



Live Oak County Employee Handbook

Adopted May 30, 2025



Live Oak County Courthouse
BRH and Photo
4/3/2019

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EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

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

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

With the exception of Law Enforcement and Dispatch, I understand that Live Oak County Employees will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and may be required to take earned compensatory time off at the County's discretion.

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

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

Live Oak County
Printed Name of Employee _____

Signature of Employee _____ Date Signed _____

LIVE OAK COUNTY EMPLOYEE HANDBOOK

Welcome to Live Oak County!

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

Live Oak 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 Live Oak County, and other information you will need. Each elected or appointed official may have their own policies and procedures as well.

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 Live Oak County employee. You should use this handbook as a ready reference as you pursue your career with Live Oak County. Please consult with your elected official, appointed official, or department head regarding questions you may have concerning this employee handbook.

Welcome aboard!

Sincerely,

_____, James Liska
County Judge

_____, Richard Lee
Commissioner Pct. 1

_____, Randy Kopplin
Commissioner Pct. 2

_____, Mitchell Williams
Commissioner Pct. 3

_____, Lucio Morin
Commissioner Pct. 4

SECTION 1: GENERAL POLICIES

A. COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT-WILL

All employment with Live Oak County shall be considered “at will” employment. No contract of employment shall exist between any individual and Live Oak County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your at will employment status, and no person may enter into a contract on behalf of Live Oak County modifying the at-will nature of an employee’s employment without written approval of the Commissioners Court.

Live Oak 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. Live Oak 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 Live Oak County also have the right to leave their employment with the County at any time, with or without notice.

1A-2 EMPLOYEE STATUS POLICY

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of a position cannot be changed without the approval of the Commissioners Court.

Regular Full Time. A full time employee is any employee in a position who has a normal work schedule of 30 or more hours per week. Full time employees are eligible for County health insurance and retirement benefits. Other County policies will dictate eligibility for other benefits.

Full time 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. Live Oak County makes exempt status determination based on the Fair Labor Standards Act.

Regular Part Time. A part time employee is any employee in a position who has a normal work schedule of less than 30 hours per week. Regular part time employees are not eligible for health insurance, but 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 temporary seasonal employee is any employee who is hired into a position that lasts six 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 specific season that the employee is being hired for on the status change. Seasonal employees can be either part time or full time, and they may qualify for health insurance through the County depending on the number of hours worked per week, and the length of employment. Temporary seasonal

employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

Temporary Short Term Part Time. A temporary short term part time employee is 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 the project goes beyond 12 months, the employee will move into regular part time status. Temporary short term part time employees are not eligible for health insurance and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

1A-3 NO EXPECTATION OF PRIVACY FROM WORKPLACE SEARCHES

To enforce the policies, procedures, safety standards and to otherwise protect County interests, employees will have no reasonable expectation of privacy in the workplace. The County reserves the right to conduct searches of County property, including workplace premises, facilities, vehicles, office computers (including email and internet), and communication systems, at any time, with or without notice. This policy extends to offices, desks, files, cabinets, and similar areas. In addition, County facilities may be subject to video security surveillance without notice.

1A-4 EQUAL EMPLOYMENT OPPORTUNITY

Live Oak County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, genetic information, pregnancy, military or veteran status, disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment. Employees who engage in unlawful discrimination or harassment will be subject to disciplinary action up to and including termination of employment.

If any employee feels discriminated against because of any basis stated above, the matter should be brought to the attention of the employee's direct supervisor or up their chain of command (i.e., to their elected official, appointed official, or department head). If, for any reason, the employee feels that reporting the matter up their chain of command may not be the best course of action, the report should be made to the County Treasurer.

An employee who complains about violations of this policy will not be retaliated against for such a complaint. Retaliation for complaining about EEO concerns is strictly prohibited.

1A-5 ACCOMMODATION

To the extent reasonably possible, Live Oak County will accommodate qualified individuals with disabilities and individuals who are pregnant or with pregnancy-related medical conditions in the application, hiring, and employment process. Reasonable

accommodation is available unless the accommodation would impose an undue hardship on the County or cannot be provided without posing a substantial or imminent safety risk.

Individuals requiring accommodation should notify their direct supervisor, up their chain of command (i.e., to their elected official, appointed official, or department head), or the County Treasurer's office. Reasonable accommodation shall be determined through an interactive process of consultation. The County requests sufficient notice, when possible, to give time to arrange the accommodation. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's medical information with confidentiality.

1A-6 PERSONNEL FILES

The Live Oak County Treasurer's Office will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, as well as, records concerning performance, discipline and compensation.

It is important that the personnel records of Live Oak County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2s returned, Live Oak County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

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

1A-7 NEPOTISM

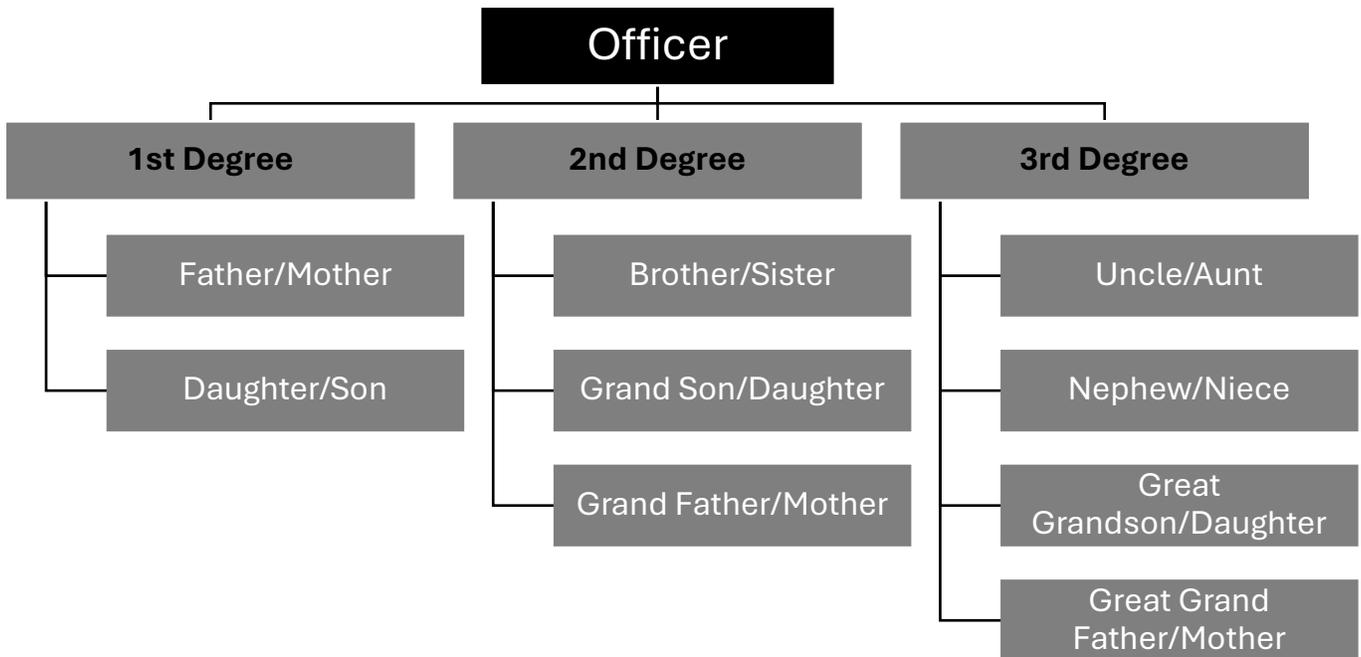
The hiring of employees shall not violate the laws against nepotism as contained in the Texas Government Code, Chapter 573 or other applicable laws. The state nepotism statute is applicable to all persons authorized by law to make hiring decisions for the County, including public officials and department heads. Relatives who come within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) of a County public official or department head cannot be hired to work in a department that their relative supervises or exercises control over. A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

If an individual is already employed with the County prior to the appointment or election of a covered relation, then continued employment with the County will depend upon how long the individual was employed prior to the election or appointment, and whether it is possible

for the person with hiring authority to recuse him/herself from decisions affecting the employee's employment, as detailed in Chapter 573.062 of the Texas Government Code.

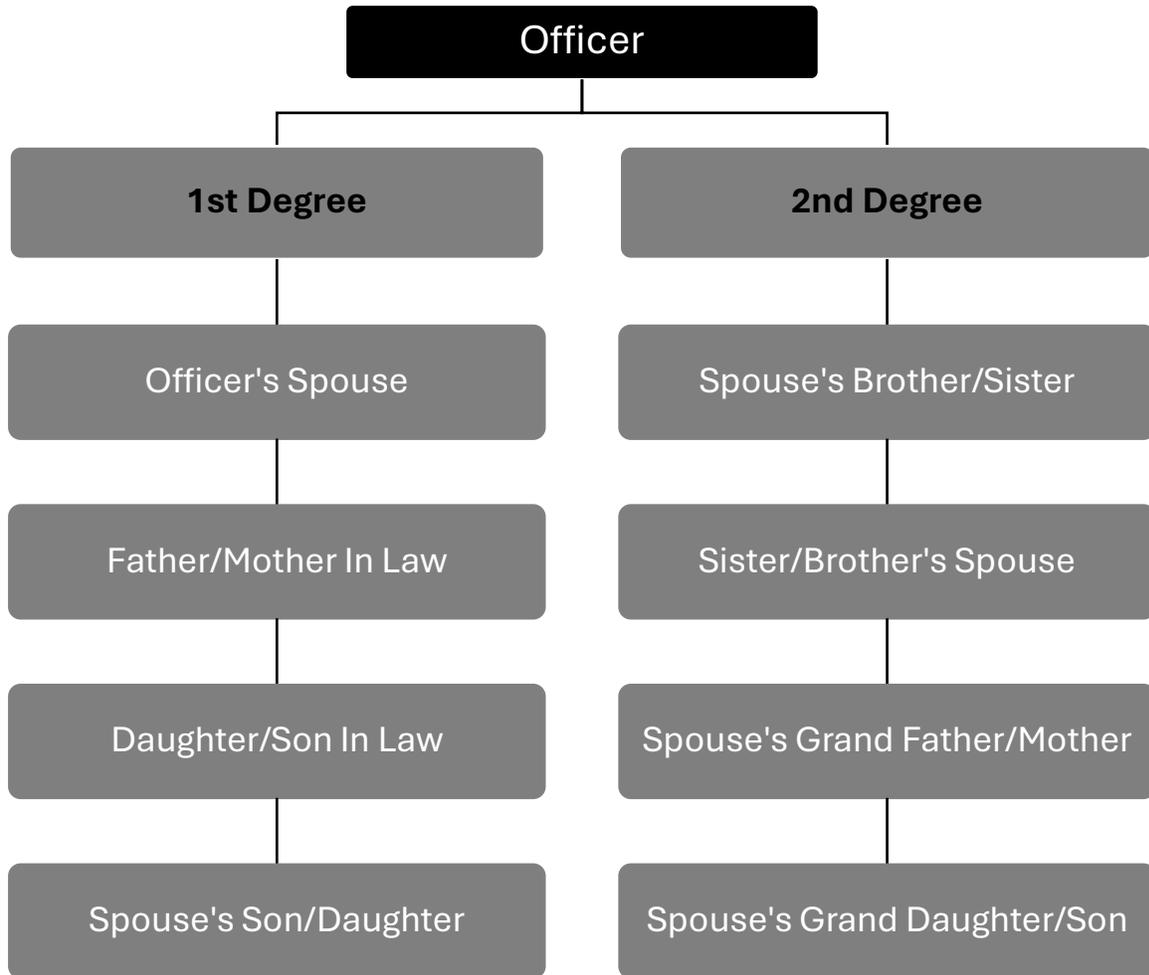
CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



AFFINITY KINSHIP CHART

(Relationship by Marriage)



1A-8 CHAIN-OF-COMMAND RELATIONSHIPS

Aside from those relationships impacted by Texas nepotism laws, the County will employ related individuals, or those individuals in a household, dating, or romantic relationship; however, the County reserves the right to evaluate such relationships on a case-by-case basis to determine whether a potential for conflict of interest, workplace disruption, or the appearance of impropriety or favoritism exists.

