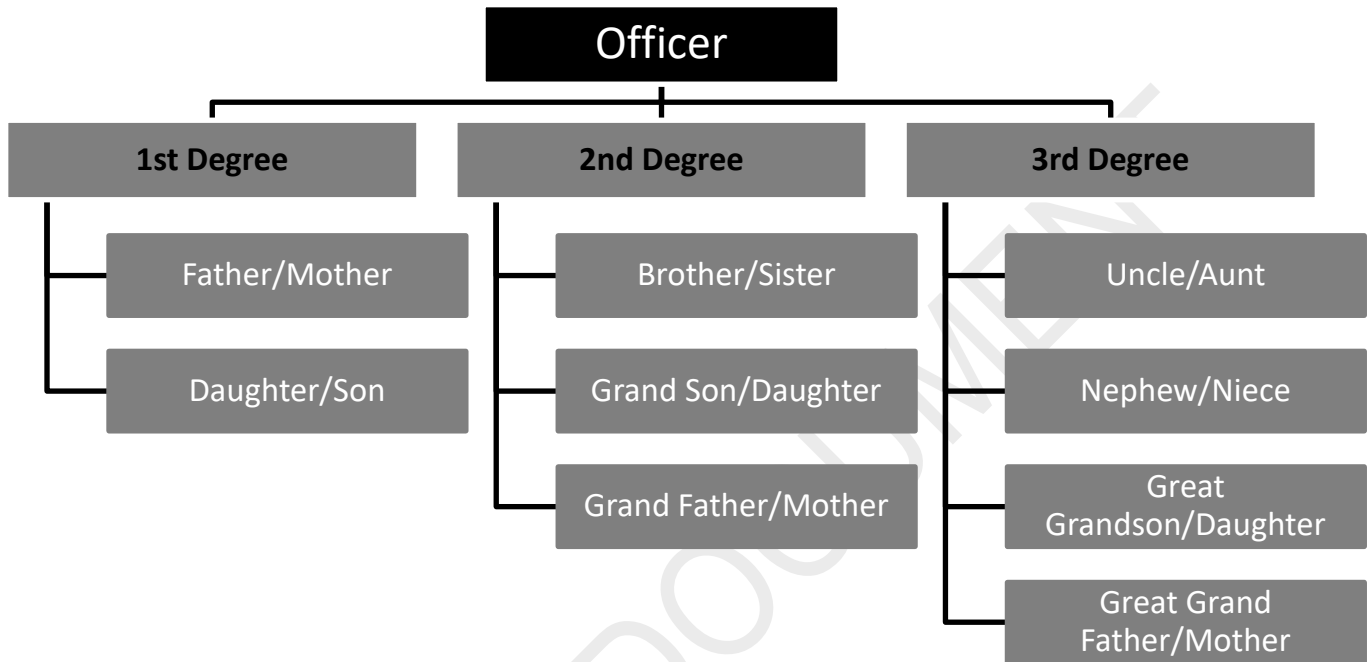
1A-6 NEPOTISM

Texas Government Code Chapter 573, a Public Official of Brewster County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over.

