

KINNEY COUNTY

EMPLOYEE HANDBOOK

Revised/Adopted 2-10-2025

Policy Name	Date Revised
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Introduction	
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Drug and Alcohol-CDL Employees

Workplace Violence

FLSA Safe Harbor

IRS Fringe Benefits

Compensation

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Payroll Deductions

Work Weeks and Work Periods

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Return to Work

Leave of Absence-Other

Purchasing Manual

Capital Assets Policy

Depreciation Policy

Accountability

Internal Control Policy

Fraud Prevention and Detection

Investment Policy

KINNEY COUNTY
EMPLOYEE HANDBOOK

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EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

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

I further understand that the Kinney 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 only to provide guidance in understanding Kinney County policies, practices and benefits. I understand that Kinney 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 Kinney County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers; to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

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

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

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

Signature of Employee

Date Signed

Printed Name of Employee

COUNTY OF KINNEY

COMMISSIONERS COURT ORDER

WHEREAS the Commissioners Court of Kinney County and the County Judge wish to comply with various laws applicable to public employers in the employment relationship; and

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

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

THEREFORE, BE IT RESOLVED that the Kinney County Commissioners Court and the County Judge hereby approve and adopt the KINNEY COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 9 DAY OF September, 2024

County Judge

Commissioner Pct 1

Commissioner Pct 2

Commissioner Pct 3

Commissioner Pct 4

Witnessed and Attested By:

County Clerk

RESOLUTION FOR KINNEY COUNTY

We the undersigned have read the Kinney County Employee Handbook that the Kinney County Commissioner's Court and County Judge has adopted. As ELECTED and APPOINTED OFFICIALS of Kinney County, we endorse and approve the Employee Handbook. We approve the document as it reflects our commitment to Kinney County employees and it reflects our commitment to conform to appropriate state and federal laws.

We agree to be bound by the terms and conditions of the Kinney County Employee Handbook, as witnessed by our signatures below.

County Auditor

County Treasurer

County Sheriff

County Attorney

Justice of the Peace

County Clerk

County Constable

County Tax Assessor-Collector

Kinney County Employee Handbook

Welcome to Kinney County!

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

Kinney 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 Kinney County, and other information you will need. Each elected official or appointed official may have detailed policy and procedures manuals for their office.

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

Welcome aboard!

Sincerely,

County Judge

Commissioner Pct. 1

Commissioner Pct. 3

Commissioner Pct. 2

Commissioner Pct. 4

SECTION 1: GENERAL POLICIES

A. COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT-WILL

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

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

Kinney 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 Kinney County shall have the right to leave their employment with the County at any time, with or without notice.

1A-2 EMPLOYEE STATUS

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

REGULAR FULL TIME: A full time employee shall be any employee in a position which has a normal work schedule of at least 32 hours per week. Full time employees are eligible for county health insurance and must participate in TCDERS retirement plan. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Kinney County makes exempt status determination based on the Fair Labor Standards Act.

REGULAR PART TIME: A part time employee shall be any employee in a position which has a normal work schedule of less than 30 hours per week. All regular part time employees must be placed on TDCRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

TEMPORARY Seasonal: A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. Seasonal employees can be either part time or full time,

and they may qualify for health insurance through the county under the Affordable Care Act depending on the number of hours worked per week, and length of employment. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

GRANT FUNDED TEMPORARY FULL TIME EMPLOYEE: *A temporary short term full time (grant funded) employee shall be any employee who is expected to work for forty (40) or more hours each week in a position that is expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months.*

If this project/grant goes beyond 12 months, the employee will move into a regular full- time status. These grant funded positions are then eligible for retirement benefits under TCDRS, will also be eligible under the Affordable Care Act for the county health benefits. After one year, employee will be eligible for vacation, sick time and personal leave. This employee is not eligible to receive merit or longevity pay, paid 80 hours vacation. Accrued times may transfer Into a "regular status employee with the county at 40 hours per week." These positions will be paid overtime pending funding availability from the grant, if funding is depleted prior to renewal then the employee will receive comp time instead of OT pay until new grant cycle,

TEMPORARY PART TIME: *A temporary short term parttime employee shall be any employee who is expected to work less than twenty nine (29) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short term part- time employees are not entitled to any benefits under the Affordable Care Act but are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.*

1A-3 EQUAL EMPLOYMENT OPPORTUNITY:

Kinney County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bisexual or transgender status, age, genetic information, pregnancy, veteran status, disability or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or

programs, or any other benefit, condition, or privilege of employment except where required by law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or the county attorney.

1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

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

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

1A-5 PERSONNEL FILES

The Kinney County Treasurer's department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, W-4, I-9, as well as, records concerning performance, discipline and compensation.

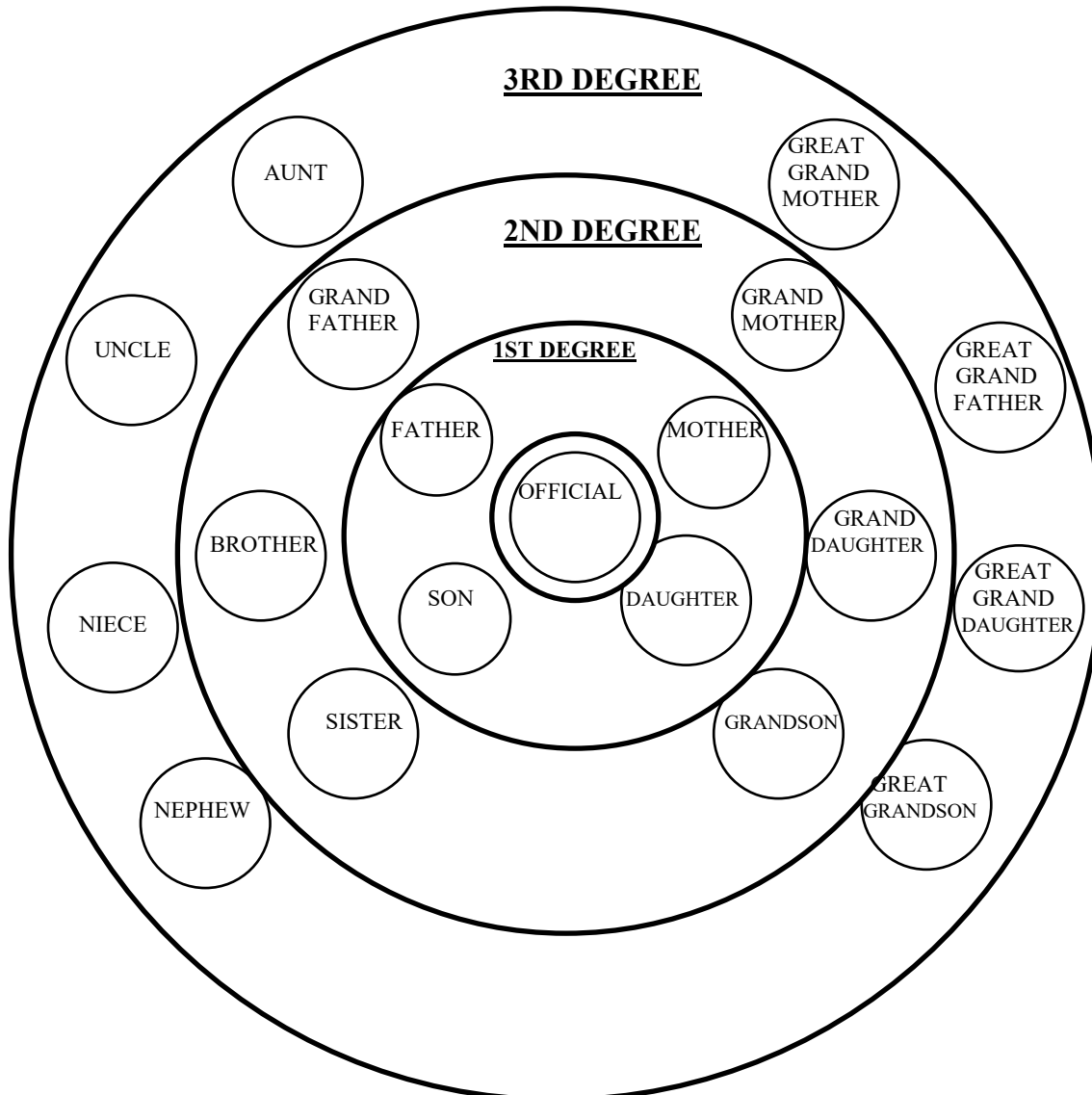
It is important that the personnel records of Kinney County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Kinney County requests employees to promptly notify the appropriate personnel representative of any change in name, home address,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