Employees are required to report to their elected official in writing the existence of any family or household relationship with another employee, prospective employee, volunteer, vendor, or contractor, even when such relationships are permitted by policy. This is to ensure that related individuals are not accidentally placed in positions discouraged by this policy.

If any employee in a supervisory position is having or begins a romantic, sexual, and/or dating relationship with any employee of the County, they must report the relationship immediately and in writing to their elected official, who must then report it to the County Treasurer. This reporting requirement applies even if the employee with whom they are having a relationship is not in the same chain of command or is also in a supervisory position.

Failure to comply with any of the requirements in this section may result in discipline, up to, and including termination.

1A-9 HIRING PRACTICES

All recruiting efforts are coordinated by the County Auditor's Office and are consistent with the County's Equal Employment Opportunity Policy. Persons seeking employment with the County must complete the appropriate application and any other required forms.

Applications and other required forms are accepted by the County Auditor's Office when there is an open position. Applications may be accessed on the County website.

All new hires will be required to complete an I-9 form within three business days of employment. These documents must verify the new hire's identity as well as his/her legal status to work in the United States.

Any material or intentional misrepresentation of facts or failure to report pertinent data on the employment application shall be grounds for termination of employment.

An applicant is disqualified from employment if the applicant does not meet the minimum requirements or qualifications of the position sought, knowingly misrepresents a statement on the application, submits an incomplete application, commits fraud during the selection process, or is not legally permitted to hold the position. Continued employment is subject to maintaining minimum qualifications, as required for the position.

B. WORK RULES AND EMPLOYEE RESPONSIBILITIES

The County expects its employees to contribute to a favorable work environment by performing their responsibilities in a competent, mature, and committed manner, and by showing courtesy to coworkers and the public. County personnel are public servants, and discourteous treatment of any person may be grounds for disciplinary action.

1B-1 GENERAL EXPECTATIONS AND RULES

The County expects employees to follow the rules and guidelines set forth in the handbook and other supplemental policies and procedures of the County issued or established from time to time, as well as specific directives given by a supervisor. No handbook, policy, or procedure can realistically attempt to list all possible behaviors that would be viewed as unacceptable, and accordingly, employees are required to use common sense in their conduct and behave at all times in an honorable, safety-conscious, and business-like manner.

Each employee has an obligation to serve the interests of the public and those they represent in a manner that is beyond reproach at all times both on and off the job, by meeting high standards in individual conduct and personal appearance.

1B-2 ATTENDANCE

Employees are expected to be punctual and demonstrate consistent attendance. Employees should arrive at work on time and should remain at work for their entire shift unless they have approval from their supervisor otherwise. If an employee is unable to be at work at their normal reporting time, they must notify their supervisor at least one hour prior to the scheduled start of their shift or, in the event of an emergency, as soon as it is reasonably practicable, via phone call. An employee who does not report for work for three consecutive scheduled workdays, and who fails to notify their supervisor, shall be considered to have resigned their position by abandonment.

Absences may be excused or unexcused. An absence is excused when the employee provides their supervisor with advance notice of the absence, the absence was approved, and the employee has sufficient accrued paid time off to cover the absence. An absence is unexcused when any of the listed conditions for an excused absence are not met. 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.

1B-3 DRESS CODE

Live Oak County expects all employees to be well groomed, clean, and neat at all times and to present a professional image. Each official or department head will determine the type of attire that is acceptable for the employees who report to them. Specific job requirements for certain employees may dictate their dress. Employees are responsible for adhering to

the guidelines which apply to them and their department. If an employee has a question about whether a particular item of clothing is appropriate, the employee should consult their supervisor before wearing it to work. Employees dressed inappropriately for work will be sent home on their own time to change and are subject to corrective action.

If an employee has religious or medical concerns regarding the ability to comply with the requirements of this policy, this should be brought to the attention of his/her supervisor or official or department head. Requests for reasonable accommodation for either religious, pregnancy-related medical condition, or disability-related reasons will be assessed in accordance with applicable state and federal laws and safety requirements.

1B-4 SMOKE FREE WORKPLACE

Live Oak County endeavors to provide a healthy environment. Therefore, smoking or vaping in county buildings is strictly prohibited. Additionally, no smoking or vaping is allowed anywhere on the premises of the County Courthouse or within 10 feet of exterior entranceways to any other county buildings. Elected officials may set more specific rules for the employees who report to them.

1B-5 CONFLICT OF INTEREST

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

Employees who violate this policy shall be subject to discipline, up to and including termination. Employees should also understand that in some circumstances, their actions may also have criminal consequences.

Activities which constitute a conflict of interest include but are not 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) Using official identification, status, or other items with the County logo or official seal to gain favors, discounts, benefits, etc. from businesses or special treatment from law enforcement officials. For example, a badge or County identification will not be used to influence the outcome of a traffic ticket;
- 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- 4) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;

- 5) Making any personal investment that might reasonably be expected to create a conflict between the employee's private interest and their duties for the County; or
- 6) 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-6 EMPLOYEE NOTIFICATION OF ARREST

All employees must report certain contacts with law enforcement as soon as possible and in any case no later than 10 a.m. the next business day, to the employee's elected official and to the County Treasurer. Such contacts include, but are not limited to, questioning by a law enforcement official in connection with any alleged offense by the employee, arrests, charges, indictments, pleas, deferred adjudication, convictions, and citations other than parking or minor traffic violations. Any traffic citations that involve alleged intoxication, endangerment to a child, or other aggravating circumstances are not considered "minor" for purposes of this policy.

If, because of the circumstances of an arrest, it is truly impossible for the employee to make this report timely, they must make every attempt to have someone else report the incident by the deadline. As soon as the employee can call or come in, they must do so, even if another person made the initial report on their behalf.

1B-7 WORKPLACE HARASSMENT, INCLUDING SEXUAL HARASSMENT

Live Oak County is committed to a workplace free of verbal or physical conduct by any employee that is harassing, disruptive, or interferes with another's work performance or which creates an intimidating, offensive or hostile environment. The County will not tolerate any kind of harassment, whether committed by a supervisor, department head, fellow employee, member of management, elected or appointed official, a vendor, or a member of the public. Further, the County will not tolerate harassment of any other person by a County employee. Harassment is prohibited both during work hours, and at any work-sponsored social function or other event, or any other time when it may have a negative or disruptive impact on the County (including non-work hours). Harassment includes not only written or verbal comments, but any action over email, text message, or social media posting.

Definition of Sexual Harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment (i.e. quid pro quo conditioning of a raise or promotion on engaging in sexual activity);
- 2) Submission to or rejection of such conduct is used as the basis for employment decisions (i.e. requiring a potential new hire to go out with a supervisor prior to extending an offer);

- 3) Such conduct has the purpose or effect of interfering with an individual's work performance (i.e., sexually explicit comments that impact an employee's attendance or productivity); or
- 4) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment (i.e. unwelcome, sexually explicit comments directed at another employee).

Examples of prohibited conduct that violate the County's policy against sexual harassment include, but are not limited to:

- Unwelcome sexual flirtations, touching, advances, or propositions;
- Unwelcome discussion of sexual activities;
- Verbal abuse of a sexual nature, including jokes or stories;
- Graphic or suggestive comments about an individual's dress or body;
- Physical touching of a sexual nature;
- Sexual remarks about physical attributes or sexual desirability or lack of desirability;
- Gender stereotypes about women or men;
- Sexually degrading words to describe an individual;
- Sexually suggestive objects or pictures; or
- Sexual advances which condition an employment benefit in exchange for sexual favors, or which may be perceived as such.

Non-Sexual Harassment. Examples of other kinds of prohibited conduct that violate the County's policy against harassment include, but are not limited to: slurs, epithets, innuendos, comments, and jokes based on a protected characteristic or that may be perceived by others as offensive; sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., via e mail, and/or on social media; verbal or written harassment; threatening, intimidating or hostile acts; visual forms of harassment; or assigning undesirable work to an employee based on their race, color, religion, national origin, sex, sexual orientation, gender identity, age, genetic information, pregnancy, military or veteran status, disability, or any other protected characteristic under the law.

How to Report Harassment to the County. Employees who feel they have been harassed, or who have knowledge of harassment, must immediately report the situation to the employee's direct supervisor or up their chain of command (i.e., to their elected official, appointed official, or department head). If, for any reason, the employee feels that reporting the harassment up their chain of command may not be the best course of action, the report should be made to the County Treasurer.

Every reported complaint will be investigated promptly and thoroughly, in an impartial and confidential a manner as possible. 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. It is the County's expectation and requirement that employees cooperate in any

investigation in which they are asked for information, and failure to do so may result in disciplinary action up to and including termination.

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation. Any employee who is found after appropriate investigation to have engaged in harassment of another employee shall be subject to disciplinary action, up to and including termination of employment.

Failure of a supervisor to report allegations of harassment will lead to disciplinary action if it is determined that the supervisor had knowledge but did not report the information immediately to the appropriate management. **Under Texas law, a supervisor who fails to report allegations or observations of sexual harassment, or who interferes with a management decision to take immediate and appropriate corrective action, may be individually liable for sexual harassment.**

Retaliation is Prohibited. 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 employee's direct supervisor or up their chain of command (i.e., to their elected official, appointed official, or department head). If, for any reason, the employee feels that reporting the retaliation up their chain of command may not be the best course of action, the report should be made to the County Treasurer's office.

1B-8 POLITICAL ACTIVITY

Employees of Live Oak 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:

- A. Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- B. State or imply that personal political opinions held by other employees or themselves reflect attitudes of any other employee or the County in general;
- C. 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;
- D. Use any equipment, property, or material owned by the County for political activity; or
- E. Engage in political activity while on duty for the County.

1B-9 OUTSIDE EMPLOYMENT

Employees are expected to give their full and undivided attention to their job duties. Unless express written approval is obtained in advance and in writing from their immediate supervisor, employees should not engage in a profit-making business nor become involved

with a non-profit organization outside of their employment with Live Oak County that interferes with the employee's assigned duties with Live Oak County.

Employees should not use Live Oak County facilities or equipment or their association with Live Oak County to carry on a private business or profession. For law enforcement personnel only, exceptions may be made by the employee's immediate supervisor under certain circumstances, such as a deputy acting as security for an event, provided the exception is approved in advance.

1B-10 BREAKS, INCLUDING BREAK TIME FOR NURSING EMPLOYEES

The County supports the practice of expressing breast milk, and reasonably accommodates its employees who have a need to do so during working hours. Employees who are nursing are allowed reasonable break time, comfort, and privacy to express milk. If regularly scheduled breaks and meal-times are not sufficient, nursing employees may take additional time to express milk as needed. Employees will be relieved of all job duties while on break. These additional breaks are not considered compensable working time and should be deducted from the total time worked. Employees may choose to use accrued paid leave for this purpose. If an employee is not completely relieved of job duties during such breaks, then it will be considered compensable time. Nursing women should notify their direct supervisor, up their chain of command (i.e., to their elected official, appointed official, or department head), or the County Treasurer's office of their need for this accommodation so that arrangements can be made to provide a private, comfortable location to express milk.

