

**HOPKINS COUNTY**

**EMPLOYEE HANDBOOK**

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I have received a copy of the Hopkins 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 manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

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

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

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

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I 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 and post-accident drug and alcohol testing.

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

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

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Date Signed

COUNTY OF HOPKINS

COMMISSIONERS COURT ORDER

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

WHEREAS the Hopkins County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Hopkins County Commissioners Court and hereby approve, and adopt, the HOPKINS COUNTY EMPLOYEE

HAND BOOK.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

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

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

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

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

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

Witnessed and Attested By:

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

Welcome to Hopkins County!

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

Hopkins County is committed to providing excellent service to the public in all of 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 Hopkins County, and other information you will need. Each elected or appointed official may have detailed policy and procedures manuals 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 Hopkins County employee. You should use this handbook as a ready reference as you pursue your career with Hopkins 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. 3

\_\_\_\_\_

Commissioner Pct. 2

\_\_\_\_\_

Commissioner Pct. 4

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# **SECTION 1: GENERAL POLICIES**



## **A. COUNTY EMPLOYMENT**

### **1A-1 APPLICATION FOR EMPLOYMENT/JOB ANNOUNCEMENTS**

Announcements for job openings with the County may include, but not be limited to advertisements in local newspapers, registration with the Texas Workforce Commission, or postings on HOPKINS County Courthouse bulletin boards. Each official having a job opening shall be responsible for determining how that opening will be announced.

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

The Administration office should be notified of who is hired, the starting date, hourly pay rate and provided with the original employment application. The employee should report to the Administration office for processing before reporting to work.

### **1A-2 EMPLOYMENT AT-WILL**

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

Hopkins County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice.

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

### **1A-3 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. This policy defines both health insurance and retirement benefits. The status of an employee cannot be changed without the approval of the Commissioners Court. Full time employees will be eligible for health insurance. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

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

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

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

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

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

#### **1A-4 EQUAL EMPLOYMENT OPPORTUNITY**

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

#### **1A-5 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

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

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

## **1A-6 PERSONNEL FILES**

The Hopkins County Administration department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, W-4, all other forms required, as well as, records concerning performance, discipline and compensation.

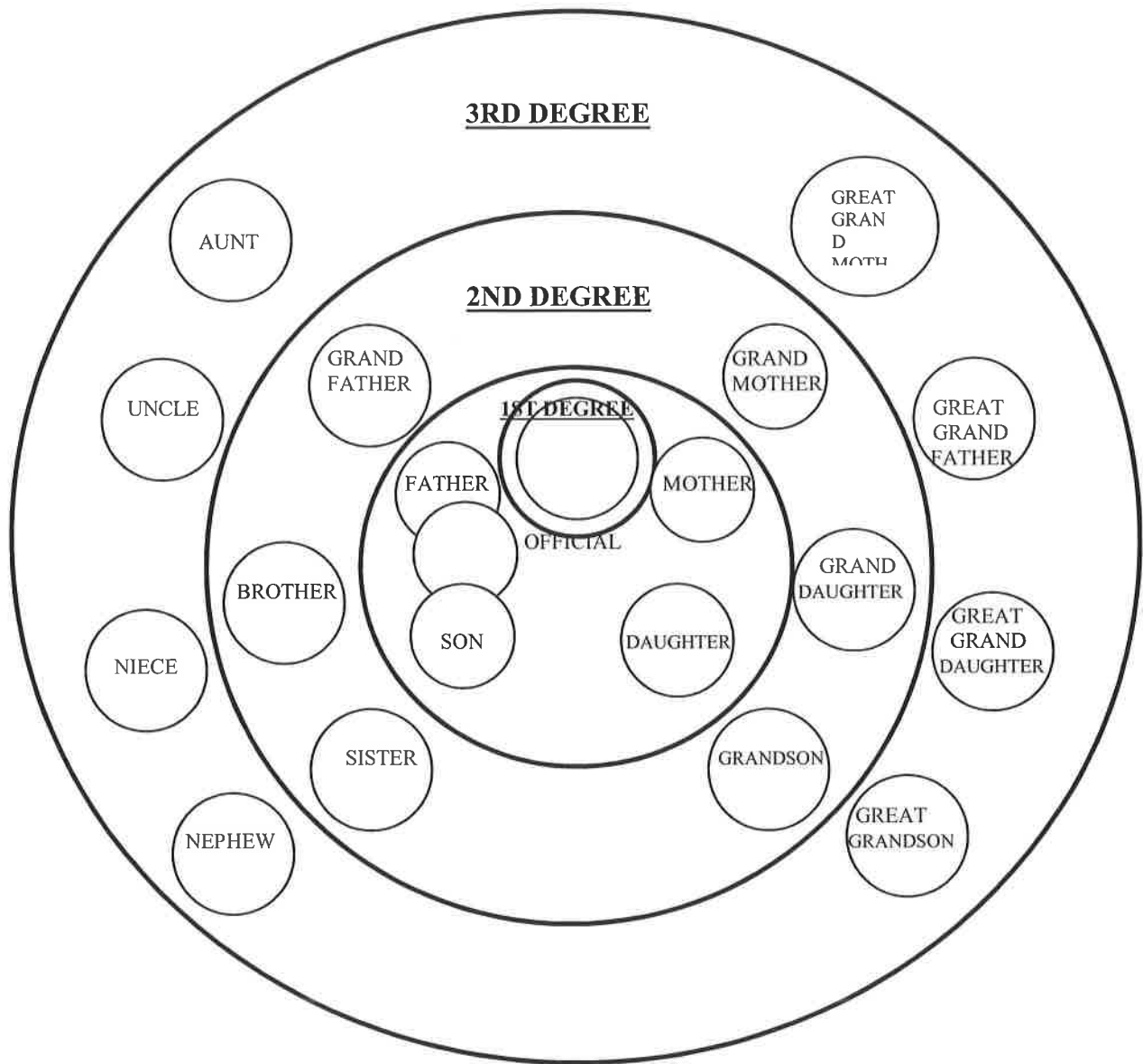
It is important that the personnel records of Hopkins County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Hopkins County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, 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 and telephone numbers confidential. You 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 your first day of employment.