1A-6 NEPOTISM

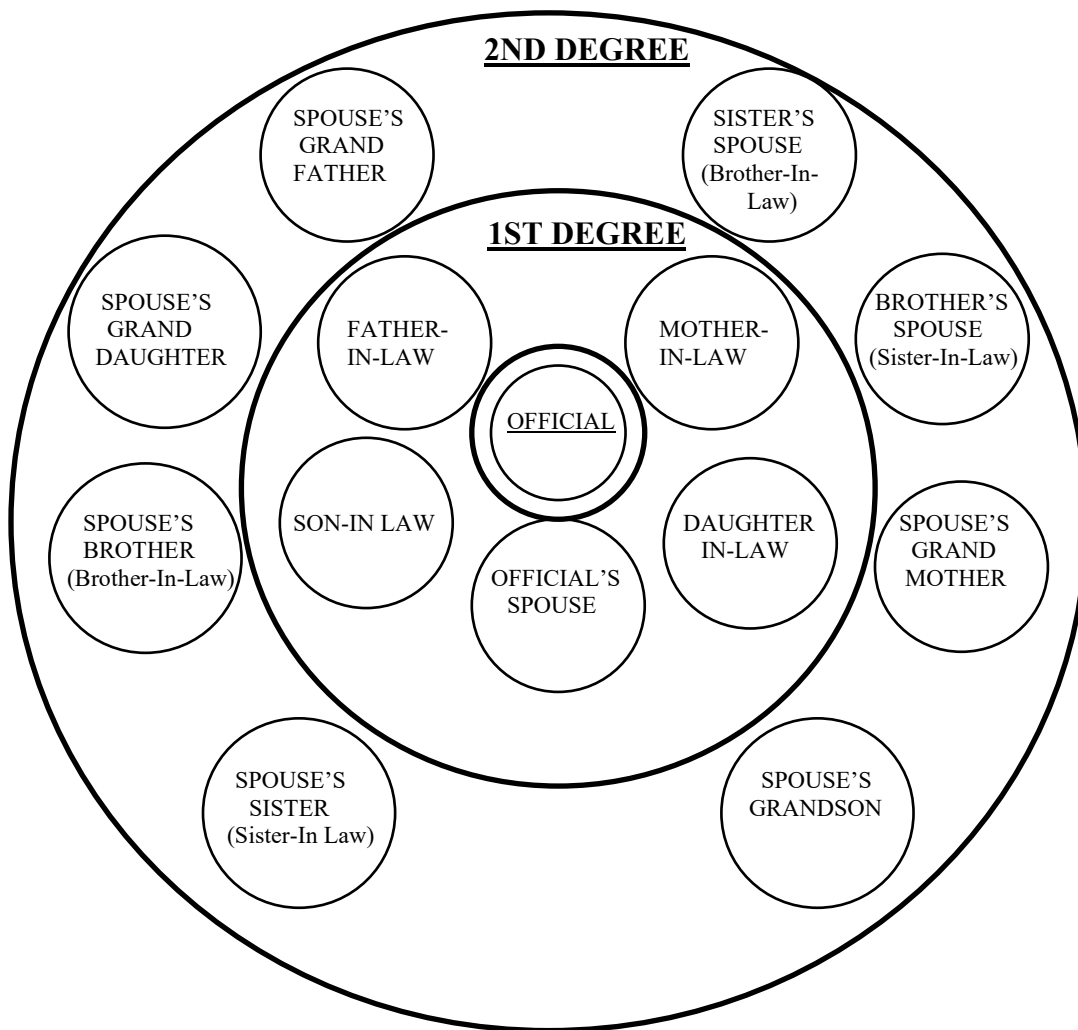
Texas Government Code Chapter 573, a Public Official of Kinney County is prohibited from hiring a relative related within the third degree of consanguinity (blood), or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over.

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



**Consanguinity Kinship Chart
(Blood)**

**TEXAS NEPOTISM CHART
CIVIL LAW METHOD**



**Affinity Kinship Chart
(Marriage)**

TEXAS NEPOTISM CHART

CIVIL LAW METHOD

1A-7. RECRUITMENT AND SELECTION

Recruitment of qualified applicants to fill openings on the staff of Kinney County may include, but not be limited to, public postings in the Kinney County Courthouse.

An individual who is not a current employee of Kinney County shall be required to fully complete an application for employment form provided by the County before they can be considered to be an applicant for any position in the County.

The personnel file of current County employees applying for open positions may serve in lieu of having to complete a new application form.

An applicant shall be disqualified from consideration if they:

1. Do not meet the minimum qualifications necessary for the performance of the duties of the position for which applying
2. Have made a false statement on the application form or any other documents related to or which have bearing on the selection process
3. Have committed or attempted to commit a fraudulent act at any stage of the selection process
4. Are not legally permitted to hold the position.

An applicant may be disqualified from consideration for employment for other reasonable grounds relating to job requirements.

It shall be the policy of Kinney County to select the best qualified applicant to fill any open position without regard to race, color, religion, political affiliation, disability, pregnancy, genetic information, national origin, sex or age.

Steps in determining an applicant's overall suitability for a position shall include, but not be limited to:

1. A review of the application to determine basic qualifications;
2. A personal interview; and
3. Reference and other background checks.
4. Passing a Pre-Employment Drug Test upon job offer.
(Except temporary employees)

New employee must provide proper documentation for employment by or on the first day of work.

Proper documentation will be, in compliance with the Immigration Reform and Control Act (see attached I-9).