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

1B-11 GRIEVANCES

Any employee having a grievance related to their job should discuss the grievance with their immediate supervisor. If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee 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. If, for any reason, the employee feels that reporting their concern up their chain of command may not be the best course of action, the report should be made to the County Treasurer.

1B-12 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 facts and circumstances of the situation, discipline may range from informal counseling up to and including immediate termination. Examples of possible disciplinary actions include, but are not limited to, verbal warning, written warning, suspension, and termination of employment. Although discipline is often progressive, the County has the right to skip steps depending on the facts and circumstances involved.

All County employees are “at will” employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in their job. Live Oak 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-13 LICENSE AND CERTIFICATIONS

Live Oak 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 the license is a requirement for the position, the employee may be demoted, transferred, or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

1B-14 WEATHER CLOSINGS AND EMERGENCIES

As a general practice, Live Oak County does not close its operations unless the health, safety, and security of employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge, elected official, or department head is responsible for initiating the closing or modification of work schedules. In the absence of an official closure notice, County operations are open for business. In extraordinary circumstances, the County Judge has the authority to override the decision of an elected official or department head.

The County Judge will notify elected officials and department heads via phone. Elected officials and department heads shall notify their employees of the closing. The County Judge, elected official, or department head, has the sole discretion to grant paid administrative leave for time not worked or to require employees to use vacation or compensatory time in connection with weather closings and emergencies.

Although the County may shut down operations in connection with weather closings or other emergencies, some County departments and personnel will be required to continue work during emergency closings because they provide an essential service. Each elected official or department head is responsible for designating their own essential employees and for communicating the emergency work schedule to the employee. Public safety will be foremost in the development of departmental emergency action plans.

If an employee feels their individual circumstances prevent them from safely reporting for duty as scheduled, they may elect not to report for duty. An employee who does not report to work due to inclement weather on a day that County offices are otherwise open for business must notify their elected official or department head immediately. The employee must report the absence on his/her timesheet for payroll purposes. Accrued vacation leave or comp time may be used. Sick leave may not be used for this purpose.

1B-15 CONFIDENTIALITY

Live Oak County is a public entity, however, some employees acquire confidential or non-public information because of their position with the County. This information must be protected. Employees who reveal confidential or non-public information they have received because of their position may be subject to discipline up to and including termination.

1B-16 WHISTLEBLOWER

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

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

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

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

An employee with a question regarding this section should contact Live Oak County Treasurer.

1B-17 FRAUD, THEFT, WASTE, OR ABUSE

The County does not tolerate any type of fraud, theft, waste, or abuse. Failure to comply with this policy may subject an employee to disciplinary action, including immediate termination. Failure to comply by a consultant, vendor, contractor, outside agency, or person doing business with the County or in any other relationship with the County could result in cancellation of the business or other relationship between the entity and the County. The County may pursue prosecution if the results of an investigation indicate the possibility of criminal activity.

Definitions:

“Fraud” is defined as an intentional deception designed to obtain a benefit or advantage or to cause some benefit that is due to be denied.

“Waste” is the loss or misuse of county resources that results from deficient practices, system controls, or decisions.

“Abuse” is the intentional, wrongful, or improper use of resources or misuse of rank, position, or authority that causes the loss or misuse of resources, such as tools, vehicles, computers, copy machines, etc.

“Theft” is defined as the act of taking something from someone unlawfully.

Responsibility to Report Suspected Fraud, Waste, Abuse, or Theft. Each employee, elected official, and department head is required to report any suspected fraud, theft, waste, abuse, or other dishonest conduct to their supervisor, department head, or elected official, unless these persons are the alleged perpetrators of the alleged violation of policy or law. If the listed persons are alleged to be involved in the violation, the employee may report the allegation to Live Oak County Judge, County Attorney, District Attorney, County Sheriff, or County Treasurer. The County will investigate the reported activity.

The reporting individual should not contact the suspected individual in an effort to determine facts or demand restitution, and the reporting employee should allow the County to conduct the investigation. Each employee involved in an investigation of suspected fraud shall keep the content of the investigation strictly confidential to the full extent allowed by law. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know.

The County will not tolerate any form of retaliation against individuals providing information concerning violations or suspected violations of this policy.

The County shall make every effort to protect the rights and the reputations of everyone involved in a report of suspected fraud, including the individual who in good faith alleges violations of this policy, as well as the alleged violator(s).

Failure to comply with any part of this policy is grounds for disciplinary action, including immediate termination. An employee may be subject to disciplinary action, up to and including termination if the employee:

- A. has engaged in any form of fraud, theft, waste, or abuse;
- B. suspects or discovers fraudulent activity and fails to report his or her suspicions as required by this policy; or
- C. intentionally reports false or misleading information.

C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

Each employee is responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to them. County employees may use equipment, tools, and other County property that they are authorized to use for official business only. 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. For law enforcement personnel only, an exception may be made to this rule under certain, limited circumstances (such as a deputy working security at an event), but the employee must obtain permission from their immediate supervisor in advance. Improper use may subject employees to criminal prosecution.

1C-2 DISPOSAL OF COUNTY PROPERTY

County departments must promptly identify broken property and report it to the Auditor's office for inventory management. The condition of the property will be assessed to determine if it can be repaired or if it should be disposed of. If broken property can be repaired cost-effectively and is still needed, it should be repaired. If a determination is made to dispose of the property, the County will follow appropriate disposal procedures.

Scavenging by employees or other third-parties is prohibited. Scavenging and unauthorized salvaging of materials discarded by the County are considered theft of County property and will result in disciplinary action up to and including termination for employees and may also be referred for criminal investigation. Any employee who observes or is aware of another employee or third-party scavenging has an obligation to report the behavior to the Live Oak County Judge, County Attorney, District Attorney, County Sheriff, or County Treasurer. The County will investigate the reported activity.

Definitions:

“Salvage property” - asset other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged or obsolete that it has no value for the purpose for which it was originally intended.

“Surplus property” - asset that:

- A) Is not a salvage asset or item routinely discarded as waste;
- B) Is not currently needed by the County;
- C) Is not required for the County’s foreseeable needs; and
- D) Possesses some usefulness for the purpose for which it was intended.

“Scavenging” - the uncontrolled and unauthorized removal of County property.

“Salvaging” - the controlled removal of salvage property for utilization, recycling, or sale.

1C-3 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 and may not transport other individuals without a business reason or emergency situation for doing so.

Employees who operate vehicles must maintain a current active driver’s 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.

Elected officials and department heads who oversee employees who utilize County vehicles will be required to verify annually that all drivers’ licenses are current and reported to the personnel file in the Treasurer’s office.

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

1C-4 CELL PHONE USAGE

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

Live Oak County strongly discourages the use of any cell phone while operating any vehicle, unless exempted by law as a law enforcement official while performing official duties.

Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Employees may not text unless they are using handsfree technology while operating any county-owned vehicle or while driving their own personal vehicle 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 should remember that, because the County is a governmental agency, any information related to County business may be subject to public release under public information laws, even if it is created, transmitted, downloaded, or stored using personal electronic devices (e.g., cell phones, notebooks).

Each department may set further rules and regulations regarding cell phone usage while at work.

1C-5 COMPUTER AND INTERNET USAGE

The use of Live Oak County information systems, including computers, fax machines, smart phones, tablet computers, and all forms of Internet/Intranet access, is for Live Oak 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 Live Oak County computers, networks, and Internet access is a privilege granted by officials or department heads and may be revoked at any time for inappropriate conduct carried out on such systems. County employees shall have no expectation of privacy when using County computers, networks, or other County-owned equipment. Improper use may result in discipline up to an including termination.

Live Oak County owns the rights to all data and files in any computer, network, or other information system used in the County. The County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as 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. The County has the right to inspect all files stored in private areas of the network or on individual

computers or storage media 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 illegal or unauthorized downloads. The 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 Live Oak 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.

Under Texas law, all County employees who use a government computer at least 25% of the time, elected officials, and appointed officials are required to complete cybersecurity training that has been certified by the Texas Department of Information Resources each year. Employees, elected officials, and appointed officials are responsible for ensuring their mandatory training is completed and reported to the County before the end of each fiscal year.

D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 WORKERS COMPENSATION

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

Employees are required to use accrued compensatory time, vacation, or sick leave for all workers' compensation time off less than eight days. Employees who are injured at work may also be eligible for leave under the Family Medical Leave Act ("FMLA"). Live Oak County runs family medical leave and workers compensation leave concurrently.

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

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

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

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

Line of Duty Illness or Injury Leave. Peace officers, jailers, and dispatchers may take a leave of absence for an illness or injury related to the person's line of duty with full pay for a period commensurate with the nature of the line of duty illness or injury for a maximum period of one year, as required by state law.

1D-2 RETURN TO WORK

This policy only covers employees who are on leave due to a work-related injury or illness, unless otherwise required by law. Because employees are our most valuable resource, Live Oak County attempts to help employees return to work as soon as possible.

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

Return to Work Options:

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

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

Four-Week Limit. Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a

period of four weeks and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA leave is still available). This time period will be extended, as required by law.

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

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

Medical Information. All employees' medical information is held in strict confidence. Medical inquiries are limited to those permitted under Texas Workers' Compensation Statute and applicable federal law.

Coordination with FMLA. Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law. It is Live Oak County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Until employees have exhausted their twelve (12) week FMLA entitlement and any other protected leave required by law, they have the right to be reinstated to their original job or an equivalent job provided they are able to perform the essential functions of the job.

1D-3 EMPLOYEE SAFETY

Live Oak 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 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 must either take steps to correct those conditions or report the unsafe conditions to their supervisor.

1D-4 DRUG AND ALCOHOL

Live Oak County is a drug and alcohol-free workplace. 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 Live Oak 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.

An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County. Under the influence means not having the normal use of mental or physical faculties because of the introduction into the body of alcohol or a drug prohibited by this policy. Being under the influence may include misbehavior, aberrant behavior, reduced ability to perform work in a safe and productive manner, or impairment of physical or mental ability, such as incoherence, slurred speech or difficulty maintaining balance. Reasonable and limited consumption of alcohol is permitted at certain duty-related social events, such as conference receptions. However, no employee in a work-related capacity may ever be impaired or under the influence because of the excessive use of alcohol.

An employee may not report to work with any detectable amount of alcohol or a drug prohibited by this policy in their system, under the influence, or smelling of or appearing to be using alcohol or drug prohibited by this policy.

An employee may not possess or use unauthorized prescription 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 valid prescription if the use will not impair the employee's ability to do their job safely and effectively. An employee must keep prescription medications used at work in their original container.

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

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

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

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

The County encourages any employee who has an alcohol or drug problem to seek treatment before the problem manifests itself into a violation of this policy. Employees are encouraged to voluntarily seek assistance for such problems and must do so BEFORE the County discovers the employee has violated the policy to avoid disciplinary action or termination of employment. Upon returning to work, the employee may be subject to periodic and/or random testing, and will be terminated for any subsequent violation of this policy. These guidelines apply only to one leave of absence. Any request for an additional leave of absence will be handled on a case-by-case basis and granted only at the sole discretion of the County, and as required by law.

Testing. A positive, confirmed test for alcohol or illegal drugs will result in disciplinary action up to and including immediate termination of employment. Employees who refuse a test or engage in conduct that obstructs or delays a test or sample collection are subject to immediate termination of employment.

Law Enforcement. Law enforcement employees will be tested in accordance with applicable state law and licensure requirements.