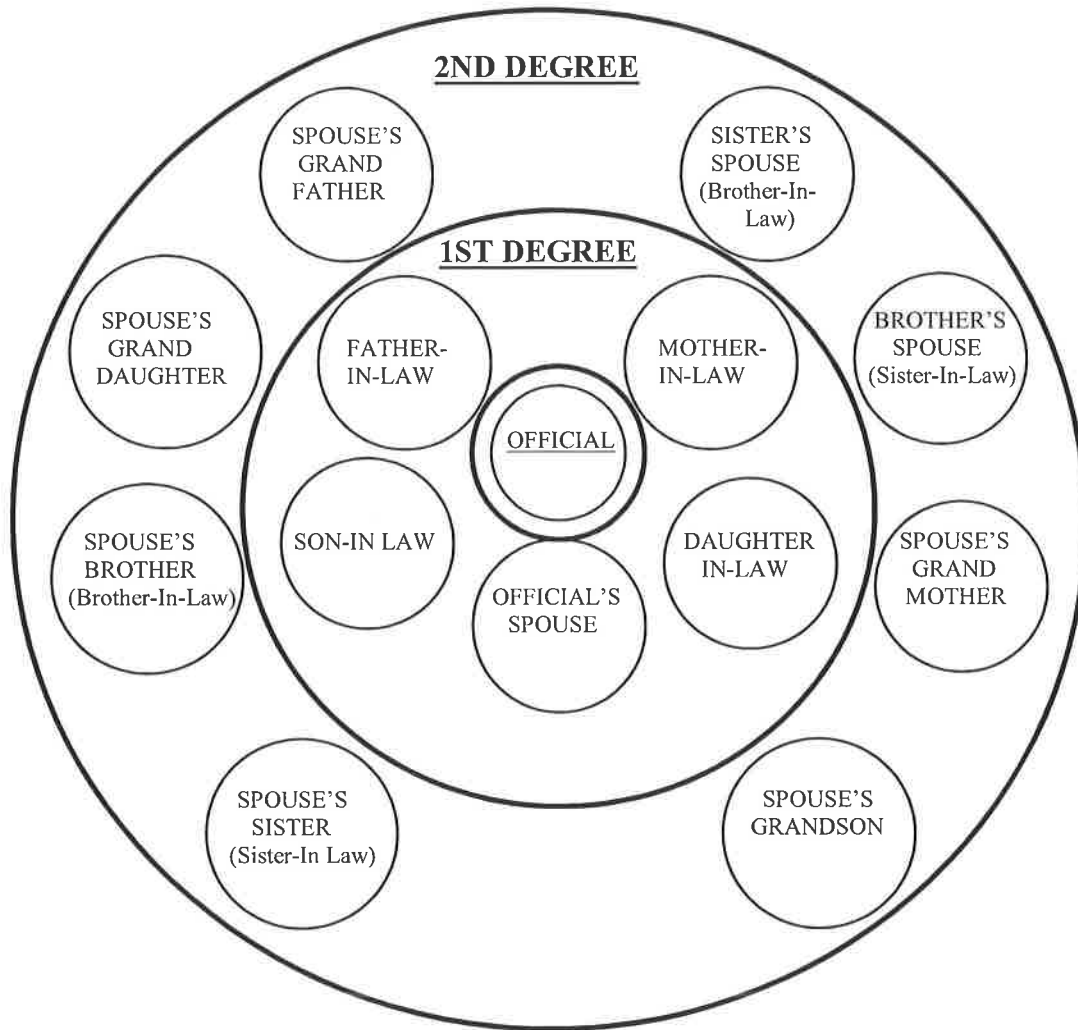
## **1A-7 NEPOTISM**

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

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



Consanguinity Kinship Chart  
 (Blood)  
**TEXAS NEPOTISM CHART**



**Affinity Kinship Chart  
(Marriage)**

**TEXAS NEPOTISM CHART  
CIVIL LAW METHOD**

## **B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

### **1B-1 ATTENDANCE**

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

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

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 4 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 his or her supervisor, shall be considered to have resigned their position by abandonment.