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

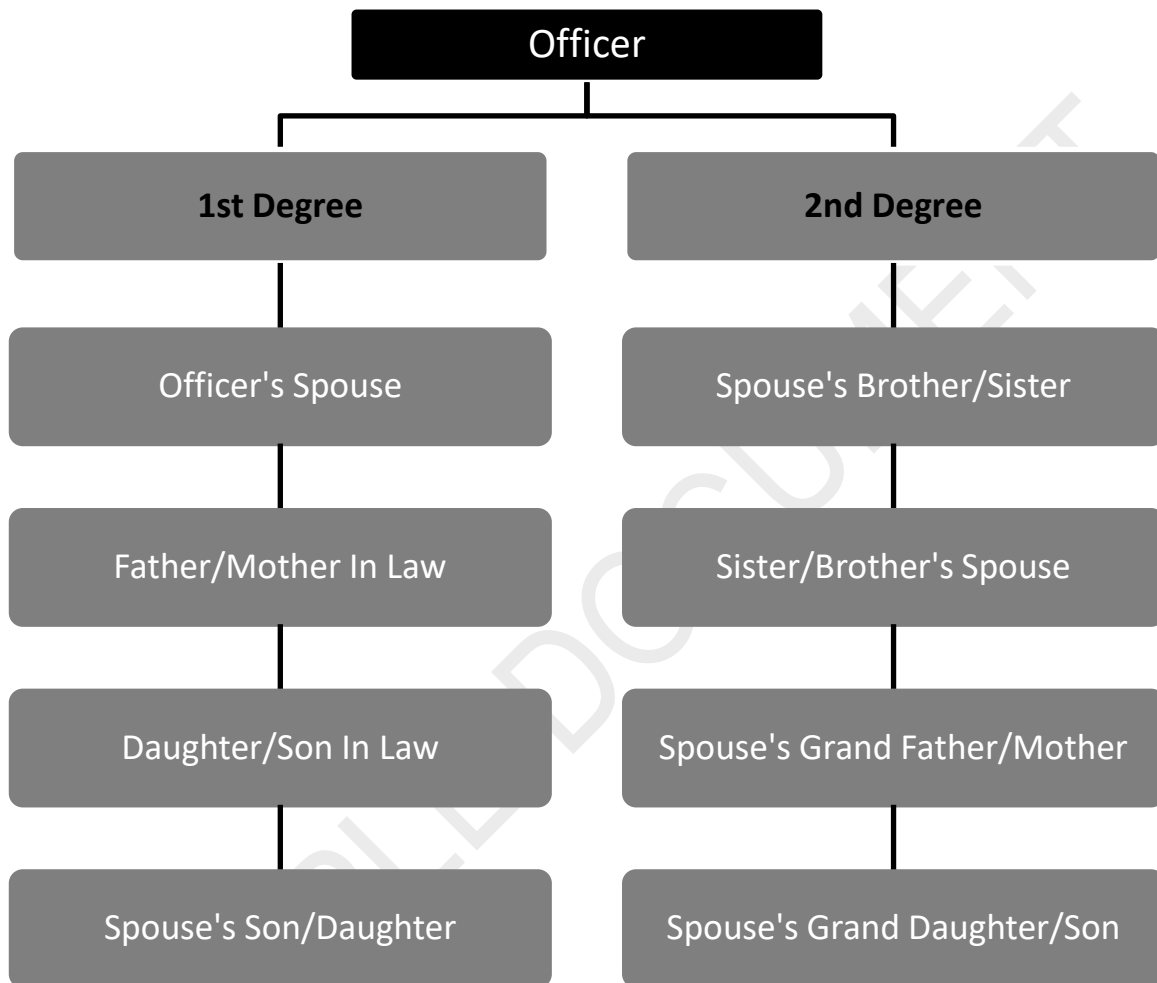
CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



AFFINITY KINSHIP CHART

(Relationship by Marriage)



B. WORK RULES AND EMPLOYEE RESPONSIBILITY

1B-1 ATTENDANCE

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

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee. If an employee is unable to be at work at their normal reporting time, they may be responsible for notifying their supervisor at least 8 hour(s) prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness. Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

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

1B-2 DRESS CODE

Brewster County expects all employees to be well groomed, clean, and neat at all times. Each official or department head will determine the type of attire that is acceptable. Employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

1B-3 TOBACCO/SMOKE FREE WORKPLACE

Brewster County endeavors to provide a healthy environment. Therefore, any form of tobacco or vaping consumed in county buildings and county vehicles is strictly prohibited. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways.

1B-4 CONFLICT OF INTEREST

Employees of Brewster 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 their ability to make objective decisions regarding their work and responsibility as a Brewster County employee.

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

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

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

1B-5 HARASSMENT

Brewster County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts, or displays based on sex, including lesbian, gay, bi-sexual, or transgender status, sexual orientation or gender identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating, or hostile working environment or interferes with work performance.

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

Employees who feel they have been harassed should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the

official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. While all claims of harassment may be handled with discretion, there can be no complete assurance of full confidentiality. The official or department head to which a claim has been reported may be responsible for seeing that prompt action is taken to investigate the claim.