Non-CDL Holders - Suspicion-Based Testing:

Reasonable Suspicion. Current employees will be tested if there is a reasonable suspicion that they are using, possessing, or are under the influence of alcohol or a drug prohibited by this policy or otherwise violating this policy. A "reasonable suspicion" exists when there are objective observable signs and symptoms of job impairment, a scent or appearance of using alcohol or a drug prohibited by this policy, credible witness or other evidence of on-duty alcohol use or on or off-duty illegal drug use, behavior that is a threat to safety, or changes in mood, perception or judgment that give a supervisor or other member of management reason to suspect that the employee is using, possessing, or are under the influence of a prohibited substance.

Elected officials, department heads, supervisors, and employees otherwise designated by the elected officials must take action if they have reason to believe one or more of the above listed conditions is indicated. The following steps should be taken:

1. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and (if applicable) specific violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to use of a prohibited substance, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected official or supervisor as well as the employee.
4. The elected official or supervisor will **remove** the employee from the County work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received. The employee being testing will not be paid for time away from work for testing unless the results of the test are negative.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Live Oak County Treasurer's Office for filing.

Post-Accident Testing. All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested.

Testing Procedures:

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, they may do so within two hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Live Oak County.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to their residence.

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

1D-5 DRUG AND ALCOHOL - CDL EMPLOYEES

CDL Drivers are an extremely valuable resource for Live Oak 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 CDL employees from being under the influence of or using illegal drugs or alcohol during working hours, and CDL employees are subject to both the County's primary drug and alcohol policy and the policy specific to CDL holders.

The U.S. Department of Transportation 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 Live Oak 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. Live Oak County will conduct pre-employment, random, reasonable suspicion, and post-accident drug testing in accordance with federal law.

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

A detailed policy is included in **Appendix A** and is available at the Live Oak County Treasurer's office.

1D-6 WORKPLACE VIOLENCE

Live Oak County is committed to providing a workplace free of violence. Live Oak 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, including 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 Office. If employees believe that a person is violating

this policy, they should immediately report to their immediate supervisor or the Sheriff's Office. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

Employees can also report instances of workplace violence or suspicious activity by contacting the Department of Public Safety (DPS) through the iWatchTexas Community Reporting System at www.iwatchtx.org, or by calling 844-643-2251. Employees have the right to make a report to DPS anonymously.

1D-7 WEAPONS

It is the County's intent to provide a safe workplace to all of its employees, and to exercise reasonable care in the control and supervision of its employees. The County prohibits possessing or carrying concealed or other weapons while on county business, on county premises (except when secured in the employee's personal vehicle), jobsites, or in county vehicles, unless allowed under this policy and the law and approved in writing by the Employee's elected official. This policy applies regardless of whether the employee is legally licensed to carry a concealed firearm under state law.

Nothing in this policy allows an employee to openly carry a handgun on County property, and open carry of handguns by employees on County property is strictly prohibited, unless required for their position.

Carrying a concealed handgun in the course of duties is a privilege, not a right, and may be revoked at any time at the discretion of the employee's elected official. It is the responsibility of the carrier to ensure compliance with Texas handgun laws at all times. Failure to comply with these laws can result in disciplinary action up to and including termination.

Prior to carrying a concealed handgun onto County property (other than secured in an employee's own vehicle in parking areas), the employee shall submit a written request to their elected official and copy the County Treasurer's office, to be put in personnel file. Permission to carry the weapon is granted by the employee's elected official, in his or her sole discretion.

1D-8 SOCIAL MEDIA

Live Oak County prohibits the installation or use of TikTok or any other covered application on any device owned or leased by Live Oak County and requires the removal of covered applications from those devices. The term "covered application" includes the social media service TikTok, any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited, or a social media application or service specified by proclamation of the Governor of Texas.

The elected official may permit the installation and use of a covered application to the extent necessary to provide law enforcement or to develop or implement information security measures. For the installation to be approved, Live Oak County must implement and document measures to mitigate risks posed to the state during the use of the covered application.

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, Instagram, etc.

Live Oak County recognizes the importance of social media for its employees. Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the County. 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, the public, or vendors; or creates a hostile work environment; or harms the goodwill and reputation of Live Oak County among the community at large. Live Oak 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 Live Oak County make clear that you are an employee of Live Oak County and that the views posted are yours alone and do not represent the views of Live Oak County.
- Do not share personal or private information of Live Oak County supervisors, employees, vendors, or the public without their express consent.
- Do not pick fights. If you see a misrepresentation about Live Oak 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, vendors, and any individual who 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 certain social media posts, even if the employee did not use a County computer or if the post did not occur during work hours or on County property.
- Social media activities should not interfere with your duties at work. Live Oak 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 Live Oak County’s website or post Live Oak County material on a social media site without written permission from your supervisor.

- All Live Oak 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 Live Oak 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.

SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

A. EMPLOYEE PAYROLL

2A-1 EMPLOYEE CLASSIFICATION AND COMPENSATION

All positions in the County shall be classified as either exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA) and regulations, based on the duties and responsibilities in the job description. The status of each position shall be listed on the corresponding job description.

Exempt Employees. Exempt employees are employees who meet specific tests established by the FLSA and are exempt from overtime and minimum wage requirements. Exempt employees do not receive overtime compensation. Exempt employees must be paid on a salaried basis. Under the principles of public accountability, exempt employees who have no remaining accrued time off and who do not appropriately flex their time may not be paid public funds for time not worked.

Non-Exempt Employees. Non-exempt employees are employees whose positions do not meet FLSA exemption tests and are paid time and one-half overtime, in either compensatory time or wages, for working more than 40 hours in a designated seven-day workweek.

Live Oak County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Treasurer's attention, Live Oak County will promptly make any corrections necessary, whether in the employee's favor or the County's favor. Employees should review their pay stub when it is received to make sure it is correct. If an employee believes a mistake has occurred or if the employee has any questions, they should use the reporting procedure outlined below. If an employee is overpaid the County will make the necessary corrections at the next payroll.

Live Oak County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas state law. Employees are notified of their compensation rate at the time of hire, or in advance of any changes.

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

Non-exempt employees should not work any hours that are not authorized by their supervisor. Non-exempt employees should not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless authorized to do so. Employees should record all time worked on their timecard. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work performed but not

reported on a timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If any employee is directed to work without documenting the time worked, the employee must tell the Live Oak County Treasurer.

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

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

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

2A-3 EXPERIENCE PAY (COUNTY SHERIFF'S OFFICE)

All full-time Deputies, Jailers, Communication Officers, and Investigators in the Live Oak County Sheriff's Office are eligible for Experience Pay as funded by the budget approved for the fiscal year, to be paid on a prorated basis at each pay period for so long as the employee is employed by the County.

Experience Pay is calculated by determining the number of years from licensure date multiplied by the budgeted rate. The maximum number of years used to compute Experience Pay is 12 years, except for in the case of Deputies who are promoted to Investigator.

2A-4 CANINE PAY

Live Oak County recognizes that employees assigned to work with canines may be required to perform additional tasks related to assigned canines - such as feeding, grooming, training, and exercising the canine; transporting the canine to and from veterinarian appointments; and cleaning vehicles in which the canine rides – and that these tasks are often performed outside of the employees' regularly scheduled work hours.

In recognition of the additional tasks required by the employees' assignment, employees assigned to work with one or more canines will be compensated at the officer's regular rate for time spent on such activities. Employees are expected to report K9 Time accurately on their regular timesheet.

Commissioners Court must approve each additional canine the County acquires, and each additional canine shall be assigned to an employee as determined by the Sheriff for which the additional canine was approved in Commissioners Court.

This policy applies to all county employees assigned to work with a law enforcement canine.

2A-5 PAYROLL DEDUCTIONS

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 made from each paycheck.

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

No optional deductions shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Live Oak County Treasurer Office. Health and supplemental insurances may only be changed when a life event occurs or during the open enrollment period according to the Affordable Care Act (ACA).

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 Live Oak County Treasurer's Office 361-449-8090. 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 Treasurer's Office 361-449-8090. Every report will be fully investigated, and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

2A-6 TIMESHEETS

Each employee must fill out a time sheet to be turned into their supervisor on the morning after the last day of each pay period. If an employee fails to turn in a timesheet, the Treasurer's office will estimate the employee's hours worked until the proper time sheet has been completed and turned in. The time sheet prepared by the employee must show an accurate record of all time worked (including regular and overtime hours), late arrivals/early departures, meal breaks, and leave taken, whether paid or unpaid, for the pay period. Time sheets must be legible and signed by both the employee and the supervisor. It is the responsibility of each employee to verify that their time sheets are correct. Employees

should not sign their timecard if it is not accurate. Upon receipt of each paycheck, employees should verify immediately that they were paid correctly for all hours worked each work week.

Time sheets are governmental documents and as such require accurate and truthful information and must be legibly written. Falsifying a time sheet, which is a governmental record, is a violation of County policy and a criminal offense. Employees shall only use appropriate available leave to account for their regular weekly work schedule. No corrections will be made to timesheets without supervisor or employee initialed changes.

2A-7 PAY PERIODS

The pay period for Live Oak County is a two-week pay period with the pay period dates established by the Commissioners Court. If a payday falls on a holiday, paychecks shall be issued on the last workday immediately preceding the holiday.

2A-8 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 official or 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-9 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-10 OVERTIME COMPENSATION INCLUDING COMPENSATORY TIME

Overtime premium compensation and compensatory time apply only to non-exempt employees. Exempt employees are paid a salary that is intended to compensate them for all hours necessary to perform their job duties, with the expectation that they will work at least 40 hours per week.

The FLSA requires that non-exempt employees be compensated at a rate of one and one-half their regular rate of pay for each hour actually worked over 40 hours in a designated seven-day work period. For purposes of calculating overtime, the County's designated work period begins at 12:00 a.m. Monday ends seven consecutive days later (168 hours) at 11:59 p.m. the next Sunday. Paid time off is not "time worked" for purposes of calculating overtime.

Employees may not work overtime without prior approval by their supervisor or elected official. The only exception to this requirement is an emergency situation where the supervisor and the elected official are not available.

Non-exempt employees who work overtime without prior approval will be subject to disciplinary action. "Work" includes the employee checking voice mail and e-mail during non-working hours or during time off from work, work taken home, and weekend work, all of which must be pre-approved by the employee's supervisor.

Employees are encouraged, and may be required, to make up or "flex" extra time worked, when possible, within the same seven-day work period, to avoid working overtime. For example, if an employee works ten hours on a Monday, they may be required to work only six hours the following day, so that the total hours that week do not exceed 40. If the time is made up in a new work week, then it must be at a rate of time and one-half for each hour of overtime worked.

Compensatory Time. Non-exempt employees at the County accept and continue their employment with the understanding that they will be paid overtime in the form of compensatory time in lieu of cash, with the exception of law enforcement officers and dispatch, discussed below. Eligible employees may accrue compensatory time at a rate of one and one-half hours for each hour actually worked over 40 in the seven-day work period. For example, if an employee works four hours of overtime, they will accrue six hours of compensatory time. Employees may accumulate a maximum of 40 hours of compensatory time. When an employee reaches the maximum accrual, they may not accrue additional time until the employee takes compensatory hours to reduce the balance below the maximum allowed under this policy. In order to avoid accruing too much compensatory time, employees will be required to use accrued compensatory time before using other types of accrued leave, and the County may compel employees to use compensatory time.

The County will approve the use of compensatory time unless such use will have an unreasonable disruption to its operations. For example, if too many employees wish to use compensatory time at the same time and services will be interrupted, then some of the leave requests will need to be postponed. The County may compel the use of compensatory time for scheduling or budgetary reasons. Employees must use accrued compensatory time before using other types of accrued paid leave.