### **1B-2 NON-COUNTY ACTIVITIES**

All county employees are prohibited at all times from engaging in volunteer or other non-county activities during regular business hours or any other time in which the employee is assigned duties for the county and submitting such time for compensation by the county. Supervisors are prohibited from directing their employees from engaging in volunteer or other non-county work during regular business hours.

Employees who engage in volunteer or other non-county projects during regular business hours shall not be compensated for that time unless the employee uses earned compensatory (comp) time or vacation time, if available.

Employees and supervisors who direct employees to engage in volunteer or other non-county projects during regular business hours, or any other time in which the employee submits such time for compensation from the county, may be subject to criminal penalties under section 39.02, Texas Penal Code.

### **1B-3 PERSONAL USE**

Personal use of County vehicles, equipment, supplies, tools, personnel, or any other County property shall not be permitted. No personal long distance calls using County telephones shall be permitted.

### **1B-4 DRESS CODE**

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

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

### **UNIFORMS**

Hopkins County will provide uniforms to employees in positions that require wearing a county name, logo, department name, badge, etc.

Hopkins County will provide a uniform allowance for the purchase of clothing to be worn while at work for clothing items not provided by the county. This allowance is intended for the purchase of everyday use clothing, example: jeans, boots, etc. Eligible employees must be full time employees with at least 90 days of employment.

Full time positions that require a uniform such as maintenance, groundskeepers, housekeeping, etc. will be given an allowance. Office personal are excluded from the allowance.

This allowance is considered a taxable expense per IRS guidelines and will be given as yearly taxable wage through payroll every July.

All uniforms issued to an employee must be returned to the County prior to the employee receiving final pay upon leaving County employment.

### **1B-5 SMOKE FREE WORKPLACE**

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



## **1B-6 CONFLICT OF INTEREST**

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

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

Activities which constitute a conflict of interest shall include but not be limited to: 1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance; 2) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties; 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of 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 his or her duties for the County; or 5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

## **1B-7 HARASSMENT**

Hopkins County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (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 Hopkins 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 in writing to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that

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

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

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

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the 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-8 SEXUAL HARASSMENT**

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

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or 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 shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

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

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

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

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

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.
- c. Report continuing sexual harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge or the County Attorney.
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, Hopkins 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 in writing to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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

## **1B-9 POLITICAL ACTIVITY**

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

County employees shall not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

## **1B-10 OUTSIDE EMPLOYMENT**

Hopkins County employees are expected to give their full and undivided attention to their job duties. They should not use Hopkins County facilities or equipment or their association with Hopkins 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 Hopkins County that interferes with the employee's assigned duties with Hopkins County.

**Employees are prohibited from working second jobs while on any type of leave (other than vacation and or compensatory time).**

## **1B-11 UNPAID 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 during the first year following the birth of a child.

Hopkins County will provide nursing mothers with unpaid reasonable breaks, as frequent as required by the mother, to express breast milk. The mother will be given a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis.

Hopkins County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for 1 year following the birth of their child.

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

### **1B-12 GRIEVANCES**

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

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

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

### **1B-13 DISCIPLINE**

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

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

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

Hopkins 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-14 LICENSE AND CERTIFICATIONS**

Hopkins 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.

If the license is a requirement for the position, the department in which the employee works will pay the licensing fee, whether the employee is full time or part time at the discretion of the elected official or department head.

## **1B-15 WEATHER CLOSINGS AND EMERGENCIES**

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

The County Judge will notify the following entities for a public announcement: local public radio or local TV Channel 18. 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 continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

## **1B-16 CONFIDENTIALITY**

Hopkins 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 Hopkins 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-17 WHISTLEBLOWER**

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

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

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

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

An employee with a question regarding this policy should contact their supervisor or the County Judge.

## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C-1 COUNTY PROPERTY USAGE**

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to him/her. County employees shall only use equipment, tools, and other County property that they are authorized to use.

Personal use of county equipment, supplies, tools, and any other county property is not permitted and may result in discipline up to and including termination. Improper use may subject you to criminal prosecution.

### **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 shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

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

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

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

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



### **1C-3 CELL PHONE USAGE**

Hopkins 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.

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

Hopkins 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 Hopkins 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 Hopkins County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Hopkins 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 Hopkins County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination.