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

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

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

1B-6 SEXUAL HARASSMENT

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

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

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

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

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

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

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

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

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

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

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

1B-7 POLITICAL ACTIVITY

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

County employees may not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a

party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

1B-8 OUTSIDE EMPLOYMENT

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

1B-9 BREAKS

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

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

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

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

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

1B-10 GRIEVANCES

Any employee having a grievance related to their job should discuss the grievance with their immediate supervisor.

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee may have the right to discuss the grievance with that official.

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

1B-11 DISCIPLINE

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

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

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

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

1B-12 LICENSE AND CERTIFICATIONS

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

1B-13 WEATHER CLOSINGS AND EMERGENCIES

As a general practice, Brewster County does not close its operations unless the health, safety, and security of county employees are seriously taken into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

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

1B-14 CONFIDENTIALITY

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

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

1B-15 WHISTLEBLOWER

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

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

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

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact HR, County Attorney, District Attorney, and/or County Judge.

An employee with a question regarding this policy should contact the Brewster County Treasurer's Office.

C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

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

1C-2 COUNTY VEHICLE USAGE

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

Employees who use a county vehicle for any personal purpose will have a taxable fringe benefit included in their wages based on the following policies. If the vehicle is being used for a bona fide county need, such use is not a taxable fringe benefit. The applicable policy to be used will be at the discretion of the County Judge and Commissioners. The valuation of the fringe benefit will be calculated in accordance with rules for valuation of fringe benefits as published by IRS.

1. Personal use allowed and mileage log required
 - a. If personal use of a county vehicle is permitted the employee will be required to keep a log of all personal miles driven, including to and from work. The value of such personal use will be included in wages and subject to payroll taxes based on the personal miles driven at the rate published by the IRS for business use of a vehicle.
2. Commuting Only
 - a. If an employee is permitted to take home a vehicle and is only allowed to use the vehicle for commuting with no other personal use permitted, the value of the commuting use is included in the employee's wages. The amount of the taxable fringe benefit is determined by multiplying each one-way commute (that is, from home to work or from work to home) by the amount published by IRS. If more

than one employee commutes in the vehicle, this value applies to each employee.

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

Any employee involved in an accident while operating County equipment or vehicles must immediately report the accident to their supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee must be sent to the supervisor and the County Judge.

1C-3 CELL PHONE USAGE

Brewster County determines on a case by case basis the need for county-provided cell phones. County cell phones are to be used for business purposes only.

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

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

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

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

1C-4 COMPUTER AND INTERNET USAGE

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

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

Use of Brewster County computers, networks, and Internet access is a privilege granted by officials or department heads and may be revoked at any time for inappropriate conduct carried out on such systems. County employees may have no expectation of privacy when using county computers, networks, or other county owned equipment. Improper use may result in discipline up to and including termination.

Brewster County owns the rights to all data and files in any computer, network, or other information system used in the county. Brewster County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and always archiving by county officials. Brewster County has the right to inspect all files stored in private areas of the network or on individual computers or storage media in order to ensure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee may break any copy right laws, download any illegal or unauthorized downloads. Brewster County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

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

D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 WORKERS COMPENSATION

All Brewster County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses, with the exception of Law Enforcement employees who receive salary continuation.

Employees may use paid leave for all workers' compensation time off less than 8 days.

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

Any employee who suffers a job related illness or injury is required to notify their 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.

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

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

Brewster County will make every effort to bring the injured employee back to work as soon as reasonably possible. Brewster County has a return-to-work policy in place and if a position is found that meets all the restrictions, the employee will be given a bona fide offer of employment. If the employee refuses to return to work, and family medical leave has been exhausted, workers' compensation benefits may be affected, and the employee may be terminated.

1D-2 RETURN TO WORK

This policy covers employees who are on leave due to a work-related injury or illness. Because employees are our most valuable resource, Brewster County attempts to help employees return to work as soon as possible.

An employee on leave due to a work related injury or illness may return to work only when Brewster County receives a medical release from the treating doctor. It is a violation of County policy for any employee receiving worker's compensation benefits of any kind to be employed with a third party on a full-time or part-time basis. Violation of this policy may result in termination.

Return to work options:

- Return to prior position at full duty with doctor release stating that the injured employee can perform the job functions without restrictions.
- Light Duty – for any employee who is not able to return to their prior position and perform the regular duties of that job but can return with certain restrictions, Brewster County will try to accommodate light duty when possible but **cannot guarantee** the availability of light duty.

Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time of injury or illness. The pay rate for light duty is based on the knowledge skills and abilities required for that job, as well as general market conditions. Employees in a light duty position are not permitted to supplement their workers' compensation benefits by using their vacation, holiday, compensatory or sick leave.

Four (4) week limit - Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a period of four (4) weeks and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA time is still available).

Employee refusal of work - In the event an employee refuses to return to regular or light duty work in response to a written, bona fide offer of employment by Brewster County, the employee may be separated from employment with Brewster County subject to FMLA qualification and his/her position may be filled permanently. A written, bona fide offer of employment must clearly state:

- The position offered and the duties of the position
- Brewster County's agreement to meet the conditions set out by the treating doctor
- The job's wage, working hours and location.

Medical Information

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

Coordination with FMLA

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law. It is Brewster County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Brewster County counts the period of any employee's light duty assignment toward the employee's FMLA entitlement.

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

1D-3 EMPLOYEE SAFETY

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

Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures

may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.

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

Employees seeing unsafe working conditions may either take steps to correct those conditions or report the unsafe conditions to their supervisor.

1D-4 DRUG AND ALCOHOL- ALL EMPLOYEES

Brewster County is a drug and alcohol free workplace. All county employees are subject to pre-employment drug testing, post-accident drug testing, and reasonable suspicion drug testing. A county employee may not be present at work during a period the employee's ability to perform their duties is impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

This policy applies to all employees of Brewster County regardless of rank or position and may include full time, part time and temporary employees. The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

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

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

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

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

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

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

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

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

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

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

Brewster County will drug test employees who ARE NOT CDL license holders under the following conditions:

Pre-employment drug testing:

Brewster County has a pre-employment drug testing requirement that must be passed post offer before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver.

Reasonable Suspicion – If an employee is having work performance problems or displaying behavior that may be alcohol or drug related or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to alcohol or drug test. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)

- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated and that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and specific violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected official or supervisor as well as the employee.
4. The elected official or supervisor will **remove** the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor may, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Treasurer's Office for filing.

Post-Accident Testing:

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

Testing Procedures –

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

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

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

1D-5 DRUG AND ALCOHOL- CDL EMPLOYEES

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

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

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

It is the policy of Brewster County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Brewster County will conduct electronic queries as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

A detailed policy and procedure is available at the Treasurer's office.

1D-6 WORKPLACE VIOLENCE

Brewster County is committed to providing a workplace free of violence. Brewster County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Brewster County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

1D-7 SOCIAL MEDIA

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as TikTok, Twitter, Facebook, LinkedIn, YouTube, and Instagram, etc. Brewster County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work and/or position in the county; is used to harass supervisors, co-workers, customers, or vendors; creates a hostile work environment; or harms the goodwill and reputation of Brewster County among the community at large. Brewster County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

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

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

SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

SAMPLE DOCUMENT

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

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

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

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

It is a violation of Brewster County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Treasurer's Office.

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

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

retirement; or voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons: 1) partial day absences for personal reasons, sickness or disability; or 2) your absence because the facility is closed on a scheduled work day; or 3) your absence because of the County's operating requirements; or 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or 5) any other deductions prohibited by state or federal law.

Please note it is not an improper deduction to reduce an employee's accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

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

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

Brewster County will comply with the IRS with regard to fringe benefits such as county uniforms, county vehicle usage and day-trip meals. Employees may be responsible for paying payroll taxes on such fringe benefits.

2A-3 COMPENSATION

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

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

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act and are paid based on a 14 day 86 hour pay period. The Commissioner's Court has adopted this exemption.

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

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

In the event of a major disaster where the County Judge has issued a disaster declaration and it has been extended by the Commissioners' Court, in order for the County to be reimbursed by FEMA, all salaried employees will be calculated in the same manner as hourly employees for the duration of the disaster incident and the disaster declaration is rescinded or allowed to expire.

2A-4 PAYROLL DEDUCTIONS

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

Employees eligible for membership in the Texas County and District Retirement System may have their contributions to that system deducted from each paycheck. Any optional deductions authorized by the Commissioners' Court and approved by the employee may also be made from the employee's paycheck.