B. WORK RULES AND EMPLOYEE RESPONSIBILITY

1B-1 ATTENDANCE

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

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the employee's supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee. If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least one (1) hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

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

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

1B-2 DRESS CODE

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

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

1B-3 TOBACCO/SMOKE FREE WORKPLACE

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

1B-4 CONFLICT OF INTEREST

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

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

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

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

1B-5 HARASSMENT

Kinney County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, including lesbian, gay, bisexual or transgender status, sexual orientation or gender identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when

1. the submission to the conduct is made a condition of employment;
2. the submission to, or rejection of, the conduct is used as the basis for an employment decision; or
3. the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

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

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

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

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

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

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

1B-6 SEXUAL HARASSMENT

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

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where:

1. the submission to such conduct is either an expressed or implied condition of employment; or
2. the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
3. the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

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

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

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

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

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

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

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

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

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

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

1B-7 POLITICAL ACTIVITY

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

County employees shall not:

1. Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
2. Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or
3. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

1B-8 OUTSIDE EMPLOYMENT

Kinney County employees are expected to give their full and undivided attention to their job duties. They should not use Kinney County facilities or equipment or their association with Kinney County to carry on a private business or profession. Unless

express approval is obtained in advance and in writing from their immediate supervisor, county employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Kinney County that interferes with the employee's assigned duties with Kinney County.

1B-9 BREAKS

PAID BREAKS

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

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

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

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

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

1B-10 GRIEVANCES

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

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

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

1B-11 DISCIPLINE

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

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

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

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

1B-12 LICENSE AND CERTIFICATIONS

Kinney 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 losses any licenses or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is

required if failure to have such license or certification is illegal under either Federal or State Law.

1B-13 WEATHER CLOSINGS AND EMERGENCIES

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

The County Judge will notify the following entities for a public announcement: Emergency Management Coordinator or go to Kinney County's website <http://www.cokinney.tx.us>. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

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

1B-14 CONFIDENTIALITY

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

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

1B-14-2 WHISTLEBLOWER

An employee may, in good faith, report an alleged violation of a Kinney County Policy or federal or state law to his or her supervisor, department head, or elected official, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may

report the allegation to the county attorney, district attorney or sheriff. The county will investigate the reported activity.

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

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

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

An employee with a question regarding this policy should contact the Kinney County Treasurer.

1B-15 SOCIAL MEDIA

For purposes of this policy “social media” includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, Youtube, and Instagram, etc.

Kinney County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee’s work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Kinney County among the community at large. Kinney 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 Kinney County make clear that you are an employee of Kinney County and that the views posted are yours alone and do not represent the views of Kinney County.

Do not mention Kinney County supervisors, employees, customers or vendors without their express consent.

Do not pick fights. If you see a misrepresentation about Kinney County, respond respectfully with factual information, not inflammatory comments.

Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.

Employees may not use Kinney County computer equipment for non-work related activities without permission. Social media activities should not interfere with your duties at work. Kinney County Auditor may monitor its computers to ensure compliance with this restriction.

You must comply with copyright laws, and cite or reference sources accurately.

Do not link to Kinney County's website or post Kinney County material on a social media site without written permission from your supervisor.

All Kinney 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 Kinney 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.

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

1B-16 KINNEY COUNTY PARKING AGREEMENT

Covered parking spaces are available to lease across the street from the Sheriff's Department. Subject to availability, only one space per employee will be leased.

Spaces are priced at \$300 which is automatically deducted through payroll at \$10 a month. After \$300 has been paid, the rate is lowered to \$1.00 per month.

Must be a Regular Full-time employee (40 Hr. week) to be able to lease parking space.

Grandfather Status: The exception as of September 16, 2013 is for employees who are currently paying for a parking space and who are working 32 hours a week will be

grandfathered in to the parking space lease and will continue their eligibility to lease a parking space.

Please see the Treasurer for information regarding leasing these spaces.

1B-17 Family Members in the Workplace

Family members can cause distraction and disruption, and can present a liability for the county. An employee may have family members at job site only during an emergency.

The emergency must be resolved as promptly as possible.

Family members visits beyond 1 to 2 hours will require written approval from the employee's supervisors or the Elected Official.

An employee may have an occasional visit by family members at the job site. An occasional visit means a visit of not more than once a week lasting not more than an hour.

C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

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

1C-2 COUNTY VEHICLE USAGE

A. 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. 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.

Under no circumstance shall county vehicles bearing an insignia of law enforcement agency be operated by any person other than a commissioned peace officer or reserve law enforcement officer who is employed by the County. The operation of a vehicle bearing an insignia of law enforcement agency by a person other than a commissioned peace officer or reserve law enforcement officer creates unwarranted legal liability for the county and is prohibited by Texas Penal Code 37.12 Misrepresentation of Property. A violation of this policy may result in a disciplinary action or possible termination of employment.

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

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

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

B. Unauthorized or non-issued items (including bumper stickers) will not be placed or stored in Kinney County vehicles, other than items of a personal preference which would not tend to disrupt operations, procedures, or otherwise violate County Policy, State, or Federal Law.

County employees have the right to carry concealed weapons as authorized by law. County employees must meet all statutory requirements in order to carry a weapon in their workplace. Other policies concerning the carrying of a weapon will be found at 1C-2A in the Employee Handbook, and are applicable to county Vehicles. The following requirements apply when carrying a weapon in county Vehicles:

- a) Weapons may not be left unattended in the passenger compartment of Kinney County vehicles at any time, for any reason.
- b) Weapons may not be left unsecured in county vehicles at any time.

1C-2A Carrying Weapons

County employees will have the right to carry concealed weapons as authorized by law. Specifically, County employees:

- a) Must meet all statutory requirements in order to carry a weapon in the workplace:
- b) Must inform their supervisor if they are carrying a weapon;
- c) That choose to carry a weapon in the workplace are expected to behave with the highest level of professionalism, and to act in the most responsible manner. Inappropriate or irresponsible behavior involving a weapon may result in disciplinary measures including termination of the employee.
- d) May not enter courtrooms, or court related offices, while carrying unless they are specifically authorized by law (e.g. law enforcement, Judges, County/District Attorney)

1C-3 CELL PHONE USAGE

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

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

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

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

1C-4 COMPUTER AND INTERNET USAGE

The use of Kinney County information systems, including computers, smart phones, fax machines, tablet computers and all forms of Internet/Intranet access, is for Kinney 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 Kinney 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 and including termination.

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

1C-5 PDA AND CAMERA USAGE

Kinney County prohibits the use in the workplace of any type of camera phone, cell phone camera, digital camera, smart phone, video camera, or other form of image-recording device without the express permission of each department head and of each person whose image is recorded.

1C-6 Security Cameras

Pursuant to Texas Local Government Code §291.001, the County Commissioners Court has a statutory duty to maintain and regulate county offices and adopt policies in the furtherance thereof, so long as such policies do not unreasonably interfere with a county official's performance of the statutory or constitutional duties of their office. Tex. Att'y Gen. Op. GA-1018 (2013)

In performance of this duty, the Court has purchased and authorized the limited use of security cameras to maintain and promote the safety and security of its property and employees. The Court has also authorized the placement of such security cameras in strategic workplace locations that avoid interfering with any reasonable expectation of privacy that county employees may have.