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

Employees or Department heads may not bring devices that connect to the county network whether wirelessly or wired without the prior approval from the County Judge. Such equipment, once approved, should have up-to-date anti-virus protection and the current operating systems updates. Confidential county information should not be stored or transmitted on personal devices.

The use of USB flash drives, small, keychain sized storage devices or other portable memory is discouraged due to the portability of viruses.

## **D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY**

### **1D-1 WORKERS COMPENSATION**

All Hopkins 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 his/her 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.

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. Hopkins County runs FMLA and Worker's Compensation concurrently.

Any employee who suffers a job related illness or injury is required to notify his/her supervisor as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

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.

### **1D-2 EMPLOYEE SAFETY**

Hopkins 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 shall either take steps to correct those conditions or report the unsafe conditions to their supervisor.

### 1D-3 DRUG AND ALCOHOL - ALL EMPLOYEES

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

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

The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law 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 his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.

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

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

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 County Administration Office.

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

In the event that your supervisor has reasonable suspicion to believe that you have been drinking or using drugs, you will be asked to take a drug test. Refusing to take the test, not cooperating in taking the test and or testing positive will result in your immediate discharge.

#### **1D-4 DRUG AND ALCOHOL- CDL EMPLOYEES**

CDL Drivers are an extremely valuable resource for Hopkins County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CLD 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 Hopkins 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. Hopkins County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

## 1D-5 PRE-EMPLOYMENT DRUG TESTING

All applicants will be required to submit to and pass a breath alcohol test and a urine drug test as a condition of employment.

Offers of employment are made contingent upon passing the County's medical review, including the alcohol and drug test. Applicants who have received firm offers are to be cautioned against giving notice at their current place of employment, or incurring any costs associated with accepting employment with the County until after medical clearance has been received.

An account has been set up at the Memorial Clinic of Sulphur Springs to accommodate DOT and Pre-employment testing for Hopkins County

Two substance abuse panels are available. The required DOT is a rapid test and is recommended for the Pre-employment also.

Substance Abuse Panel(s) to be considered by the Court:

10 Panel and Alcohol: Cost: \$50 Results: 2-3 days

Amphetamines  
Barbiturates Benzodiazepines  
Cocaine Metabolites  
Marijuana Metabolites  
Methadone  
Methaqualone  
Opiates  
Penecyclidine  
Propoxyphene  
Alcohol, Ethyl (U)

5 Panel (Rapid Test): Cost \$35 Results: Same Day Confirmation

THC (Cannabinoids)  
COC (Cocaine)  
PCP (Phenecyclidine)  
OPIATED (Opium)  
AMPHETAMINES

5 Panel DOT (Required): Cost \$50 Results 2 to 3 Days (Rapid Not Acceptable for DOT).

THC (Cannabinoids)  
COC (Cocaine)  
PCP (Phenecyclidine)  
OPIATES (Opium)  
AMPHETAMINES

## **1D-6 WORKPLACE VIOLENCE**

Hopkins County is committed to providing a workplace free of violence. Hopkins County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department.

No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Hopkins County.

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 Twitter, Facebook, LinkedIn, YouTube, and MySpace.

Hopkins County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Hopkins County among the community at large.

Hopkins 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 Hopkins County, make clear that you are an employee of Hopkins County and that the views posted are yours alone and do not represent the views of Hopkins County.
- Do not mention Hopkins County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Hopkins 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 Hopkins County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Hopkins 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 Hopkins County's website or post Hopkins County material on a social media site without written permission from your supervisor.
- All Hopkins County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Hopkins County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.



## 1E-1 TRAVEL POLICY

Attendance by county employees at conferences and seminars shall be at the discretion of the county officials and department heads. The travel expense must be related to the duties and responsibilities of the county office incurring the expenses and there must be adequate funds budgeted to cover the expenses to be reimbursed.

Conference registration fees will be paid for by Hopkins County. Payment of registration fees must be submitted to the Court Administration Office along with completed registration and conference agenda.

Lodging for the host hotel will be paid for by issue of a county credit card or by reimbursement to the employee if paid personally. Out of county travel will be by rental vehicle or personal vehicle, whichever option is the most economical and feasible.

When traveling by rental vehicle, the rental should be procured through the Hopkins County account with Enterprise. Mileage will not be reimbursed for travel by rental vehicle.

When the most economical option is traveling by rental vehicle but the traveler chooses to travel by personal vehicle, the employee will be reimbursed the cost of a standard rental vehicle on the Hopkins County Enterprise rental account or by actual mileage at a rate set by the IRS. When taking your personal vehicle the traveler will be reimbursed the lesser of these two options.

Fuel for any form of travel will be reimbursed at actual costs shown on personal receipts supplied by the employee or be purchased using a county issued credit card.