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

2A-5 WORK WEEKS AND WORK PERIODS

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Brewster County may begin at 12:01 a.m. on each Monday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption may have a work period of 14 days and 86 hours as established by the Brewster County Commissioners Court.

2A-6 TIMESHEETS

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

payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee may show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record is a criminal offense. Employees may only use appropriate available leave to account for their regular weekly work schedule.

2A-7 PAY PERIODS

The pay period for Brewster County may be a 14 day pay period with the pay period dates established by the Commissioners' Court. If a payday falls on a holiday or a weekend, paychecks may be issued on the last workday preceding the holiday or weekend.

2A-8 WORK SCHEDULES

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

2A-8B ON-CALL STATUS

A Non-Exempt employee who is called to work on an On-Call status or otherwise at a time not previously scheduled shall receive Call-Back pay as follows:

- a. A minimum of two (2) hours at the employee's hourly rate when there is no time actually worked.
- b. An employee who works more than 2 hours when called back will be paid based on actual hours worked and anything over 40 hours will be considered Overtime Pay.

2A-9 HOURS WORKED

Hours worked may include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County may begin at 12:01 a.m. each day and end 24 consecutive hours later.

2A-10 LAW ENFORCEMENT PAY AND OVERTIME

Brewster County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Law enforcement employees' salary covers all hours up to 86 hours. All law enforcement employees as defined above, may be compensated for actual hours worked

between 80 – 86 hours multiplied by their hourly wage. Paid leave may not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee may be required to have authorization from their supervisor before working overtime.

2A-11 OVERTIME CALCULATIONS AND RULES

Overtime may include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on “Law Enforcement Pay and Overtime.”)

Paid leave may not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee may be required to have authorization from their supervisor before working overtime.

2A-12 DEMOTIONS

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

2A-13 TRANSFERS

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary.

Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by the Commissioners’ Court.

2A-14 PROMOTIONS

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary.

Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by the Commissioners’ Court.

2A-15 SEPARATIONS

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

1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

A resignation may be classified as any situation in which an employee voluntarily leaves their employment with Brewster 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 their supervisor.

A retirement may 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 their 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.

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

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

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

2A-16 RETIREE REHIRES

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

The retiree must have a bona fide separation of employment and have been retired for a minimum of 1 full calendar months. A bona fide separation means there is no prior agreement or understanding between Brewster County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

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

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

B. EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL PLANS

All full-time regular employees of Brewster County may be eligible for the group medical plan and dental plan benefits. Regular variable hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health insurance after the measurement period. Regular part time, temporary seasonal, temporary short term part time, and regular variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance. (County will need to adjust the employee status based on their own definitions. Any employee working 30 or more hours a week will be eligible for health benefits.)

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

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

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

employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on the extension of benefits under COBRA is available in the County Treasurer's Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination

2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL

Brewster County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Brewster County provides supplemental insurance coverage under \$20,000 and \$10,000 for retirees. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from the Treasurer's Office.

2B-3 VACATION

The following employee classifications may be eligible for vacation benefits: full time and part time. These following employee classifications may not be eligible for the vacation benefit: temporary/seasonal.

Employees who have worked for less than 5 years in a position eligible to receive vacation may earn vacation at the rate of 3.07 hours per pay period, which is equivalent to 10 days per year. Employees who have worked for 5 or more years in a position eligible to receive vacation may accrue vacation at the rate of 4.62 hours per pay period, which is equivalent to 15 days per year. Employees who have worked for 10 or more years in a position eligible to receive vacation may accrue vacation at the rate of 6.14 hours per pay period, which is equivalent to 20 days per year.

Vacation may not be accrued while an employee is on leave without pay. Accrual of vacation may begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of 6 months in such a position before being eligible to take any vacation.

The maximum amount of unused vacation an employee may be allowed to have at one time is 80, 120, or 160 hours. When an employee reaches the maximum accrual, they may not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.

Scheduling vacations may be at the discretion of the individual official or department head.

Employees may only be able to use vacation which has already been accrued and may not be allowed to borrow vacation against possible future accruals. Employees may not be allowed to receive pay for vacation in lieu of taking time off.

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

If an employee has worked for at least 1 year in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee may receive pay for all unused vacation up to the maximum allowed under this policy.