Upon termination of employment for any reason, all a non-exempt employee's accrued, unused compensatory time will be cashed out at the employee's current rate of pay. At any time during employment, at the County's discretion, all or part of an employee's accrued, unused compensatory time may be cashed out.

Overtime Compensation for Law Enforcement Officers and Dispatch. Law Enforcement Officers and Dispatch will not receive compensatory time in lieu of cash. Law Enforcement

Officers and Dispatch will be paid overtime in the form of cash at a rate of one and one-half their regular rate of pay for each hour actually worked over 40 in the seven-day work period.

2A-11 TRAVEL REIMBURSEMENT

Mileage Reimbursement. Employees who drive their personal vehicles for necessary and reasonable job-related travel incurred in the authorized conduct of County business shall be reimbursed for mileage at the current standard IRS rates. Employees should submit an expense reimbursement indicating the date of travel, purpose of travel, destinations, and number of miles traveled within 60 days of the travel to be reimbursed, along with a Google map report showing the shortest distance from their work location to/from the destination(s).

Per Diem Reimbursement. Receipts are not required for per diem reimbursement. Employees must submit an expense report which includes the date of travel, departure and return times, and purpose of the travel. The expense report must be signed by the employee's supervisor. Petty cash will not be distributed under any circumstance.

All travel requests with travel and school agendas attached must be approved by the Commissioners Court before travel funds for per diem checks will be released. Employees traveling who do not request funds in advance may also receive per diem at the above-accepted rate via check form on the next check run.

Overnight Travel. When required to travel outside Live Oak County overnight on County business, employees will receive a per diem reimbursement at the current IRS standard M&IE rate for each full day of travel and at 75% of the IRS rate for leaving and returning days.

An advance may be made in check form prior to travel if the travel has been requested by elected official or department head, submitted, and passed through the Commissioners Court for approval prior to travel. Checks may be picked up in the Auditor's office 48 hours before departure. If an employee has taken possession of the travel check and does not travel, all funds paid shall be reimbursed. If funds are not reimbursed the amount will be taken out of the employee's next payroll check.

Day Travel. When required to travel outside Live Oak County on County business, employees will receive a per diem meal reimbursement at 75% of the current IRS standard M&IE rate. Per IRS rules, reimbursements for meals during day travel are taxable as a fringe benefit and are subject to standard payroll withholdings. The reimbursement will be issued at the next payroll following approval of the reimbursement request.

2A-12 DEMOTIONS

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials, or department heads may choose to demote or re-assign any employees who are

unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.

2A-13 TRANSFERS

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

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

2A-14 PROMOTIONS

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

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

2A-15 SEPARATIONS

A separation is any situation in which the employer-employee relationship ends. All separations from Live Oak 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 is any situation in which an employee voluntarily leaves their employment with Live Oak County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to their supervisor.

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

A dismissal is any involuntary separation of employment that does not fall into one of the other categories of separation. Live Oak 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 is separated from employment because of a reduction in force when their position is eliminated, when there is a lack of funds to support the position, or when there is a lack of work to justify the position.

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

2A-16 RETIREE REHIRES

Retired employees are eligible to apply for open positions with Live Oak County as long as the following provisions are met: 1) The retiree has been retired for at least two calendar months, 2) no prior arrangement or agreement was made between Live Oak County and the retiree for re-employment, and 3) strict adherence to normal separation 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 at least calendar two months. A bona fide separation means there is no prior agreement or understanding between Live Oak 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 a new member for the purposes of beneficiary determination and benefit selections. TCDRS requires at least a full calendar month break in service with no pre-arranged return.

B. EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL PLANS

All full time regular employees of Live Oak County shall be eligible for the group medical plan and dental plan benefits. Regular variable hour employees who work an average of 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 are not eligible for health insurance.

Insurance premiums paid by Live Oak County are as follows:

- A. Health insurance for employee and one dependent child
- B. Dental insurance for employee

Eligible employees will cover their qualified dependents by paying Live Oak County for their 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 Treasurer Office and may be obtained during the normal working hours for that office.

Employees who leave the employment of Live Oak 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 Live Oak Treasurer's Office. COBRA notifications will be provided to all employees within 30 days of termination. All eligible employees and qualified dependents will be provided with COBRA information following their termination

2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL

Live Oak County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Live Oak County provides supplemental insurance coverage under Live Oak County through an outside agent. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from Live Oak County Treasurer's office.

2B-3 RETIREMENT

All regular employees (full time and part time) 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 are not eligible for retirement benefits. Eligible

employees shall make contributions to the retirement program through a system of payroll deduction. Live Oak 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 Treasurer's Office during the normal working hours for that office.

To be eligible to retire under Live Oak County's TCDRS plan, an employee must meet one of the following criteria:

- A. Age 60 with 8 years of creditable service
- B. Any age with 20 years of creditable service
- C. Rule of 75 (age plus years of service equals 75 or greater)

Creditable service for TCDRS includes service time at other Texas counties and/or within other Texas public retirement systems, such as municipal, state, or school district, and may also include time served in the military.

Additionally, employees who meet the above-mentioned eligibility requirements and who have eight years of creditable service specifically with Live Oak County may also be eligible for a monthly health insurance reimbursement benefit by the County, as set out by order of the County Commissioners Court and as approved annually in the budget.

2B-4 LEAVE

Leave time may either be paid or unpaid. Paid leave includes compensatory time, vacation, holiday, sick, and military leave and is paid at the same rate as an employee's regular rate of pay. All scheduled work must be covered prior to taking leave time.

Before taking leave, an employee must obtain approval by submitting a request to the employee's immediate supervisor. Elected officials may set forth more specific procedures for requesting leave in their department, including timelines for making requests, but in all circumstances, employees should submit requests for leave as soon as possible. The request will be approved or denied within a reasonable time.

Except when required by law, leave is granted at the County's discretion, considering work schedules and operational requirements which may preclude the granting of leave. Leave is granted only for the specified period provided by the approval and any extension of the leave must be requested by following the same procedures required for granting the original leave. Employees may be subject to disciplinary action and/or loss of pay for unauthorized absences.

Supervisory personnel have the authority to determine which type of leave (within prescribed guidelines) may be used by an employee taking leave. Employees must use accrued compensatory time first, before using other types of paid leave. An employee is to exhaust all applicable, available paid leave before taking leave without pay, except that

employees may substitute compensatory time and vacation leave for unpaid military leave at their option.

Paid leave may not be advanced before it is earned. Paid leave is not accrued during leave of absence without pay.

Eligibility for each type of leave is delineated below. Nothing in this section is intended to conflict with the provisions of the Family and Medical Leave Act, and requests covered by the Act should be interpreted according to the County's Family and Medical Leave policy.

2B-5 VACATION

All regular, full-time employees are eligible to accrue vacation benefits. Accrual of vacation begins at the time an employee begins work in a position eligible to accrue vacation.

Vacation is accrued according to the schedule below:

- Employees working 40 hours per week and all exempt employees will accrue eight hours of vacation a month (equivalent to 96 hours per year).
- Employees working between 30 and 39 hours per week will accrue six hours of vacation a month (equivalent to 72 hours per year).

Vacation is distributed to an employee's vacation leave bank in a prorated amount on the first and second payroll of each month. No vacation is distributed on the third payroll of the month, if there are three payrolls in one month.

The maximum amount of unused vacation an employee shall be allowed to carry over to the next year:

- Employees working 40 hours per week and all exempt employees may carry over a maximum of 144 hours.
- Employees working between 30 and 39 hours per week may carry over a maximum of 108 hours.

Any accumulated unused vacation over the maximum carryover amount will be forfeit at the end of each calendar year.

Scheduling of vacations shall be at the discretion of the employee's supervisor or individual elected official or department head. Employees must take vacation time in minimum increments of at least one hour. Employees may not receive pay for vacation in lieu of taking time off. If a holiday falls during an employee's vacation, then the employee will not be charged for the vacation.

If an employee has worked for Live Oak County 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 carryover allowed under this policy (144 hours for full time employees).

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

2B-6 SICK

All regular, full-time employees are eligible for sick benefits. Accrual of sick begins at the time an employee begins work in a position eligible to accrue sick. Sick is accrued according to the schedule below:

- Employees working 40 hours per week and all exempt employees will accrue eight hours of sick a month (equivalent to 96 hours per year).
- Employees working between 30 and 39 hours per week will accrue six hours of sick a month (equivalent to 72 hours per year).

Sick is distributed to an employee's sick leave bank in a prorated amount on the first and second payroll of each month. No sick is distributed on the third payroll of the month, if there are three payrolls in one month.

The maximum amount of unused sick an employee shall be allowed to have at one time:

- Employees working 40 hours per week and all exempt employees may accumulate a maximum of 720 hours.
- Employee working between 30 and 39 hours per week may accumulate a maximum of 540 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; 3) to attend to the illness or injury of a member of the employee's immediate family; or 4) bereavement leave, in accordance with the bereavement leave policy. For purposes of this policy, immediate family shall be defined as spouse, child, parent, foster child or other relative living in the employee's home who is dependent on the employee for care. Sick leave may not be used as vacation or for any other reason not addressed in this policy.

Where sick leave is to be used for medical appointments, the employee must notify their supervisor of their intent to use sick leave as soon as the employee knows of the appointment.

Where use of sick leave is not known in advance, the employee must notify their supervisor of the need to use sick leave at least one hour before the employee's normal time to begin work, when practicable. Employees must notify their supervisor by phone and must leave a voicemail if the supervisor does not answer. Where it is not practicable to notify the

supervisor at least one hour before the normal starting time, the employee should notify their supervisor as soon as is reasonably practicable.

If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify their supervisor of the anticipated length of absence. If an employee uses three or more consecutive workdays of sick leave, the employee must have a doctor's excuse from a medical provider in order to return to work. Employees may be required to provide a physician's statement for other absences as required by their supervisor. Additionally, the employee's supervisor may require a physician's statement or some other acceptable documentation of injury or illness for the illness of an immediate family member. In all instances in which a doctor's note is requested, the documentation must come from a medical provider who saw the employee in person and not from a "teledoc."

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

2B-7 SICK LEAVE POOL

Purpose. To establish guidelines for the creation and operation of a sick pool to benefit certain employees who suffer a catastrophic injury or illness.

Administration of the Pool. A Pool administrator will be appointed by the Commissioners Court to be responsible for developing mechanisms to transfer accrued sick leave into and out of the Pool; developing rules and procedures for the operation of the Pool; and developing forms for contributing leave to or using leave from the Pool.

A Pool Administrative Committee will be appointed by the Live Oak Commissioners Court during the open enrollment period each year and will be responsible for receiving and reviewing all applications for use of leave from the Pool. Members of the Pool Administrative Committee will consist of:

1. One representative from the Sheriff's Office/Tax Assessor/Collector Office.
2. One representative from the County Clerk's Office.
3. One representative from the Commissioner's Precincts.
4. One representative from the Judicial Departments (District Clerk; Justices of the Peace, County Attorney).
5. One representative from the departments not listed above.

Definitions:

A "catastrophic injury or illness" is defined as a severe condition or combination of conditions affecting the physical or mental health of the employee or the employee's immediate family which requires the services of a licensed practitioner for a prolonged period of time and forces the employee to exhaust all leave time (both sick and vacation) earned by that employee and to lose compensation from the County by the employee.

A “licensed practitioner” is a practitioner who, as defined in the Texas Insurance Code, is practicing within the scope of his/her license.

Immediate family is defined as an employee’s spouse, child, or parents.