Traveling employees may elect per diem or taking the county issued credit card for meal expenses. The standard per diem rate allowed by Hopkins County for meals is \$45 per overnight stay and \$30 for travel days. Receipts are not required to be turned in when using per diem. When using the county issued credit card for travel the standard meal rate of \$45 per day for overnight meals and \$30 for travel days is allowed. No tips, alcoholic beverages or tobacco will be allowed to be charged. All receipts are required to be turned in if using the county issued credit card. In the event the county credit card is used and a receipt has been misplaced or lost the Auditor may request a missing receipt affidavit be filed out by the employee.

Mileage for day travel in a personal vehicle will be reimbursed using the current IRS mileage rate. Mileage will be calculated using Google maps. Any day meals will be reimbursed through payroll per IRS guidelines. Day meals are not allowed to be purchased on the county credit card with the exception of on duty Extradition officers transporting out of county.

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**SECTION 2:  
EMPLOYEE  
COMPENSATION AND  
BENEFITS**

## **A. EMPLOYEE PAYROLL**

### **2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR**

Hopkins County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Administration department's attention, Hopkins 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 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 regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time 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 Administration /HR department.

It is a violation of Hopkins 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 County Administration, 118 Church Street or call 903-438-4009.

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.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to County Administration located in the courthouse basement or call the Supervisor at (903) 438-4009. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney located at 128 Jefferson, Suite B or call (903) 438-4020. 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.

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## **2A-2 Internal Revenue Service (IRS) FRINGE BENEFITS**

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

## **2A-3 COMPENSATION**

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

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

Law Enforcement and Fire Protection personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption.

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

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

For part time regular employees, the monthly salary compensates the employee for all hours worked in each workweek of that month up to the amount designated by the County for the position.

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

## **2A-4 LONGEVITY PAY**

### **ELIGIBILITY**

All full time regular employees and elected officials shall be eligible for the longevity pay benefit.

An employee shall be required to work a minimum of two continuous years in an eligible position before receiving longevity pay with no break in service time.

### **AMOUNT**

The schedule for Longevity pay is: \$75 per year of service after completing two years of service with a maximum number of years being 25 years. The formula is as follows:

Number of years x \$75 = amount of payment – to be paid toward the end of the year.

Example follows:

Minimum number of years:

$$2 \text{ years} = \$75 \times 2 \text{ years of service} = \$150.00$$

Maximum number of years:

$$25 \text{ years} = \$75 \times 25 \text{ years of service} = \$1875.00$$

If an employee terminates or gives notice of termination of employment with the county prior to the established lump sum payment date, s/he will not receive a longevity payment. No pro-rated payments will be given.

## **2A-5 PAYROLL DEDUCTIONS**

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

## **2A-6 WORK WEEKS AND WORK PERIODS**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Hopkins County shall 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 shall have a work period of 14 days and 86 hours as established by the Hopkins County Commissioners Court. Fire Protection employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and 106 hours.

## **2A-7 TIMESHEETS**

Each employee must fill out a time sheet to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the 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.

## **2A-8 PAY PERIODS**

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

## **2A-9 WORK SCHEDULES**

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

## **2A-10 HOURS WORKED**

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

## **2A-11 LAW ENFORCEMENT & FIRE PROTECTION PAY AND OVERTIME**

Hopkins 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. The employee must account for 80 hours each work period or they must use sick, vacation or compensatory time. If out of leave time they will be paid for each hour actually worked. Law enforcement employees' salary covers all hours up to 86 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

Fire Protection employees also fall under the adopted 207(k) exemption. These employees have a work period of 14 days and overtime will be due after 106 hours actually worked. The employee must account for 96 hours each work period or they must use sick, vacation or compensatory time. If out of leave time they will be paid for each hour actually worked. Fire Protection employees' salary covers all hours up to 106 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

## **2A-12 OVERTIME CALCULATIONS AND RULES**

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement and Fire Department(See policy on "Law Enforcement and Fire Protection Pay and Overtime").

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

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



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

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 40 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

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

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

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

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

#### ***EXEMPTIONS***

County employees that work "Elections" under the direction of the County Clerk/Election Administration shall be paid at an hourly rate of their normal salary at time and a half. This shall be considered as overtime pay in lieu of compensation time. The expense of the "Elections Workers" will be charged to the ELECTION.

Election Administration/Site Support position pay shall be set at a straight hourly rate set by the County Clerk and Commissioners' Court. This shall be considered as overtime pay in lieu of compensation time. The expense of the position of Election Administration/Site Support will be charged to Elections.

## **2A-13 DEMOTIONS**

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected 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-14 TRANSFERS**

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

## **2A-15 PROMOTIONS**

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

## **2A-16 SEPARATIONS**

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

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

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

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

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

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

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

## **2A-17 RETIREE REHIRES**

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

Retired employees shall be eligible to apply for open positions with Hopkins County as long as the following provisions are met: 1) The retiree has been retired for at least 1 full calendar month, 2) No prior arrangement or agreement was made between Hopkins 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 month. A bona fide separation means there is no prior agreement or understanding between 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 PLAN**

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

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

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

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

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

As of October 1, 2015 Hopkins County will no longer offer the **Pre-65** benefit that allowed retirees to remain on the Group Plan until they turned 65.