Each employee may be responsible for accurately recording all vacation time used on their time sheet.

Only the appropriate amount of vacation hours will be used to account for the minimum number of hours needed for the designated work week/work period. (i.e. 40 or 86/171)

2B-4 SICK

The following employee classifications may be eligible for the benefit of sick leave: full time and part time. These employee classifications may not be eligible for the sick leave benefit: temporary/seasonal.

Eligible employees may accrue sick leave at a rate of 3.69 per pay period. Accrual of sick leave may start at the time an individual begins work for the County in a position eligible for the sick leave benefit. Sick leave may not be accrued while an employee is on leave without pay.

The maximum amount of unused sick leave an employee may be allowed to have at any time is 240 hours.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family may be defined as spouse, child, parent, foster child or other relative living in the employee's home who is dependent on the employee for care.

Where sick leave is to be used for medical appointments, an employee may be required to notify their supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee may notify their 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 their 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 their supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor may have the

right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees may not be allowed to borrow sick leave against future accruals. Employees may not be paid for unused sick leave at the termination of employment.

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

Only the appropriate number of sick hours will be used to account for the minimum number of hours needed for the designated work week/work period. (i.e. 40 or 86/171)

Employees with an employee classification as exempt are entitled to Paid Time Off (PTO) benefits but are not entitled to vacation or sick benefits. Exempt Employees who have been employed from 1 to 5 years will receive 10 days of PTO each year and not to be carried over. Exempt Employees who have been employed for over 5 years will receive 15 days of PTO and not to be carried over. Exempt Employees are required to work 40 hours per week but can have a flexible schedule as long as the requirement has been met. All Exempt Employees must report to their respective Elected Official when taking a PTO day(s). Comp time is allowed to be utilized when Employees work in excess of 40 hours per week and to be taken at a later date. Employees must maintain their own comp time accumulation and report to their respective Elected Official when using comp time hours for any absences.

2B-5 HOLIDAY

PURPOSE

The purpose of this Policy is to establish guidelines regarding Holiday Pay for Brewster County Employees. This policy will apply to Full-Time Exempt/Non-Exempt employees. This Policy will not apply to Elected Officials, and/or Temporary/Seasonal employees.

Each year, the Brewster County Commissioner's Court recognizes/designates holidays that will be observed by the County.

A holiday will be defined as beginning at 12:00 am (midnight) on the designated/actual date of the holiday and ending at 12:00 am (midnight) on the date following the designated/actual holiday. For example: New Year's Day will begin on January 1 at 12:00 am and will end on January 2 at 12:00 am. Holiday time is recognized/designated to be 8 hours for the defined holiday approved by the Commissioners Court. Most County buildings and operations are closed/suspended on a recognized/designated holiday. However, some County offices must remain open on a 24-hour/365 day basis.

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

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

Holidays do not accrue and if holidays are not taken, they will not be paid at termination.

FOR DEPARTMENTS THAT SUSPEND OPERATIONS ON RECOGNIZED/DESIGNATED HOLIDAYS:

Exempt Employees

Employees will receive holiday time compensation for each recognized/designated holiday. Holiday time will be based on the recognized/designated 8 hours for the defined holiday. Holiday time will be used in a full at the time a recognized/designated holiday is observed. Holiday time will not accrue and cannot be used later.

If an non-exempt employee must work on the recognized/designated holiday, the employee will receive holiday pay calculated at the regular hourly wage x 1.5 up to 8 hours.

Full-Time & Part Time Non-Exempt Employees

Employees will receive holiday time compensation for each recognized/designated holiday. Holiday time will be used in full (8 hours) at the time a recognized/designated holiday is observed. Holiday time will not accrue and cannot be used later.

Part-Time Non-Exempt Employees

To be considered part-time, employees must work at least 20 hours or more per week to be eligible for recognized/designated holiday benefits. Employees will receive straight time pay for each recognized/designated holiday. Part-time employees and holiday time will be calculated at 4 hours compensation for the recognized/designated holiday approved by the Commissioners' Court. If a part-time employee is scheduled to work under special circumstances on the recognized/designated holiday, they will receive holiday pay calculated at their regular wage x 1.5 for time worked up to 8 hours.