To ensure the county employees have a reasonable expectation of privacy, only those cameras and locations authorized by this Court shall be allowed on county property. No elected/appointed official shall use, purchase or install video capturing devices (such as cameras, webcams, cell phones, etc.) for the purpose of surveillance without the approval of the court.

Except for active law enforcement investigations or officer worn body cams, any unauthorized use of such video capturing devices for the purpose of surveillance on county property is a violation of this policy and could be a violation of a constitutional right to privacy.

Upon adoption by this Court, this policy shall be enacted and enforced as a county policy. **(Approved 2-10-2025)**

D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 WORKERS COMPENSATION

All Kinney County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation insurance 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 a Temporary Income Benefit (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work related injuries

or illnesses with the exception of Law Enforcement employees who receive salary continuation.

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

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

Any employee who suffers a job related illness or injury shall be required to notify their supervisor as soon as possible. Supervisors shall notify County Treasurer of job related illness or injury as soon as possible, for proper paper work to be filled out. 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 shall be required to provide a release from the attending physician before being allowed to return to work.

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

1D-2 EMPLOYEE SAFETY

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

Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.

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

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

1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES

Kinney County is a drug and alcohol free workplace. A county employee may not be present at work during a period the employee's ability to perform his or her duties is

impaired by drugs or alcohol. The county believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

This policy applies to all employees of Kinney 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 and EMS personnel as part of their law enforcement duties and EMS Duties.

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

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

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

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

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

If the use of a medication could compromise an employee's ability to do their job or the safety of the employee, fellow employees or the public, the employee must report the condition to his or her 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 Kinney County Treasurer's Office.

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

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

Kinney County will drug test employees who ARE NOT CDL license holders under the following conditions.

Pre-employment drug testing –

Kinney County has a pre-employment drug testing requirement that must be passed post offer before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver. (Except temporary employees will not be required to drug test)

Suspicion-Based Testing

Under the Influence shall be defined as having a blood alcohol concentration of .04 or more.

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

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss

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

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

1. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and specific violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct for performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit 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 officials or supervisors as well as the employee.
4. The elected official or supervisor will **remove** the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor 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 Treasurer's Office for filing.

Post-Accident Testing –

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

Testing Procedures –

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, he/she may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid by Kinney 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 his/her residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

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

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

1D-4 DRUG AND ALCOHOL- CDL EMPLOYEES

CDL Drivers are an extremely valuable resource for Kinney 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.

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

Specifically, it is the policy of Kinney 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. Kinney County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

It is the policy of Kinney 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. Kinney County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

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

1D-5 WORKPLACE VIOLENCE

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

SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

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

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

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

It is a violation of Kinney County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Treasurer's office at 501 S Ann Street, 830-563-2777.

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

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental, vision or life premiums; social security, and retirement. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons:

1. absence from work for one or more full days for personal reasons, other than sickness or disability; or
2. full day disciplinary suspensions for infractions of our written policies and procedures; or
3. full day for violating safety rules of a major significance; or
4. Family and Medical Leave or Military Leave absences; or
5. the first or last week of employment in the event you work less than a full week.
6. to offset amounts received as payment for injury and witness fee or military pay.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

1. partial day absences for personal reasons, sickness or disability; or
2. your absence because the facility is closed on a scheduled work day; or
3. your absence because of the County's operating requirements; or
4. absences for jury duty, attendance as a witness, or military leave in any week, in which you have performed any work; or
5. any other deductions prohibited by state or federal law.

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

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the County Treasurer at 830-563-2777. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney at 830-563-2240.

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 will result in disciplinary action, up to and including termination.

2A-2 IRS) FRINGE BENEFITS

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

2A-3 COMPENSATION

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

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

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption. Information regarding this exemption can be found in the policy on "Law Enforcement Compensation and Overtime."

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

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

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

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.

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

2A-4 LONGEVITY

Longevity is an incentive to retain valuable regular full time employees that are regularly scheduled to work 40 hours per week. It shall be paid in one lump sum on November 30, of each Fiscal Year. Only employees who hold positions with the county on October 31, of each fiscal year and who meet the eligibility requirements mentioned in this section shall receive longevity pay.

Longevity is paid accordingly to time served as Kinney County regular full time employees scheduled to work 40 hours per week, Elected Officials or Appointed Officials. Longevity is not accrued for employees scheduled to work below 40 hours (such as 32 or 20 hrs a week), or are short-term or temporary with Kinney County. The Commissioners court will review this benefit annually as part of the budget approval process. The Commissioners' Court may suspend or withhold longevity payments in the event of financial emergency.

Qualifying longevity service begins on the first day of employment but you must work a minimum of 60 months before receiving any longevity payments. If you leave the County's employment with a break in service, you may not count any past service and begin as a new employee with another 60 months before receiving longevity payments.

LONGEVITY PAY AND ELIGIBILITY SCALE

Longevity payments are based on the total number of months of employment.

Eligibility will be based on the total number of months of service to the county commencing from the month and year in which an employee regularly scheduled to work 40 hours, elected official or appointed official begins service, through and including November of the current fiscal year in which longevity compensation will be paid.

Longevity pay begins after the completion of five (5) consecutive years of county service with increases at the completion of ten (10) and fifteen (15) year intervals as shown in the following table:

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TOTAL MONTHS OF COUNTY SERVICE	LONGEVITY SERVICE LEVEL	PAY RATE PER SERVICE MONTH
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60 to 119 Months (5+ Years)	L-1	\$3.00 Per Month Of Cumulative Service
120 to 179 Months (10+ Years)	L-11	\$4.00 Per Month Of Cumulative Service
180 of More Months (15+ Years)	L-111	\$5.00 Per Month Of Cumulative Service

Cumulative service does not include any breaks in employment. All current longevity pay is based on consecutive service only.

2A-5 PAYROLL DEDUCTIONS

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

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

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

2A-6 WORK WEEKS AND WORK PERIODS

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

corrections will be made on the next regularly scheduled payroll. The time record on a time system prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

Time records on line are official county documents and as such require accurate and truthful information. Falsifying a time record which is considered a county record is grounds for severe disciplinary action up to and including termination and is a criminal offense.

2A-7 TIME CLOCKS

Kinney County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and in order to do so, will be utilizing Time Clocks effective January 1, 2024.

We will shift from the current salary-base compensation structure to an hourly wage basis. The hourly wage will be calculated based on actual hours worked.

Employees not complying with the use of the new timekeeping system may be subject to only receiving minimum wage payment until the proper timesheets has been submitted to the Treasurer. Any necessary corrections will be made on the next payroll.

It is also important that you record any paid time off; vacation, sick, etc.

Timesheets (Time Clocks) are governmental documents and as such require accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a time sheet, a governmental record is a Class "A" Misdemeanor.

2A-8 PAY PERIODS

The pay period for Kinney County shall be a bi-weekly pay period with the pay period dates established by the Commissioners' Court. This change will result in 26 pay periods a year instead of the current 24.