Eligibility:

1. To be eligible to become a participating member of the Sick Leave Pool, an employee must have been employed by the County for at least 12 months of continuous employment (and six of those months must be full-time).
2. To become a participating member of the Sick Leave Pool, eligible employees must contribute annually to the Pool in compliance with this policy.
3. Only participating members of the Live Oak County Sick Leave Pool may apply for and be granted leave from the Sick Leave Pool.

Contribution of Days to Sick Leave Pool:

1. Participation in the Live Oak County Sick Leave Pool is strictly voluntary.
2. Eligible employees may join the Pool by contributing between one to three days of accumulated sick leave per year. Contributions to the Pool are accepted each year during the open enrollment period.
3. The Pool Administrator will subtract the days donated by the participating member from the member’s accumulated sick leave record and transfer them to the Sick Leave Pool.
4. The days donated become the property of the Live Oak County Sick Leave Pool.
5. At the end of the fiscal year the number of unused days in the Sick Leave Pool will be determined and carried forward for the next year. The Live Oak County Commissioners Court has set a maximum of **600** days that can be accumulated in the Sick Leave Pool.
6. During any year in which the number of days accumulated exceeds the maximum number of days allowed to accumulate by the Commissioners Court, the Administrator must limit or disallow contributions from veteran members, while allowing them to remain members of the Pool. However, new employees wishing to join during that fiscal year must contribute one day.
7. Employees who make contributions to the Pool may not stipulate who is to receive their contributions.
8. Members who terminate their employment with Live Oak County forfeit membership in the Sick Leave Pool at the time of termination.
9. Employees who terminate their employment with Live Oak County may donate one to three days of their accumulated sick leave to the Live Oak County Sick Leave Pool. The Pool Administrative Committee may accept or reject the donated days based on the “maximum level of accumulated time” as set forth by the Commissioners Court.

Applying for Sick Leave Days:

1. Should a member have a qualifying catastrophic injury or illness, he/she may submit a request for sick leave from the Sick Leave Pool after all personally accumulated sick leave and vacation leave has been exhausted. If, due to a member's condition, he/she is unable to file a request for sick leave from the Sick Leave Pool, the Department Head shall contact the immediate family. The Department Head may initiate the request form at the request of family.
2. A request for sick leave from the Sick Leave Pool may not be submitted more than 10 working days before the exhaustion of the member's accumulated sick leave and/or vacation leave.
3. Requests for sick leave from the Sick Leave Pool will be forwarded to the Pool Administrator through appropriate supervisory channels and will be considered on a first-come, first-serve basis. The Administrative Pool Committee will review all requests for leave. The Administrative Pool Committee will have three working days from the date a request is received to approve or deny the request.
4. Requests for sick leave from the Sick Leave Pool must include:
 - a. A completed attending physician's statement with includes:
 - i. Identification of the nature of the qualifying condition;
 - ii. Date of initial onset of condition;
 - iii. Anticipated date member may return to work.
5. A member may be required to undergo periodic return visits to their physician to assess progress and make reports to the Pool Administrative Committee.

Granting of Days from the Sick Leave Pool:

1. A member of the Sick Leave Pool who suffers a qualifying event may be granted sick leave from the pool in the amount of the lesser of:
 - a. one-third of the total amount of time in the pool; or
 - b. 180 days.
2. After a request for sick leave has been made and the Pool Administrative Committee has reviewed the request and has come to a decision on that request, the Committee shall recommend to the Administrator an amount of leave to be granted.
3. Any unused balance of pool leave granted to an employee shall be returned to the pool after the "attending practitioner" has released the patient.

Responsibilities of the Pool Administrative Committee:

1. After appointment by the Live Oak County Commissioners Court during the open enrollment period, the committee shall meet and elect a chairperson and an alternate chairperson.
2. The Pool Administrator shall notify the chairperson when a request is received. The committee shall meet within the specified time period to review the request with chairperson or the alternate Chairperson attending. The committee shall confidentially conduct their review. The Pool Administrator shall make available to the committee the member's request for leave from the Sick Leave Pool, the attending physician's statement on the qualifying event, and the member's work

attendance record showing his/her history of sick leave usage. If deemed necessary a member may be required to appear before the committee to provide additional information.

3. The Committee may approve, disapprove or modify the number of days requested from the Sick Leave Pool.
4. The decision of the Committee shall be based on a vote of the quorum of three.
5. The committee chairperson shall notify the Administrator of their decision, who in turn shall notify the Department Head.

2B-8 HOLIDAY

All regular, full-time employees are eligible for holiday pay benefits. County holidays shall be determined by the Live Oak County Commissioners Court.

When a non-exempt employee, with **advance supervisory approval**, works extra hours during a week that contains a holiday, the employee will receive compensation at the straight-time rate for hours actually worked beyond the employee's normal schedule. For example, if Monday is a holiday, but the employee works four additional hours the remainder of the week, the employee will receive four additional hours of straight time. If the employee works nine additional hours the remainder of the week, the employee will receive eight additional hours of straight time and one hour at time and one-half.

Employees who are required to work on a holiday receive compensation for hours worked as well as eight additional "holiday pay" hours at the employee's regular rate of pay.

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

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

2B-9 BEREAVEMENT LEAVE

Regular full-time employees shall be allowed to use up to three eight-hour days of sick leave for a death in the immediate family. For purposes of this policy, immediate family shall include:

- the employee's spouse;
- the child, parent, stepparent, stepchild, brother, sister, grandparent, grandchild, or ward of the employee or of their spouse; and
- Any other relative of employee or spouse living in the same household with employee or spouse.

If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time.

2B-10 CIVIC LEAVE (JURY, WITNESS, VOTING)

All employees of Live Oak County who are called for jury duty 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 their court attendance may require. If an employee is absent from work to appear in private litigation, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

Employees are encouraged to exercise their right to vote in local, state, and national elections. In most cases, employees will have time to vote before or after their work schedule. Employees whose work schedule does not permit sufficient time to vote outside of working hours on Election Day will be allowed additional paid time off (up to two hours) to vote if they have not already participated in early voting. A request to vote during working hours must be submitted in writing at least two business days prior to Election Day.

2B-11 MILITARY LEAVE

The County complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. The County supports its employees and their service in state and national military units and provides them with a number of military leave benefits. However, temporary employees who have brief or non-recurrent positions with the County and who have no reasonable expectation that their employment with the County will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy.

This policy covers employees who serve in the uniformed services on a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

Notice to County of Need for Leave. Employees must provide as much advance written or verbal notice to the County as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the County no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit the necessary documentation, including the official documents

setting forth the purpose of the leave and, if known, its duration. This documentation must be given to the Director as far in advance of the leave as possible.

Paid Leave for Up to 15 Days. Employees are entitled under Texas law to 15 working days per fiscal year of paid military leave. This leave may be used when an employee is engaged in National Guard, U.S. armed forces reserves, or a member of a state or federally authorized urban search and rescue team training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Paid Leave for Up to Seven Days. Employees are entitled to an additional seven working days per fiscal year of paid military leave when called to state active duty by the governor or another appropriate authority in response to a disaster (as defined in Tex. Gov't Code § 418.004).

During any paid military leave of absence, the employee may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

Other Paid Leave. Employees who are not eligible for paid military leave or who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay for up to five years, or longer as required by law.

Benefits. The County will continue to provide employees on paid military leave with most Department benefits.

Group Health. While an employee is on paid military leave (or any military leave of less than 31 days), the County will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage (including eligible dependents) for up to 24 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first. Employees must pay 100% of the applicable premium to cover the cost of elective continuation coverage under the County's group health plan.

Upon an employee's return to employment following military service, the County will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave, employees are generally ineligible for most County-provided benefits. Benefit accruals, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service, such as vacation accrual.

Re-employment Rights. In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the County. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most jobs and promotions in the County are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they had at the time they left on leave.

Deadline to Notify County of Intent to Return to Work. The deadline for an employee to return to work and/or notify the County that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

1. For service of **less than 31 days**, employees have eight hours following their return home from service to report for their next scheduled work period.
2. For service **between 31 days and 180 days**, employees have 14 days following their release from service to apply for reemployment.
3. For service of **more than 180 days**, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for two years or more when an employee suffers service-related injuries that prevent him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the County if the military leave lasted more than 31 calendar days.

Rights to Continued Employment. Employees who serve in the military for more than six months will not be discharged by the County without cause for one year following the date of their reemployment. Employees who serve for between one and six months will not be discharged without cause for six months following the date of their reemployment.

Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.

Changed Circumstances. If the County's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the County has no legal obligation to reemploy an employee following his/her return from military leave.

2B-12 PAID ADMINISTRATIVE LEAVE

Upon approval of the County Judge, elected official, or department head, and in their complete discretion, administrative leave with pay may be granted in the following circumstances:

- As a reward for certain employee contributions or extraordinary dedication when announced prior to the employee performing the action being rewarded.
- Pending the internal investigation of misconduct when it is appropriate to remove the employee from the workplace. Paid administrative leave pending investigation is not a vacation: while on paid administrative leave, the employee is assigned to his/her home or other agreed-upon location, is expected to be available to the County during working hours for purposes of the investigation or otherwise, must communicate and/or come into the office for interviews or meetings as instructed, and may not work at other employment during working hours.
- For special, pre-designated events such as holiday or honorary luncheons, when employees may be offered additional time beyond their normal lunch hour to enjoy the event before returning to work, only if the employee actually attends the event.
- Before holidays, if the County officially announces that employees who have reported to work may leave earlier than usual the afternoon before the holiday.
- When the County is closed due to inclement weather or emergency.

2B-13 LEAVE OF ABSENCE WITHOUT PAY (NON-FMLA/MILITARY)

For situations not otherwise covered by the Family and Medical Leave or Military Leave policies, or as required by laws requiring reasonable accommodation, it is the policy of the County not to grant additional leave without pay except in compelling and unusual circumstances, or as otherwise required by law. This leave, if granted, should be at the discretion of elected official or department head or designee, and applied in a uniform and equitable manner, and only after all paid leave has been exhausted.

It is the responsibility of the employee to monitor his/her accrual and availability of paid leave. Unauthorized absences without pay may result in disciplinary action up to and including termination of employment. Except as otherwise required by law, the County does not guarantee that the employee's job will be held open, or that the employee will be returned to work at the end of a leave of absence.

Employees on Leave of Absence under this policy must return all County equipment in their custody. During the Leave of Absence, the employee receives no pay, leave pay or accruals,

or other benefits. Eligible employees may elect to continue health insurance coverage at their cost under the terms of the County’s health insurance or COBRA, as appropriate. Employees who elect COBRA during the leave are not subject to a waiting period to receive benefits once they return to active duty. Employees who do not elect COBRA continuation are subject to the waiting period upon return to active duty.

An employee is prohibited from engaging in other employment while on leave of absence with or without pay. If an employee does not return at the end of the approved period of leave, except as otherwise required by law, their employment with the County will be terminated.

2B-14 LIMITATIONS ON LEAVES OF ABSENCE

With the exception of leaves of absence for military duty, no leave of absence or other period of inability or failure to perform full-duty work, by itself or in combination with other periods of leave, whether taken consecutively or intermittently, may exceed the greater of 20 weeks or the employee’s total accrued paid time off. Employees exceeding these limits will be separated from employment due to unavailability for work, except as otherwise required by law. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation. An employee separated under this policy will normally be eligible for rehire,

The County will comply with the Americans with Disabilities Act (ADA) when additional, limited time off is necessary to accommodate an employee’s disability, such leave is for a specified time period, the leave can be granted without undue hardship to the County, and the employee is otherwise qualified for the position.