#### HEALTH INCENTIVE PROGRAM

Hopkins County has adopted a healthy incentive program. Please refer to adopted health plan resource guide for more information. These elections are adopted by Commissioner's Court every September as part of our Texas Association of Counties Health Plan Program.

#### **2B-2 OTHER PLANS – LIFE**

Hopkins County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage

#### **2B-3 VACATION**

The following employee classifications shall be eligible for the vacation benefit: Full Time. These following employee classifications shall not be eligible for the vacation benefit: Part time, seasonal, temporary or on call.

Employees who have worked for less than 1 year(s) in a position eligible to receive vacation shall earn vacation at the rate of 3.07 hours per pay period, which is equivalent to 79.82 hours per year.

Employees who have worked for 10 or more years in a position eligible to receive vacation shall accrue vacation at the rate of 4.62 hours per pay period, which is equivalent to 120.12 hours per year.

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of one year (12 full months) in such a position before being eligible to take any vacation.

The maximum amount of unused vacation an employee shall be allowed to have at one time is 160 hours, after 10 years of service 240 hours. When an employee reaches the maximum accrual, he/she shall 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 of vacations shall be at the discretion of the individual department heads.

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

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

If a holiday falls during an employee's vacation, the employee will not be charged vacation hours equivalent to the holiday hours.

If an employee has worked for at least one year (12 full months) in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

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

***PAY AT TERMINATION***

If an employee has worked for at least one year in a position which accrues vacation at the time employee resigns, is discharged, or is terminated for any other reason the employee shall receive pay at the salary rate in effect at the time of termination. This includes base and any position pay the employee has earned.

**2B-4 SICK**

The following employee classifications shall be eligible for the sick leave benefit: full time. These employee classifications shall not be eligible for the sick leave benefit: part time, seasonal, temporary, on call.

Eligible employees shall accrue sick leave at a rate of 3.69 hours per pay period. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

The maximum amount of unused sick leave an employee shall 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 shall be defined as spouse, child, parent, 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 shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable.

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

The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employees 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 shall not be allowed to borrow sick leave against future accruals. Employees shall not be paid for unused sick leave at the termination of employment.

Upon separation sick time cannot be used as a gap to complete a final period of work. During the final two weeks an employee cannot apply any remaining sick time to the final pay period without a doctor's note.

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

## **2B-5 SICK LEAVE POOL**

The purpose of the county sick leave pool is to provide additional sick leave days to members of the pool in the event of a catastrophic illness, surgery or disability which prevents an employee from active employment. Days may be requested from the pool only after the employee has exhausted all accrued sick, vacation, compensatory time, straight time and personal time.

### **SICK POOL ADMINISTRATOR**

Hopkins County Administration will administer the sick pool program.

### **SICK POOL MEMBERSHIP**

All regular full-time employees with twelve 12 or more months of continuous employment are eligible to join the sick leave pool by

contributing 16 hours accrued leave. Annual enrollment for established members of the pool will be in October.

New employees may join the pool after completion of 12 months continuous employment by voluntarily submitting a Sick Leave Pool donation form. Once the employee is established in the pool, enrollment is allowed only during October of each fiscal year.

Membership enrollment forms must be submitted to the Administration/. Days donated will be subtracted from each members accrued sick leave. Days donated become the property of the Hopkins County Sick Leave Pool and cannot be returned in the event of membership cancellation.

Employees on approved leave of absence will retain membership in the pool and will not be required to donate additional days. To maintain membership in the sick leave pool, all members must donate sixteen hours (16) each fiscal year.

An employee who has exhausted all sick leave to which he/she is entitled may apply to use sick leave hours from the pool.

Days will be granted only for catastrophic illness or surgery or other disability or communicable illness which necessitates an absence from work. Absences must be supported by a statement from the attending Physician (s). Catastrophic illness or accident is, but not limited to, heart attack, stroke, cancer, or a disabling accident. Pregnancy will not be covered by the sick leave pool but complications due to pregnancy or delivery will be considered. Days requested for stress related illness will be granted for hospitalized days only.

The maximum number of days granted to an applicant each year will not exceed the lesser of one-third (1/3) of the total amount of time in the Pool or 30 days.

Days will not be granted when an employee is receiving worker's compensation.

The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the County Sick Leave Pool.

An eligible employee must notify their Department Head/Supervisor of their intent to submit application to use time in the Pool



All applications will be presented to the County Administration/Human Resource Office for submission to the Sick Leave Pool Administrator. If the employee is determined to be eligible, the Administration/Human Resource Office shall approve the transfer of time from the Pool to the employee. The time will be credited to the employee and shall be used for the benefit of the employee and immediate family.