2A-9 WORK SCHEDULES

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Each 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-10 HOURS WORKED

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

2A-11 LAW ENFORCEMENT PAY AND OVERTIME

Kinney County Commissioners Court has adopted to pay Law Enforcement Personnel overtime on a 40 hour weekly basis, as long as there are other sources of funds available. Overtime shall be calculated on actual hours worked in excess of 40 hours during a week. (Sunday thru Saturday) Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

“County employees are prohibited from working more than 16 hours in a 24-hour period without the expressed permission from Commissioners Court or County Judge in a declared emergency. At this time, expressed permission is only granted to County EMS employees.”

2A-12 OVERTIME CALCULATIONS AND RULES

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

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

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

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 40 hours.

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

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

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

Road & Bridge employees that are on call for 24 hours on weekends will be given four (4) hours non-FLSA compensatory time.

2A-13 DEMOTIONS

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

2A-14 TRANSFERS

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

2A-15 PROMOTIONS

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

2A-16 SEPARATIONS

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

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

A resignation shall be classified as any situation in which an employee voluntarily leaves their employment with Kinney 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 shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify 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 shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Kinney County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

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

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

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

When a separation occurs the last paycheck will be issued on the next regular pay. .

2A-17 RETIREE REHIRES

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

The retiree must have a bona fide separation of employment and have been retired for a minimum of 6 calendar months. A bona fide separation means there is no prior agreement or understanding between Kinney 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 different department for different position. Changing employee status does not matter when determining if someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.

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

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

B. EMPLOYEE BENEFITS

2B-1 HEALTH, DENTAL AND LIFE INSURANCE

All full-time regular employees of Kinney County shall be eligible for the group medical, dental plan, vision plan and life insurance benefits. Regular variable hour employees who work an average of thirty (32) 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 (32) hours a week in the measurement period will not be eligible for health insurance.

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

Eligible employees may opt to waive the insurance (Medical, Dental, Vision, Life). Employees who waive the dental insurance can do so, but the dental is a one-time enrollment. Also, employees have to have other coverage (Dental) to elect Life benefit.

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

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

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

2B-2 VACATION

All full-time and part-time regular employees shall be eligible for vacation benefits. Temporary employees shall not be eligible for vacation benefits. Accrual of vacation shall begin at the time an employee begins work in an eligible position, and they must work for a minimum of one full year in such a position before being eligible to take any vacation.

ANNUAL LEAVE SCHEDULE

FULL-TIME REGULAR EMPLOYEES

<u>YEARS OF SERVICE</u>	<u>ANNUAL (HOURS)</u>
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40 Hour/Week Persons:

Less than 5 years accrue 6.7 hours per month	80.40
5 or more years/Must work total of 10,400 in 5 years accrue 10 hours per month.	120.00

32 Hour/Week Persons:

Less than 5 years accrue 5 hours per month	60.00
5 or more years/Must work total of 8,320 in 5 years accrue 6 hours per month.	72.00

PART-TIME REGULAR EMPLOYEES

20 Hour/Week Persons:

Less than 5 years Accrue 3.33 hours per month	40.00
5 or more years/Must work total of 5,200 in 5 years accrue 4 hours per month.	48.00

*For purposes of annual leave accrual, the normal workday for a part-time employee is defined as four (4) hours and the normal workweek is defined as twenty (20) hours.

An employee who is rehired by the County within 365 days after employment has been terminated shall have prior service with the County counted toward years of service for calculating the rate of annual leave accrual.

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

When an employee reaches the maximum accrual (240 Hrs.), they shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.

Scheduling of vacations shall be at the discretion of the department head or elected official

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

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

If an employee has worked for at least 12 months in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for up to 80 hours of vacation which is the maximum allowed under this policy.

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

2B-3 SICK

All full-time regular and part-time regular employees shall be eligible for the paid sick leave benefit. An employee will be eligible to use sick leave after a three (3) month benefit ineligibility period.

Full-time regular 40 hour a week employees shall accrue 6.7 hours per month which is the equivalent of 80 hours per year.

Full-time regular 32 hour per week employees shall accrue 3.333 hours per month which is the equivalent of 40 hours per year.

A part-time 20-hour employee shall accrue 1.375 hours per month which is the equivalent of 16.5 hours per year.

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

Sick leave may be used for the following purposes:

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

Where sick leave is to be used for medical appointments, an employee shall be required to notify their supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee shall notify their supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify their supervisor within 15 minutes of the normal starting time, the employee should notify their supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify their supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees shall not be allowed to borrow sick leave against future accruals. Employees shall not be paid for unused sick leave at the termination of employment. Sick leave may not be used as vacation or any other reason not addressed in this policy.

2B-4 HOLIDAY

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

The County holidays for the following calendar year shall be determined by the Kinney County Commissioners' Court at its last meeting before the new fiscal year.

If a holiday occurs on a Saturday, the preceding Friday shall be observed as the official holiday. If the holiday occurs on a Sunday, the following Monday shall be observed as the official holiday. If a holiday during the week occurs on an employee's regular day off, the employee shall be given time off with pay as soon as practical.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

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

County employees of the Sheriff's & EMS departments are eligible for up to eight (8) hours additional pay during holidays.

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

Employees will also receive paid Personal Time off which can be used for any reason. Full-time employees are entitled to 2 days per year and part-time employees will receive 1 day per year. Personal days are available for use after six months of employment. These days do not accrue and if they are not taken you will lose them at end of fiscal year. They will not be paid out at termination.

2B-5 JURY DUTY

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

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

outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

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

2B-6 FUNERAL/BEREAVEMENT LEAVE

All employees shall be allowed up to three (3) days leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law, and foster children.

All employees may be allowed time off with pay, up to a maximum of 2 hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay.

2B-7 MILITARY LEAVE

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

Any Kinney County Employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state of federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these

provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation leave.

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

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

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

2B-8 RETIREMENT

All regular employees (full time, part time and regular variable hour) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short term part time employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Kinney 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.

2B-9 SOCIAL SECURITY/MEDICARE

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

2B-10 FMLA/MFL

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

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

ELIGIBILITY:

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

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

Any employees with any questions about their eligibility for FMLA leave should contact Kinney County Treasurer for more information.

QUALIFYING EVENTS:

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

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

SERIOUS HEALTH CONDITION:

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

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

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

QUALIFYING EXIGENCY LEAVE:

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

Qualifying exigencies may include:

1. Short-notice deployment (up to seven days of leave);
2. Attending certain military events and related activities;
3. Arranging for alternative childcare;
4. Addressing certain financial and legal arrangements;

5. Periods of rest and recuperation for the covered military member (up to fifteen days of leave);
6. Attend certain counseling sessions;
7. Attend post deployment activities (available for up to 90 days after the termination of the covered military member's active duty status);
8. Other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
9. Attend family support or assistance programs and informational briefings;
10. Acting as the covered military member's representative before a governmental agency;
11. Addressing issues that arise from the death of a covered military member while on active duty status in a foreign country; and
12. Other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and employee.