FOR DEPARTMENTS THAT DO NOT SUSPEND OPERATIONS FOR RECOGNIZED/DESIGNATED HOLIDAYS:

A holiday will be defined as beginning at 12:00 am (midnight) on the designated/actual date of the holiday and ending at 12:00 am (midnight) on the date following the designated/actual holiday. For example: New Year's Day will begin on January 1 at 12:00 am and will end on January 2 at 12:00 am.

Full-Time and Part-Time Non-Exempt Employees:

Employees will receive Holiday Pay for each designated/actual holiday that they work. Holiday Pay will be calculated for their actual hours worked during the defined holiday pay period calculated at their regular wage x 1.5 x actual hours worked up to 8 hours. Holiday time will not accrue and cannot be used later.

Holiday On Day Off

When a holiday falls on a law enforcement officer, detention officer or dispatcher's day off, they will receive holiday time compensation for the recognized/designated 8 hours for the defined holiday approved by the Commissioners Court.

FOR ADMINISTRATIVE/SUPPORT STAFF THAT WORK IN DEPARTMENTS THAT DO NOT SUSPEND OPERATIONS FOR RECOGNIZED/DESIGNATED HOLIDAY:

Full-Time Non-Exempt Employees:

Employees that are considered Administrative/Support Staff and do not work on a 24-hour/365-day schedule basis are expected to observe recognized/designated holidays. Employees will receive holiday time compensation for each recognized/designated holiday. Holiday time will be based on the recognized/designated 8 hours for the defined holiday. Holiday time will be used in full at the time a recognized/designated holiday is observed. Holiday Time will not accrue and cannot be used at a later date.

EMERGENCIES OR COUNTY NEEDS

An eligible employee who works on holiday because of an emergency or other need of the County, may be compensated with Holiday Pay for their actual hours worked during the defined holiday pay period calculated at their regular wage x 1.5 x actual hours worked up to 8 hours. Holiday time will not accrue and cannot be used at a later date.

2B-6 JURY DUTY

All employees of Brewster County who are called for jury duty may 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 may only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County may be entitled to leave with pay for such period as their court attendance may require. If an employee is absent from work to appear in private litigation in which they are a principal party, the time may be charged to vacation, other eligible paid leave, or leave without pay.

2B-7 BEREAVEMENT LEAVE

All employees may be allowed up to 24 hours of leave with pay for a death in the immediate family. For purposes of this policy, immediate family may include the employee's spouse and the child, foster child, parent, sibling of the employee or the employee's spouse. Employees may be allowed time off with pay, up to a maximum of 4 hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay.

2B-8 MILITARY LEAVE

All Brewster County employees who are members of the National Guard or active reserve components of the United States Armed Forces may be allowed up to fifteen (15) days off per federal fiscal year with pay for active duty or to attend active or inactive authorized training sessions and exercises. The fifteen (15) day paid military leave may apply to the Federal Fiscal year and any unused balance at the end of the year may not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises may be authorized only for periods which fall within the employee's normal work schedule. An employee may use vacation leave, earn compensatory time, or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum.

Any Brewster County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

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

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

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

2B-9 PAID QUARANTINE LEAVE

Brewster County may provide paid quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by Brewster County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This includes fire fighters, peace officers, detention officers and emergency medical technicians, as defined by this policy, who are employed by, appointed to, or elected to their position.

"Detention officer" means an individual appointed or employed by a county as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county jail.

"Emergency medical technician" means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by the county.

"Fire fighter" means a paid employee of a municipal fire department or emergency services district who holds a position that requires substantial knowledge of firefighting; has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body's jurisdiction. A health authority must be a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state and a resident of the state. They must take an official oath and file with the department.

For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to public health in the county's jurisdiction.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the county.

Eligible employees who are on qualifying paid quarantine leave may receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, may be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation. An employee on qualifying paid quarantine leave will not have their leave balances reduced.

Off duty exposure will not be covered under this policy.

2B-10 RETIREMENT

All regular employees (full time, part time, and regular variable hour) may be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short term part time employees will not be eligible for retirement benefits. Eligible employees may make contributions to the retirement program through a system of payroll deduction. Brewster County may make a contribution to each eligible employee's retirement account according to the requirements of TCDRS. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

2B-11 SOCIAL SECURITY/MEDICARE

All County employees may participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck.