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

An employee absent on sick leave assigned from the pool is treated for all purposes as if the employee were absent on accrued sick leave.

If a member is critically ill and unable to file an application for sick leave from the pool, their department head may submit a written application from the family.

Employees must exhaust all paid leave before they are eligible to use any leave from the pool.

Any unused balance of pool leave hours granted to an employee returns to the pool at the end of the illness.

The estate of a deceased employee is not entitled to payment for unused pool sick leave.

The Administrator of the county sick leave pool program will have the final approval/employee applications.

Applications for donation of accrued sick time to the pool are available in The Administration/Human Resource Office. Applications for withdrawal from the pool are available in the Administration/Human Resource Office.

The Sick Pool Administrator will set up a pay code to track the use and cost of Pool use.

Requests for Sick Pool use will be processed on a first (1st) come, first (1st) served basis. The Pool Administrator will have five (5) workdays from the date a request is received to approve or deny the request.

Membership for Fiscal Year: 20\_\_ Employee#

I, \_\_\_\_\_, would like to contribute \_\_\_\_\_ days to the Hopkins County Sick Leave Pool. By signing below, I authorize the debit from my personal sick leave balance by the amount of time I have donated and understand the Treasurer/HR office will credit the Sick Leave Pool with this amount of time.

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

\*\*\*\*\* For \*\*\* Office \*\*\* Use \*\*\* Only \*\*\*\*\*

\_\_\_\_\_  
(HR Director Signature)

\_\_\_\_\_  
(Date)

Sick leave balance before contribution: \_\_\_\_\_, processed by \_\_\_\_\_  
(hours) (date)

Sick leave balance after contribution: \_\_\_\_\_, processed by \_\_\_\_\_  
(Hours) (HR personnel Signature)

Personnel File Updated \_\_\_\_\_ Sick Leave Pool Updated \_\_\_\_\_

## **2B-6 HOLIDAY**

The following employee classifications shall be eligible for the holiday benefit:

Full time. These employee classifications shall not be eligible for the holiday benefit: Part time, seasonal, temporary, on call.

The County holidays shall be determined by the Hopkins County Commissioners' Court.

Holidays are 8 hour days and shall not accrue for all county employees regardless of classification.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday. Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Hopkins 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.

An eligible regular full time employee (non 207k exempt or dispatch) called in to work on a holiday because of an emergency, or other special need of the County shall be paid straight hours worked in addition to holiday pay. These hours will not count towards comp time or overtime hours.

Shift employees classified as "fire or law enforcement" who fall under the 207k exemption per FLSA, as well as dispatch employees will be compensated for the county's holidays in lieu of time off. Depending on the number of approved county holidays, each eligible employee will be paid the equivalent of a day's pay over the course of 26 pay periods. This will be calculated off of the employee's base pay. No additional compensation will be paid.

Example: number of county approved holidays x hourly base rate paid over 26 pay periods.

If an employee is off due to worker's compensation the holiday pay will not be paid. If the employee is off due to FMLA leave the holiday will not be paid.

## **2B-7 JURY DUTY**

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

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

### **2B-8 FUNERAL LEAVE**

All employees shall be allowed up to three days personal or sick leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse and the child, parent, brother or sister of the employee or the employee's spouse. Employees may be allowed the use of sick time 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-9 MILITARY LEAVE**

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

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

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

### **2B-10 RETIREMENT**

All regular employees (full time, part time, and regular variable hour) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short term part time employees will not be eligible for retirement benefits.

Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Hopkins County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Administration Office during the normal working hours for that office.

## **2B-11 SOCIAL SECURITY/MEDICARE**

All County employees shall 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 FMLA/MFL**

To be eligible for benefits under this policy, an employee must: 1) have worked for Hopkins 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.

Family or medical leave under this policy may be taken for the following situations: 1) the birth of a child and in order to care for that child; 2) the placement of a child in the employee's home for adoption or foster care; 3) to care for a spouse, child (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 make the employee unable to perform the essential functions of their job; 5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country; 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 of the employee shall be defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility or continuing treatment by a health care provider.

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

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: 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 which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity; 2) any period of incapacity due to pregnancy or pre-natal care; 3) any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time; 4) any period of incapacity which is permanent or long term due to a condition that treatment is not effective; 5) any period of incapacity or absence to receive multiple treatments by a health care provider.

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave: 1) leave may be taken to address any issue that arises because the covered military member was given seven or less days notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty; 2) leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member; 3) leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member; 4) leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member; 5) leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active duty status in a foreign country; 6) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status; 7) leave may be taken to attend counseling provided by someone other than a health care provider for

oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member; 8) leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation; 9) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status; 10) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 12) certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty or 13) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

Up to 12 weeks leave per 12 month period may be used under this policy. The County will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.

If a husband and wife both work for the County the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single 12-month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period: 1) the single 12 month period begins on the first day the eligible employee takes FMLA to care for covered service member or covered veteran and ends 12 months after that date; 2) if an eligible employee does not take all of their 26 workweeks during this 12 month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member or covered veteran is forfeited; 3) this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12 month period.