LENGTH OF LEAVE:

An employee may use up to 12 weeks leave per 12 month period under this policy. Kinney County set the 12 month period used under this policy as a rolling 12 month period measured backward from the date an employee uses FMLA leave.

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

MILITARY CAREGIVER LEAVE:

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

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

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

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

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

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

WORK RELATED INJURY:

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

SUBSTITUTION OF PAID LEAVE:

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

If an employee has accrued leave, the employee is required to use his or her accrued leave as detailed below. The remainder of the leave shall be unpaid.

1. An employee who is taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12 week leave period being unpaid leave.
2. An employee taking leave for the birth of a child shall be required to use paid sick leave first, then earned compensatory time, vacation and holiday leave for the recovery period after the birth of the child and prior to being on unpaid leave.
3. After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 week leave period being unpaid leave.
4. An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time, then vacation, any other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.
5. An employee taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.
6. An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26 week leave period being unpaid leave.

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

CONTINUED EMPLOYEE BENEFITS:

While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll

deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the county before the end of the month the premium is due. The County may cancel unpaid coverage by providing the employee advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

At the end of the 12 weeks leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be:

1. Offered COBRA if they are unable to return to work.

INTERMITTENT LEAVE AND REDUCED SCHEDULE:

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

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

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

CERTIFICATION REQUIREMENTS:

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

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

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

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

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

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

REQUESTING LEAVE:

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

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

REINSTATEMENT:

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

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

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

REPAYMENT OF BENEFITS:

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

OTHER BENEFITS:

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

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

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

REGULATIONS:

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

2B-12 RETURN TO WORK POLICY

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

2B-12A ENFORCEMENT:

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

Kinney County will meet all requirements under the FMLA. Kinney County employees to be eligible for FMLA must meet all of the requirements of eligibility, including the requirement that the employer employ 50 employees at the worksite or within 75 miles.

RESPONSIBILITIES:

- Kinney County will post the current FMLA poster as provided by the department of labor. If an employee asks for FMLA leave for any reason, Kinney County will respond in writing and will use the FMLA forms (WH-381) Notice of Eligibility and Rights and Responsibility and form (WH-382) Designation Notice to notify the employee of their rights.

2B-13 LEAVE OF ABSENCE - OTHER

Employees may request a personal leave of absence to a maximum of 90 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head.

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

Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

SECTION 3: EMPLOYEE FORMS

Please see Treasurer's Office for copies of any of the following forms:

Vacation Request Form

FMLA – MFL Request Form

Leave of Absence Request Form

Accident/Incident Reporting Form

Travel Reimbursement/Expense Report – See Auditor

Sick Pool Donation Form

Direct Deposit Form

SECTION 4: INTERNAL POLICIES

Kinney County Purchasing Manual

Introduction:

This manual contains the authorized procedures for purchasing by County Officials and employees. These procedures are promulgated by the County Commissioners' Court, and changes in the contents of this manual shall be made only by the Commissioners' Court. This supersedes any other prior manuals.

County purchasing procedures are governed by Texas statutes; and these statutes, including interpretations of them made by Texas courts, are the ultimate authority on the validity of purchasing procedures. Because the procedures described in this manual are based on state law, this manual, in many instances, contains language taken directly from statutes, and paraphrases of and broad generalizations about Texas statutory law have been included where appropriate to assist in applying the law in routine situations. This manual cannot address every situation; and, when an unusual situation occurs or a difficult legal or factual problem arises, the exact statutory language must be reviewed and analyzed. In every situation, the final authority for county purchasing procedures is the law itself.

This manual has been adopted by the Commissioners' Court for the use of Kinney County Employee and officials and is designed to assist them in complying with the laws governing county purchasing procedures.

STATEMENT OF GENERAL POLICY

It is the policy of Kinney County that all purchasing shall be conducted strictly on the basis of economic and business merit. This policy is intended to promote the interest of the citizens of Kinney County.

To avoid violation of or the appearance of violation of the policies in this manual, county employees and officials are prohibited from:

Seeking or accepting, directly or indirectly, any loans, services, payments, entertainment, trips or gifts of merchandise or money in any amount from a business or an individual doing or seeking to do business with the county.

It is important to remember that county purchasing operates in full view of the public in order to assure an open purchasing process and economy in purchasing, the Commissioners Court has determined that competitive bidding will be used as much as possible in the purchase of goods and services for the County
The responsibility of purchasing ultimately rests with the Commissioners' Court.

The purchasing process is not instantaneous. Time is required to complete the steps required by the State law. In order to accomplish timely purchasing of products and services at the least cost to Kinney County, all departments must cooperate fully. Prior planning and the timely submission of requisitions are essential to expedite the purchasing process and to assure that the process is orderly and lawful.

II. PURCHASING GUIDELINES AND PROCEDURES

1. For all budgeted purchases determine whether the County is required to make the purchase by competitive bidding. Competitive bidding is generally required on all combined purchases or repair contracts for \$ 50,000.00 or more UNLESS the purchase falls under certain exceptions.

EXCEPTIONS TO COMPETITIVE BIDDING IF COMMISSIONER'S COURT BY ORDER EXEMPTS:

- A. Jail food & Elderly Food –Jail & Elderly food purchases MUST solicit at least three bids for food items by phone or computer and document each time an order is placed. These bids should be attached to the invoice and available for inspection by auditor.
 - B. High technology and insurance
 - C. Professional and personal services (Accounting, architecture, optometry, medicine, land surveying or professional engineering.) If your purchase falls under this exception, see Item 11 for procedures to follow below.
 - D. Emergency purchase: Comm. Court exempts a purchase from the bidding procedures due to an emergency purchase in extremely limited circumstances (See Emergency purchase under 8. below.)
 - E. Sole source items: Comm. Court exempts a purchase from the bidding procedures if the court receives a signed affidavit by the official making the purchase indicating that the item is available from only one source. (Must be entered into minutes.)
2. If your purchase is over \$ 50,000.00 and does NOT meet one of the exceptions above you MUST go through the bidding procedures in Item 9 and/or 10, as well as, following the purchase procedures below.
 3. You must determine whether or not you need to complete a purchase order:
A purchase order is required for all purchases of supplies and materials. The purpose is to identify correctly and clearly the material requested. PO's must be prepared IN ADVANCE. In other words, the only bills which would NOT require a purchase order would be telephone, water, gas, electric, or other contract charges which have already been approved through the Commissioner's Court.

4. If you determine you MUST have a purchase order, be sure that you prepare the purchase order in advance of the purchase. This means prior to the purchase of any item or even the ordering of any item. The Commissioner's Court MAY hold the purchaser personally liable for the bill IF the purchase order date approval is made AFTER the invoice date (date of purchase).

5. Preparation of Purchase Order:

Use a separate PO for each line item. For example, a Purchase Order for requesting office supplies, use another Purchase Order for fuel.

The Department Head or authorized person within the requesting department will prepare and sign the Purchase Order.

A Purchase Order must contain the following information for proper processing.

Department and Date. Give the name of the Department, date the PO is signed. Quantity required. State the number required. In addition to the number, where needed also provide the unit measure such as dozen, gallon, etc.