2B-15 PAID QUARANTINE LEAVE FOR SHERIFF’S OFFICE

Live Oak County provides paid quarantine leave for firefighters, peace officers, detention officers, communications officers, and emergency medical technicians employed by Live Oak County and ordered by a supervisor or the health authority to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. This includes firefighters, peace officers, detention officers, emergency medical technicians, and 911 dispatchers, and public safety telecommunications officers as defined by this policy, who are hired to, appointed to, or elected to their position.

Definitions:

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

“Emergency medical technician” means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code.

“Firefighter” means a paid employee of the County’s fire department who holds a position that requires substantial knowledge of firefighting; has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and performs a function listed in Texas Local Government Code Sec. 143.003(4)(A).

“Health authority” means a physician appointed under the provisions of Chapter 121, Health and Safety Code to administer state and local laws relating to public health within the appointing body’s jurisdiction.

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

“911 dispatchers and Public Safety Telecommunications Officers” means a person acknowledged by the Texas Law Enforcement Commission and employed by or serving a law enforcement agency that performs law enforcement services on a 24-hour basis who receives, processes, and transmits public safety information and criminal justice data for the agency by using a base radio station on a public safety frequency regulated by the Federal Communications Commission or by another method of communications, as defined by Texas Occupations Code Sec. 1701.001.

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

Employees who meet the qualifications of the Paid Quarantine Leave Policy will report all qualifying health requirements to the Live Oak County Health Department Supervisor and all qualifying reimbursement expenses to their Department Supervisor. The Live Oak County Health Department Supervisor and the employee’s supervisor will relay information to the County Treasurer’s office.

Reasonable reimbursements will be paid through the County Auditor's office following approval of said expenses by Live Oak Commissioners Court.

Off-duty exposures will not be covered under this policy. Investigation of off-duty vs. on-duty exposure will be conducted by workman’s compensation services contracted with Live Oak County.

2B-16 PAID MENTAL HEALTH LEAVE FOR PEACE OFFICERS, DETENTION OFFICERS, AND TELECOMMUNICATION OFFICERS

The purpose of this policy is to provide, implement use and allow the use of paid mental health leave for full-time peace officers, detention officers, and telecommunication officers

employed by a law enforcement agency of Live Oak County Sheriff's Office who experience a traumatic event while on duty.

Live Oak County Sheriff's Office strives to promote a safe working environment whenever reasonably practical, given the nature of the work performed and the hazards faced daily.

Live Oak County shall provide a total of 15 paid Mental Health leave days per employee for peace officers, detention officers, and communications officers employed by Live Oak County as ordered by the Sheriff and Certified Mental Health professional. The 15 days paid mental health leave shall apply to Live Oak County's budgetary year. Any unused balance at the end of the year shall not be carried forward into the next budgetary year. Any days or time remaining from the 15 days shall not be donated to any other Live Oak County employee, benefit plan or sick pool. The determination of paid Mental Health Leave days as consecutive of treatment or time of intermittent treatment shall be determined by the Certified Mental Health professional. This includes peace officers, detention officers, 911 dispatchers, and public safety telecommunications officers as defined by this policy, who are employed by, appointed to, or elected to their position

Employees who meet the qualifications on paid Mental Health Leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave.

When on mental health leave, as much anonymity as practicable is granted to Live Oak County Sheriff's Office employees, with key exceptions being related to duties necessary to carry out the agency's duties under the law.

Definitions:

"Certified Mental Health Professional" has the meaning assigned by Chapter 571 Section 571.003, Health and Safety Code,

(15) "Non-physician mental health professional" means:

- (A) a psychologist licensed to practice in this state and designated as a health service provider;
- (B) a registered nurse with a master's or doctoral degree in psychiatric nursing;
- (C) a licensed clinical social worker;
- (D) a licensed professional counselor licensed to practice in this state;
- (E) a licensed marriage and family therapist licensed to practice in this state; or
- (F) a physician assistant licensed to practice in this state who has expertise in psychiatry or is currently working in a mental health facility.

(18) "Physician" means:

- (A) a person licensed to practice medicine in this state;
- (B) a person employed by a federal agency who has a license to practice medicine in any state; or
- (C) a person authorized to perform medical acts under a physician-in-training permit at a Texas postgraduate training program approved by the Accreditation Council for

Graduate Medical Education, the American Osteopathic Association, or the Texas Medical Board.

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

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

"911 dispatchers and Public Safety Telecommunications Officers" means a person acknowledged by the Texas Law Enforcement Commission and employed by or serving a law enforcement agency that performs law enforcement services on a 24-hour basis who receives, processes, and transmits public safety information and criminal justice data for the agency by using a base radio station on a public safety frequency regulated by the Federal Communications Commission or by another method of communications, as defined by Texas Occupations Code Sec. 1701.001.

"Post-Traumatic Stress Disorder" is a disorder that develops in some people who have experienced a shocking, scary or dangerous event that can affect someone emotionally and physically (as defined by nih.gov)

"High Risk or Critical Incidents" may include, but are not limited to warrant service, confronting heavily armed criminals, hostage rescue, counterterrorism operations, mental health threats, high-risk arrests, and barricaded suspects and subjects, disasters with multiple casualties, line of duty death or suicide of department member, death of a child, officer(s) involved shooting.

Procedure. Employees of the Sheriff's Office meeting the qualifications of the Mental Health Leave Policy and having met with the Sheriff and a Certified Mental Health Professional as defined by this policy will assume Mental Health Leave. The Sheriff will relay the request of leave to the County Treasurer. Any employee within the Treasurer's office who has knowledge of behavioral changes/situations in personnel and/or information of an officer seeking mental health leave shall not under any circumstances discuss the matter with any third party. Any breach of this confidentiality shall be grounds for discipline including termination. Any information relating to this policy will be held in the **strictest confidence allowed by law** and separate from the employee's general personnel file.

Every employee applying for Mental Health Leave shall execute any and all forms required by Live Oak County, Texas, including but not limited to HIPPA release, to ensure compliance with any and all Federal and/or state laws, rules, and regulations governing the implementation of this policy.

2B-17 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)

General Provisions. In accordance with the Family and Medical Leave Act, the County will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

- A. In order to care for a child following the child's birth, adoption, or placement in foster care with the employee;
 - 1. Leave must be taken within the 12-month period following the child's birth or placement with the employee;
 - 2. If married spouses both work for the County, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement of a child.
- B. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
- C. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
- D. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

Servicemember Family Leave. Eligible employees who are the spouse, child, parent, or next of kin of a covered servicemember are entitled to up to 14 weeks of additional leave during a single 12-month servicemember period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-month service member period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-month servicemember period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the County, their total Servicemember Family Leave may be limited to an aggregate of 26 weeks.

Definitions:

“12-Month Period” means a “rolling” 12-month period measured backward from the date an employee uses FMLA leave.

“12-Month Servicemember Period” means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.

“Child” means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter

on active duty or call to active duty contingency leave, or for Servicemember Family Leave, the child may be of any age.

“Parent” means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.

“Next of Kin” means the nearest blood relative of a Covered Servicemember.

“Covered Active Duty” means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.

“Covered Servicemember” means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy for a serious injury or illness; or, 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.

“Veteran” means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.

“Serious Injury or Illness” means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.

“Qualifying Exigency” includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to 15 days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; 6) caring for a military member’s parent who is incapable of self-care, when such care is necessitated by the military member’s covered active duty, and 7) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.

“Serious Health Condition” means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care

provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider.

Coverage and Eligibility. To be eligible for family/medical leave an employee must have worked for the County for at least 12 months total, have worked at least 1250 hours over the previous 12-month period (special “hours of service” requirements apply to airline flight crew employees), and must be employed at a work site that has 50 or more employees within a 75-mile radius.

Intermittent or Reduced Leave. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. All requests for intermittent or reduced leave following the birth of a healthy child or placement of a child will be subject to approval at the discretion of County management.

Use of Paid Leave. An employee will be required to use accrued paid leave (including paid vacation, sick leave, compensatory time and workers’ compensation) for any part of a family/medical leave. Once accrued paid leave has been exhausted, and it is medically necessary to remain on leave, the employee may request an additional period of unpaid leave for the remainder of his/her 12-week entitlement (or 26 weeks if combined with Servicemember Family Leave time). An employee who requests paid time off will also be placed on concurrent FML leave when eligible, regardless of whether FML was requested or desired.

Employee Notice Requirements:

- A. An employee must give 30 days’ notice in the event of a foreseeable leave. Employees should submit a written request to their immediate supervisor. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.
- B. If an employee fails to give 30 days’ notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
- C. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the County’s operations, subject to the approval of the health care provider.
- D. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

Employer Notice Requirements:

- A. **Notice of Eligibility Rights:** Within five business days after the employee requests leave or after the County learns the leave may be for an FMLA-qualifying reason, the County will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
- B. **Notice of Designation of Leave:** Within five business days after the employee requests or the County learns of the need for FMLA leave, the County will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the County will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the County will provide written notice of and reason for denial.

Medical and Military Certification:

- A. **Certification of Serious Health Condition:** For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the certification to the County. Medical certification must be provided by the employee within 15 calendar days after requested. If the employee fails to provide adequate certification within this time period, then the County will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. Employees may be required to submit a medical recertification periodically for approval of intermittent or long-term leaves without specified end dates. The County may delay leave until certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.
- B. **County May Require Additional Documents:** The County may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
- C. **Certification Related to Covered Active Duty or Call to Covered Active Duty:** The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
- D. **Certification for Extended Servicemember Family Leave:** Employees requesting extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.
- E. **Confidentiality of Medical Records:** Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

Effect on Benefits:

- A. An employee granted a leave under this policy will continue to be covered under the County's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
- B. Employee contributions will be required either through payroll deduction or by direct payment to the County. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the County may terminate the employee's insurance coverage.
- D. If the County pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the County (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- E. If the employee fails to return from unpaid leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the County may seek reimbursement from the employee for the portion of the premiums paid by the County on behalf of that employee (employer contribution) during the period of leave.
- F. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.

Job Protection:

- A. Subject to the limitations in section B below, if the employee returns to work within 12 weeks following a family/medical leave (or 26 weeks if combined with Servicemember Family Leave), he/she will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.
- C. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.

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

supervisor' sole discretion. Additionally, employees on approved FMLA leave may not work at another job.

Unlawful Actions and Enforcement of FMLA Rights. It is unlawful for the County to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA. Any employees with any questions about their eligibility for FMLA leave should contact Live Oak County Treasurer's Office for more information.

APPENDICES

APPENDIX A

DRUG FREE WORKPLACE POLICY ON ALCOHOL, DRUGS, AND CONTROLLED SUBSTANCES FOR EMPLOYEES WITH COMMERCIAL DRIVER'S LICENSES

APPLICABILITY

This Policy is intended to comply with the Department of Transportation Employee Alcohol and Controlled Substances Testing Program requirements and applies to all persons who are applicants for or who are employed in positions with duties or activities that involve the requirement of a commercial driver's license ("CDL positions"). The provisions of this drug and alcohol testing policy do not relieve an employee from requirements pursuant to other County policies on drugs and alcohol.

DEFINITIONS

The Department is the Texas Department of Public Safety.

Medical Review Officer is a licensed physician responsible for receiving and reviewing laboratory results from an employer's drug-testing program and evaluating medical explanations for certain results.

CDL functions are duties or activities performed by a driver with a CDL between the time he or she begins work to the time he or she is relieved from work. The duties include but are not limited to: waiting to be dispatched; inspecting or servicing a motor vehicle; repairing, obtaining assistance, or attending to a disabled motor vehicle; driving a motor vehicle time; loading or unloading a vehicle, assisting in the same, or attending a commercial vehicle being loaded or unloaded, remaining ready to operate a vehicle, or giving or receiving shipments loaded or unloaded.