If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: compensatory time, vacation, holiday and sick. The remainder of the leave shall be unpaid.

An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the birth of a child shall be required to use paid sick leave first, then earned compensatory time, vacation and holiday leave for the recovery period after the birth of the child and prior to being on unpaid leave.

After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 week leave period being unpaid leave.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time, then vacation, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26 week leave period being unpaid leave.

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

While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to the County no



later than 30 days after the due date which the County sets or the coverage shall be discontinued.

At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12 month period.

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

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

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness the time will be deducted from the employee's 26 week leave eligibility in a single 12 month period.

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

The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.

Certification of the serious health condition of the employee shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of the treatment; and 5) a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of the serious health condition of an eligible family member shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of treatment; and 5) a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

Certification for leave taken because of a qualifying exigency shall include:

1) a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in a foreign country; 2) the dates of the covered military members active duty service; 3) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave; 4) the approximate date on which the qualifying exigency will start and end; 5) if the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; 6) if the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.

Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include: 1) if the injury or illness was incurred in the line of duty while on active duty; 2) the approximate date on which the illness or injury occurred and the probably duration; 3) a description of the medical facts regarding the covered military members or covered veterans health condition, sufficient to support the need for care; 4) if the covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to; 5) the relationship of the employee and the covered military service member or covered veteran; or 6) in lieu of certification and TO(invitational travel orders) or an ITA(invitational travel authorizations) issued is sufficient certification for a eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA.

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

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

Where practicable, an employee should give his or her immediate supervisor at least 30 days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Employees who have not exceeded the 26 week maximum, in a single 12 month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.

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

The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.

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

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

Employees who are out on approved FMLA 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 to attend qualifying military events. Employees may ask for permission from their immediate supervisor to take other trips outside of the county and supervisors may grant employee requests at their discretion.

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

The County may send out to an employee who has been out for 3 or more days a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

### **Military Family Leave**

Under the MFL, there are two types of leave available: 1) a qualifying exigency leave; 2) leave to care for a covered service member; or 3) 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).

### **Qualifying Exigency Leave**

Eligible employees 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, son, or daughter, 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 7 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 5 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) to act as the covered military member's representative before a governmental agency; 11) to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 12) 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 employee.

### **Military Caregiver Leave**

Eligible employees 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 of the Armed Forces (Regular, Reserve or National Guard) or a 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 his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties 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 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy. This leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks 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 workweeks may be taken within any single 12 month period.

Eligible employees 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 employer's operations.

### **Intermittent Leave**

Leave because of a serious health condition, or either type of Military Family leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. Military leave due to qualifying exigencies may also be taken on an intermittent basis. If leave is unpaid, the county will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the county may temporarily transfer the eligible employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child

placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

#### Substitution of Paid Leave

Hopkins County requires substitution of paid leave for all FMLA or MFL events. Employees must follow the vacation and sick policy guidelines. Employees also must use all of the earned compensatory time for FMLA or MFL events prior to using accrued vacation or sick leave. The balance of Family Medical Leave is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

#### Health Insurance Benefits

During an approved Family Medical Leave, the county will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the county will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through County Administration Department. An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the county for the cost of the premiums paid by the county for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

#### Return from FMLA Leave

Upon return from FMLA leave, eligible employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. An eligible employee is not guaranteed the actual job held prior to leave.

#### Notice

If the need to use FMLA leave is foreseeable, the employee must give the county at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to Hopkins County Administration Department. When submitting a request for leave, the

employee must provide sufficient information for the county to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the county if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

When an employee requests leave, Hopkins County will inform the employee whether they are eligible under the FMLA or MFL. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible, the county will provide the employee with a written notice indicating the reason for ineligibility. If leave will be designated as FMLA or MFL protected, the county will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12 or 26 week entitlement.

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from Hopkins County Administration Department. When the employee requests leave, the county will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after the employee requests leave).

If the employee provides at least 30 days' notice of medical leave, they should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The county, at its expense, may require an examination by a second healthcare provider designated by the county, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the county, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The county may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the county each month regarding the status of the condition and his or her intention to return

to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

## **GINA NOTICE**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## **2B-13 LEAVE OF ABSENCE - OTHER**

Employees may request a personal leave of absence to a maximum of 3 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.

After 6 months of employment all full-time regular employees shall be eligible for (3) days personal leave each calendar year. These days are designed to be used in the event of a death, illness of family member or other personal emergencies/business. Each Department Head will approve each request and will maintain records in their office. Failure to use personal leave shall not cause the county to make any payment for such time not utilized and shall not be cumulative in nature.

Personal time cannot be used as a gap to complete a final time period of work or during the final 2 weeks, employee cannot apply any remaining personal time to the final pay period.