Description and specification. Describe the items needed clearly. Exception would be blanket purchase orders for small sums.

Cost. Where possible list the actual cost. If unknown, estimate higher-never lower.

Department's budget line item. Against which the purchase should be charged.

Certification. The Department Head or authorized person must sign and date PO. If a person other than the Department Head or Elected Official is to sign the PO, please furnish these names to the Auditor.

6. Blanket Monthly Purchase Order: Authorizes a department to obtain material and supplies from a vendor, with a maximum of \$ 100.00 per purchase. (Except for jail supplies and meals.) Currently, for example this would be helpful for small monthly purchases at Lowes, Wool & Mohair and D&D. Each Department must submit to the auditor a list of employees authorized to make blanket purchases. A vendor agreement MUST be signed by the vendor before the purchases are made. This will let the vendor know that they cannot sell to an employee without a blanket purchase order number. This number should change monthly.

The same procedures for a regular purchase order would be followed. The only difference would be that the description of items to be purchased would be less specific, for example: janitorial supplies, office supplies.

In order to avoid the appearance of bias, local purchases must solicit bids from competing vendors if the item or service exceeds a \$100 threshold. Purchases from these vendors should be based on lowest price, quality and availability.

7. Purchase Order Processing Procedure

All PO's must be processed through the Auditor's Office. (Local Government Code 113) prior to making any purchase. The auditor may not pay a bill for supplies or materials without a signed PO.

The County Auditor will enter the PO into the computer system ONLY if funds are available and assign a purchase order number.

If funds are not available, the Auditor will return the unapproved PO to the requesting department. The requesting department may work with the auditor to prepare and submit a Request for Line Item Transfer Amendment (Blank one attached) to the next Commissioners' Court meeting for their approval. No orders or purchases may be made without an approved PO.

Upon receipt of the bill, review for accuracy, initial bill, attach PO and return to the auditor for payment. If the item purchased is property which will NOT be used-up, there must be an inventory change form attached.

8. Emergency Purchases: Emergency purchases are authorized in extremely limited circumstances:

- A. In the event of a public calamity for the benefit of the county citizens or to protect public property
- B. In order to protect the health or safety of county residents
- C. When made necessary by unforeseen damage to public property.

Depending upon the time of the emergency and type of purchase necessary, one of the following procedures should be followed:

- (1) After hours emergency: Need to be authorized by the County Judge. The next working day the department should notify the Auditor of any emergency purchases made.
- (2) Emergency during working hours:
If budgeted funds are available, the auditor may issue a purchase order by phone without a requisition and the requisition completed by the requesting department the next working day.

9. Bidding Process and procedures, before a county may purchase one or more items under a contract that will require an expenditure exceeding \$ 50,000, the Commissioners' Court of the county must comply with the competitive bidding or competitive proposal procedures under Section 262.023 of the Local Government Code.
- A. A notice of a proposed purchase must be published at least a week in a newspaper of general circulation in the county with the first day of the publication occurring before the 14th day before the date of the bid opening. The notice must include:
- (1) Where to get specifications for purchase or the actual specifications
 - (2) Time and place for receiving and opening bids and where they are to be sent
 - (3) Whether the bidder should use lump-sum or unit pricing
 - (4) Method of payment by the county
 - (5) Type of bond required by the bidder
 - (6) May include whether variances from the original bid will be accepted or will not be accepted.

Please note: There are very specific rules for heavy equipment and bonds. Check with the County Attorney.

- B. The bids will be opened by at least two of the following County Officials: the County Judge, the County Attorney or the County Auditor, and will be held in an open public forum at the location stipulated in the bid invitation. All sealed bids will be opened on the assigned day at the designated time. The date specified in the notice may be extended if the Commissioners' Court determines that the extension is in the best interest of the County. All bids, including those received before an extension is made, must be opened at the same time. Bids will be read aloud and recorded on a bid tabulation sheet. No bids will be accepted after the date and time specified in the bid invitation (and extended date). Any bids received after the designated time will be returned, unopened. The official time will be the time shown on the clock in the County courtroom. Opened bids shall be kept on file and available for inspection by anyone desiring to see them.
- C. A contract may not be awarded to a bidder, who is not the lowest dollar bidder meeting specifications unless, before the award, each lower bidder is notified of the proposed award and offered an opportunity to appear before the Court and present evidence concerning the lower bidders responsibility.

D. Opened bids shall be presented to the Commissioners' Court in session. The Court shall award the contract to the RESPONSIBLE bidder who submits the lowest and best bid OR reject all bids and publish a new notice. In addition to the price, the Commissioners Court will consider:

- (1) the quality
- (2) the adaptability of the product to the intended use
- (3) the ability, experience, efficiency, integrity and financial responsibility of the bidder
- (4) the above three considerations will be included in the specifications.

When only one bid is received by the county, the bid may be accepted if the Commissioners' Court determines the price is fair and reasonable. If the price is not fair and reasonable, the bid is rejected.

If two or more responsible bidders submit identical bids, the bid award will be made by drawing lots or as directed by the County Judge.

10. PLEASE NOTE THERE ARE SOME LEGAL BIDDING ALTERNATIVES
Additional information is available at the auditor's office.

A. Reverse auction procedures GC 2155.062

- (1) Select internet facilitator
- (2) Advertise scheduled time and website
- (3) Include specifications on website
- (4) Receive bids "real time" on website
Bid prices available to all bidders
Bidders anonymous to each other

NOTE: This can save big dollars.
The auditor's office can provide you with additional information.

B. State Affiliated Programs

- (1) Texas Building and Procurement Commission (TBPC), LGC 271 D

Various term contracts, QISV, GC 2157-Telecommunications and computer products and Services GSA Contracts for multiple commodities and services Resolution by County Judge (\$ 100.00 per year)

- (2) Texas Correctional Industries (TCI), GC 497
Prison made goods: furniture, clothing, bedding, janitorial supplies, fencing, park equipment, truck beds, etc. No direct fees to buyers.
- (2) TIBH Industries, HRC 122 Marketing interface.
Goods, clothing, furniture, janitorial, etc.
No direct fees to buyers.

C. Purchasing Cooperation

- (1) Houston-Galveston Area Council, GC 791
Cars, trucks, buses, fire trucks, ambulances, tractors, earth moving equipment, etc.
Requires Participation agreement
Administrative fee/purchase order
- (2) U.S. Communities, GC 791
Nonprofit agency
Bids by various public agencies per code
Industrial, janitorial, and office supplies, furniture, computers
Participation agreement-no direct fee to buyer
Kinney County is a member
- (3) Buy Board; We are a member call
800-695-2919. Additional details in the
Auditor's office.
- (4) Interlocal agreement: Tarrant County
Information available in auditor's office.

11. Professional services: (Article 664-4 Tex. Civ. Stat. Ann.)

Professional services shall be selected and awarded contracts on the basis of demonstrated competence and qualifications for the type of professional services to be performed at fair and reasonable prices as follows:

- A. Initial selection shall be based on the demonstrated competence and qualifications for the type of professional services to be performed at a fair and reasonable price.