EMPLOYER CONTACT

The person designated to answer questions about the materials in this Appendix is the Live Oak County Treasurer's Office.

PROCEDURES

I. Applicants for Employment. All applicants who have been conditionally accepted for employment in CDL positions will be required to provide a urine and/or oral fluid sample for testing for the presence of illegal drugs in accordance with Paragraph VI. A verified negative test result will be required on the controlled substance test.

A. All published or posted notices of vacancies in positions covered by this Policy shall state that the applicant selected for hire will be required to consent to a urine and/or oral fluid test for the purpose of testing for the presence of illegal drugs.

B. Applicants selected for hire who refuse to consent to a urine and/or oral fluid test or who test positive for the presence of illegal drugs in prohibited concentrations will not be considered for employment in a position covered by this Policy and may not reapply for such employment for a period of six months.

C. Prior to signing the consent form, applicants selected for hire will be informed of the testing procedures either orally or in writing.

II. Prohibited Employee Conduct.

A. Alcohol Use

1. use or possession of alcohol while on duty;
2. use of alcohol during four hours before duty requiring the performance of a CDL function;
3. having prohibited concentrations of alcohol (0.04 or greater) in system while on duty requiring the performance of CDL functions; or
4. use during the eight hours following an accident requiring a post-accident test (see III. A. below) or until the employee undergoes a post-accident alcohol test, whichever occurs first.

B. Drug use

1. use or possession of illegal drugs or of controlled substances while on duty, except when the use is pursuant to the instructions of a physician who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle; or
2. testing positive for illegal drugs or controlled substances while holding a position requiring the performance of a CDL function.
3. adulterating or substituting a test specimen for controlled substances while holding a position requiring the performance of a CDL function.

C. Refusal to submit to required testing

D. Permitting a subordinate employee to perform or continue to perform CDL functions when the supervising employee has actual knowledge that a driver has engaged in conduct prohibited by A-C above.

III. Employee Testing. Employees in CDL positions will be required to submit to testing to determine the presence of illegal drugs or alcohol under the following circumstances:

A. when performing CDL functions and involved in an on-the-job driving accident that

1. results in the death of a person; or
2. results in a citation to the employee under state or local law for a moving traffic violation arising out of the accident, when the citation was issued within

eight hours of the accident for alcohol testing or within 32 hours of the accident for controlled substance testing; and

- a. any involved vehicle required towing from the accident scene, or
- b. bodily injury to any involved person who required treatment for that injury away from the accident scene.

Employees involved in such accidents are required to report them as soon as possible to their supervisor, and in no event later than eight hours after the accident.

B. when observed using alcohol or illegal drugs while on duty requiring the performance of CDL functions;

C. when a supervisor, who has participated in a program that provides training in the recognition of the physical appearance and behavior of persons under the influence of alcohol or illegal drugs, observes an employee exhibiting such appearance and behavior during, just preceding or just after the period of the workday that the employee is performing in the CDL function;

D. when selected pursuant to a scientifically valid random process determined by the County;

E. if allowed to return to duty in a CDL position after a violation of drug or alcohol rules;

F. if allowed to return to duty for a CDL position, and has been identified by a substance abuse professional as needing assistance in resolving problems with drug or alcohol abuse. Such employees will be subject to a minimum of six unannounced follow-up drug or alcohol tests over the first 12 months following his or her return to duty at the expense of the employee.

IV. Refusal to Submit to Test. By continuing employment with the County, employees have consented to the County's adoption of a Drug and Alcohol Testing Program. The County will secure a consent form signed by the employee to be tested. An employee who refuses to consent and submit to a test when requested under any of the circumstances provided for in this Paragraph IV will be immediately removed from safety sensitive and CDL duties and subject to disciplinary action up to and including termination pursuant County procedures for discipline. A refusal to test will be reported to the DOT's Drug & Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.705(b).

Refusal to submit includes failure to appear for any test, failure to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, failure to provide adequate urine and/or oral fluid for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine and/or

oral fluid testing in accordance with the provisions of this part, engaging in conduct that clearly obstructs the testing process, and/or leaving the scene of an on-the-job accident.

V. Positive Test. Employees with positive tests will be immediately removed from CDL functions. No driver who has engaged in prohibited conduct will be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of part 40, subpart O (49 C.F.R. §§ 40.281 – 40.313). The supervisor (or his/her designated representative) will meet with each employee who tests positive and inform the employee of the test result. Based upon the information available after the meeting with the employee, the supervisor (or his/her designated representative) shall determine whether:

- A. to proceed to impose appropriate disciplinary action pursuant to the County's Procedures for Discipline and Dismissal of Employees; and/or
- B. to offer the employee the opportunity to participate in and satisfactorily complete at the employee's expense an appropriate employee assistance program or rehabilitation program for alcohol and/or drug abusers as a condition of continued employment. An employee who chooses to participate in such a program must be informed that the County will pursue appropriate disciplinary action if the employee does not satisfactorily complete the prescribed program; or
- C. to allow the employee who has tested at 0.02 or greater, but below 0.04 for alcohol, with no concurrently positive drug test, to return to work after a 24-hour period.

VI. Testing Procedure. In order to assure individual privacy without compromising the integrity of the test result, the County will utilize U.S. Department of Health and Human Services (DHHS) approved laboratories and utilize the mandatory Guidelines for Federal Workplace Drug Testing Programs and the Procedures for Transportation Workplace Drug Testing for tests pursuant to this Policy. Guidelines are published in 49 CFR 40; 49 CFR 382 (See also Volume 53 of the *Federal Register*, page 11979, Volume 59 of the *Federal Register*, page 7354, Volume 59 *Federal Register* page 7505). The Guidelines generally provide for specimen collection procedures, chain-of-custody procedures, testing procedures and documentation procedures. Copies of the Guidelines may be obtained from the DHHS Office of Human Resources. Any testing requested by an employee will be done at the employee's expense.

VII. Alcohol Testing. Alcohol testing will be conducted either on the County's premises or at a specimen collection site. For alcohol tests pursuant to this Policy, the County will, in most cases, utilize an evidential breath-testing device approved by the National Highway Traffic Safety Administration and the U.S. Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs. Those procedures are published in 49 CFR 40 (see also, Volume 59 of the *Federal Register*, page 7340). The Guidelines generally provide for specimen collection procedures, chain-of-custody procedures, testing procedures and documentation procedures. Copies of the Guidelines

may be obtained from the DHHS Office of Human Resources. Any testing requested by an employee will be done at the employee's expense.

VIII. Records.

A. Confidentiality. All information from an applicant's or an employee's drug and alcohol tests will be confidential to the extent required by law. Records will be maintained in a secure manner, so that disclosure of confidential information to unauthorized persons does not occur.

B. Maintenance. County Record Retention Schedules will be reviewed to ensure that, at a minimum, records are maintained in accordance with the following schedule:

1. verified positive controlled substance test results and alcohol test results indicating an alcohol concentration of 0.02 or greater; documentation of refusals to take required tests; calibration documentation; evaluations and referrals; records related to the administration of the Alcohol and Drug Testing Program, including all records of violations; and a copy of each annual calendar year summary required by 49 CFR 382.403 – 5 years;
2. collection and training records – 2 years;
3. negative or canceled tests – 1 year.
4. alcohol test results indicating concentration less than 0.02 -1 year.

IX. Reporting. The County will submit reports in accordance with federal and state regulations regarding this alcohol and drug misuse prevention program. (49 C.F.R. Part 382).

A. The following personal information will be reported to the Department of Transportation's Drug and Alcohol Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any required test;
4. An employer's report of actual knowledge (as defined at 45 C.F.R. § 382.107) of use of drugs or alcohol by an employee, including pre- or on-duty alcohol use, alcohol use following an accident, and controlled substance use;
5. A substance abuse professional's report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

B. Report of Valid Positives to the State under 37 TAC 4.21 (See 49 CFR Part 382)

1. **Reporting Requirement.** An employer required under the federal safety regulations to conduct alcohol and controlled substance testing of employees shall report to the Department a valid positive result on an alcohol or controlled substance test performed as part of the carrier's alcohol and drug testing program or consortium, as defined by Title 49, Code of Federal Regulations, Part 382, on an employee of the carrier who holds a commercial driver license issued under Texas Transportation Code, Chapter 522.

a. The report must be submitted by employers within 10 days of receiving notice of a valid positive result on an alcohol or drug test performed.

b. The report must be submitted on a form prescribed by the Department that is available at the following website address: <http://www.dps.texas.gov/internetforms/Forms/MCS-20.pdf>.

All information requested on the form must be completed. The completed form must be returned according to directions on the form. Unless the report is for a refusal to submit a sample, employers must also attach a legible copy of either the Federal Drug Testing, Custody and Control Form (with at least steps one through six completed), the U. S. Department of Transportation (DOT) Alcohol Testing Form (with at least steps one through three completed), or the Medical Review Officer's or Breath Alcohol Technician's report of a positive, diluted, adulterated, or substituted alcohol or drug test.

c. When a valid positive result is obtained on an owner-operator, that owner-operator is responsible for submission of the Report of Valid Positive Drug or Alcohol test to the Department.

d. A Medical Review Officer, Breath Alcohol Technician, laboratory, consortium, or other individuals may submit a Report of Valid Positive Drug or Alcohol Test to the Department. Reports by laboratories or other individuals will only be entered in the Department's database when verified by the Medical Review Officer or Breath Alcohol Technician.

2. **Release of Information.** Information regarding Reports of Valid Positive Drug or Alcohol Tests is confidential and only subject to release by the Department as provided in Texas Transportation Code, §521.053. A request must be submitted on a Department created form available on the Department's website at <http://www.dps.texas.gov/internetforms/default.aspx>.

X. Available treatment programs. Alcohol and controlled substances use affects an individual's health, work, and personal life. Testing positive or refusing to test often results

in extended periods of unemployment, which can create stress and financial strain on a driver and their family.

Available treatment programs for alcoholism and other drug addictions are described in the County's drug-free workplace policy, to which this Supplement is attached. Additional resources may be available at <https://www.transportation.gov/odapc/prevention>.

ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING

I HEREBY ACKNOWLEDGE that I have received, read, and understand my Employer’s *Drug Free Workplace Policy on Alcohol, Drugs and Controlled Substances for Employees with Commercial Driver’s Licenses* and procedures and understand that I must abide by the terms as a condition of employment. I understand that during my employment I may be required to submit to a controlled substances and/or alcohol test based on U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations.

I also understand that refusal to submit to a controlled substances or alcohol test is a violation of DOT regulations and my Employer’s policy, and may result in disciplinary action, including suspension (with or without pay) or termination of employment for gross and willful misconduct. I further understand the consequences related to controlled substances use or alcohol misuse conduct as prohibited by my Employer’s policy.

I acknowledge that the provisions of my Employer’s *Drug-Free Workplace Policy on Alcohol, Drugs and Controlled Substances for Employees with Commercial Driver’s Licenses* and procedures are part of the terms and conditions of my employment, and that I agree to abide by them.

THE UNDERSIGNED STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGMENT AND UNDERSTANDS THE CONTENTS THEREOF:

Date: _____

Signature of Employee/Applicant _____

Printed Name _____

Witness Signature _____

Printed Name _____

Original Acknowledgment of Receipt and Understanding will be kept in the employee/applicant’s file. A copy of the Acknowledgment of Receipt and Understanding will be provided to the employee/applicant.