2B-12 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)

The federal Family and Medical Leave Act of 1993 (FMLA) requires an employer to provide eligible employees with unpaid leave under certain circumstances. There are two types of leave available:

- 1) the basic 12-week FMLA entitlement; and
- 2) the Military Family Leave (MFL) entitlement described in this policy.

ELIGIBILITY:

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

- 1) have worked for Brewster County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); **and**
- 2) have worked at least 1250 hours during the previous 12 months; **and**
- 3) are employed at a work site that has 50 or more employees within a 75-mile radius.

Any employees with any questions about their eligibility for FMLA leave should contact the County Treasurer's Office for more information.

QUALIFYING EVENTS:

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

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

SERIOUS HEALTH CONDITION:

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

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

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

QUALIFYING EXIGENCY LEAVE:

An eligible employee may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, child of any age or parent in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active duty status in a foreign country.

Qualifying exigencies may include:

- 1) short-notice deployment (up to seven days of leave);
- 2) attending certain military events and related activities;
- 3) arranging for alternative childcare;
- 4) addressing certain financial and legal arrangements;
- 5) periods of rest and recuperation for the covered military member (up to fifteen days of leave);
- 6) attending certain counseling sessions;
- 7) attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status);
- 8) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
- 9) attending family support or assistance programs and informational briefings;
- 10) acting as the covered military member's representative before a governmental agency;
- 11) addressing issues that arise from the death of a covered military member while on active duty status in a foreign country; and
- 12) other activities arising out of the covered military member's active duty or call to active duty that the agency and employee agree with qualify as an exigency and agree to timing and duration of leave.

LENGTH OF LEAVE:

An employee may use up to 12 weeks leave per 12-month period under this policy. Brewster County sets the 12-month period used under this policy as the 12-month period measured forward from the date any employee's first FMLA leave begins.

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

MILITARY CAREGIVER LEAVE:

An eligible employee may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member or veteran of the Armed Forces (Regular, Reserve or National Guard).

An eligible employee may take up to 26 weeks of leave to care for a covered service member of the Armed Forces (Regular, Reserve, or National Guard) who has been rendered medically unfit to perform their duties due to a serious injury or illness incurred in the line of duty while on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The MFL entitlement is applied on a per-injury basis and an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or covered veteran with a subsequent serious illness or injury, except that no more than 26 weeks may be taken within any single 12-month period.

An eligible employee may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five-year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the county's operations.

WORK RELATED INJURY:

Brewster County will always designate qualifying work related injuries with lost time as FMLA qualifying.

SUBSTITUTION OF PAID LEAVE:

Brewster County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the compensatory, vacation and sick leave policy guidelines. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

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

CONTINUED EMPLOYEE BENEFITS:

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the County Treasurer's Office no later than 30 days after the date of the pay period in which the

premium comes due. The county may cancel unpaid coverage by providing the employee with advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be offered COBRA if they are unable to return to work.

INTERMITTENT LEAVE AND REDUCED SCHEDULE:

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

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

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

CERTIFICATION REQUIREMENTS:

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

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

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

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

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

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

REQUESTING LEAVE:

Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to their immediate supervisor.

Where reasonably practicable, an employee should give their immediate supervisor a minimum of 30-days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible.

REINSTATEMENT:

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

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

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

REPAYMENT OF BENEFITS:

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

OTHER BENEFITS:

While on leave without pay under this policy, an employee does not earn vacation or sick leave, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy, unless other employees who go on leave without pay are allowed to do so.

An employee who is out on approved FMLA leave may not take trips outside of the county unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or attending military events. An employee may ask their immediate supervisor for written permission to take other trips outside of the county which may be granted at the supervisor's sole discretion.

Employees are forbidden from working another job while on approved FMLA leave from the county.

REGULATION:

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

RETURN-TO-WORK:

An employee is required to provide a fitness-for-duty certification before the employee returns to work.

ENFORCEMENT:

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

2B-13 LEAVE OF ABSENCE - OTHER

Employees may request a personal leave of absence to a maximum of 30 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head.

Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan, but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

SAMPLE DOCUMENT