- B. After selection is made, Comm. Court shall proceed to negotiate a contract at a fair and reasonable price.
- C. If unable to negotiate a satisfactory contract with the most highly qualified person, the entity shall formally end negotiations with that person and begin negotiations with the second most highly qualified person.
- D. Negotiations shall be undertaken in this sequence until a contract is made.
- E. Any and all such contracts, agreements or arrangements for professional services negotiated, made or entered into, directly or indirectly in any way in violation of the provisions of the Art. 664-4 Vernon's Annotated Civil Statutes are hereby declared to be void and shall not be given effect or enforced by any Court of the State of Texas or by any of its public officers or employees.

12. Bill payment: All bills to be paid MUST be initialed by the Elected Official or Department Head prior to submission to the auditor for payment. If a service is provided, a brief statement as to the satisfaction of the service must be noted on the bill. If a purchase order is required, it must be **attached to the bill to be paid. If the bill does not require a purchase order to be paid, the** account number to be charged MUST be indicated on the bill.

All bills to be paid at the first Comm. Court meeting of each month, MUST be in the auditor's office by the Tuesday before the third Monday in each month (Comm. Ct. meeting). All invoices submitted must have a purchase order signed by Judge and Auditor attached behind the invoice to get paid. Invoice for equipment over \$ 100.00 must have inventory change form attached to get paid.

CAPITAL ASSET POLICY

INTRODUCTION

On October 1, 2003 Kinney County will begin the implementation of Governmental Accounting Standards Board (GASB) Statement NO. 34. The Capital Asset Policy is essential in assisting County Offices in implementing the new reporting requirements of GASB 34.

The property, plant and equipment owned by Kinney County are in fact the property of the taxpayers of Kinney County. It is therefore the County's responsibility to insure that the property is maintained in a usable condition, safeguarded and assigned to users to be held accountable.

This comprehensive fixed asset control policy shall include, but shall not be limited to the following:

- ☐ Establish responsibility and accountability for the property, plant and equipment owned by Kinney County;
- ☐ Establish capitalization thresholds for property, plant and equipment;
- ☐ Establish policy for reporting junked, stolen or missing property;
- ☐ Establish policy for receiving donated property; and,
- ☐ Establish policy for transfer of assets within County departments;

All property, plant and equipment owned by the County will only be used for County business. Elected officials, department heads and employees are responsible for ensuring accountability, maintenance and proper use of County property.

For the purposes of this policy, assets (both fixed and accountable) will be defined as follows:

Real Estate (land, land improvements, buildings, building improvements, right-of way);

Tangible personal property (equipment, tools, machinery, vehicles, furniture, computers, etc);

Computer software (externally purchased and internally developed);

Infrastructure (roads, bridges, right-of-way, dams, etc.).

GENERAL POLICY

All property, plant and equipment purchased by the County will be recorded at original cost. All assets received by the County through donation and/or escheat will be recorded at estimated fair market value at the time of donation or when escheat occurs. Any property obtained by the County through eminent domain procedures will be valued at the appraised fair market value at the time title passes to the County. All property, plant and equipment which can be identified as being County assets, and for which historical original cost cannot be obtained, will be valued at estimated original cost.

The importance of developing and maintaining a complete and accurate accounting for property, plant and equipment cannot be over emphasized. Adequate accounting procedures and records for property, plant and equipment are essential for the protective custody of County property. The Commissioners' Court is responsible for insuring that once property, plant and equipment are acquired, that the asset is properly accounted for until disposed. There will be two inventories kept by each Department Head/County Official. The inventory reports will be maintained by the Auditor's office based on updates provided to the Auditor using the Inventory Change Form attached. An integral part of the capital asset policy regarding accountability requires that all departments communicate (using the attached Inventory Change Form) with the County Auditor with regards to any changes that affect property, plant, and equipment within the department. The Inventory Change Form will be required to be filed with the auditor prior to payment of any invoice for new assets.

The two inventory requirements are as follows:

One inventory will be for capitalized assets reaching the threshold dollar amount below. Full accounting will be required.

One inventory will be for assets which do not reach the threshold dollar amount below but cost over \$ 100.00. This list is for insurance purposes and proper accounting.

CAPITALIZATION POLICY

THRESHOLD

Land/land improvements

Capitalize All

Buildings/building improvements

\$ 50,000

Improvements other than buildings

\$ 25,000

Infrastructure

\$ 50,000

Machinery, Equipment other assets

\$ 1,000

Leasehold improvements

\$ 25,000

Changes/additions to existing property, plant and equipment will be individually evaluated to determine if the changes/additions should be considered an improvement or repair/maintenance. Improvements are changes/additions that substantially increase the useful life of the asset and the cost or a portion thereof may be added to the value of the asset. Repairs and maintenance are changes/additions that allow the asset to complete its normal useful life and are considered an operating expense in the year incurred. The Department Head/Elected Official will work with the County Auditor to determine this.

DEPRECIATION POLICY

It is anticipated that capital assets which meet the threshold requirements above to be capitalized, will be depreciated using the straight-line method. This method provides that depreciation for one-year equals the cost of the asset divided by the years of anticipated useful life (see below). It is proposed that depreciation will be calculated based on a zero anticipated salvage value and that the annual depreciation will be based on assets owned at the end of the fiscal year being depreciated. In the year of purchase one-half years' depreciation will be expensed and one-half years' depreciation will be expensed in the year of disposition if the asset has any net book value at the date of sale. During the budgetary process, depreciation will not be required to be budgeted by the departments for which the asset supports.

Buildings	40 years
Building Improvements	20 year
Leasehold Improvements	Term of lease
Land Improvements	20 years
Electrical Generation Systems	22 years
Roads and Horizontal Infrastructure	Various-auditor determine
Electrical Systems	10 years
Plumbing Systems	10 years
Central Air/Heat Systems	10 years
Equipment	6 years
Office Furnishings	7 years
Office Equipment	6 years
Vehicles	5 years
Computer Equipment	3 years
Law Enforcement Equipment	5 years
Life Safety Equipment	5 year
Works of Art	Permanent
Land	Permanent
Land Improvements	Permanent
Library Materials	Permanent

ACCOUNTABILITY

On July 1 of each year each elected official/department head shall file the following three inventory reports with the Commissioners' Court:

1. All inventory costing under \$ 100.00
2. All inventory costing \$ 100.00 but under \$ 1,000.00
3. All inventory costing \$ 1,000.00 and over.

At the beginning of each fiscal year, the elected official and/or department head will present to the Auditor a copy of their most recent updated inventory assigned to their control. The Auditor will update the computer generated inventory listing and return the updated inventory to the elected official or department head. Elected officials and/or department heads are required to examine the listing to insure the accuracy of the asset record. The elected official and/or department head has 10 working days from receipt of the listing to notify the County Auditor of any changes in writing. Once the listing is corrected and validated the elected official and or department head will be required to sign and date acceptance of responsibility. The elected official / department head may be personally responsible for replacing all assets that are found missing at current replacement cost. Each will be held accountable for the assets entrusted to their control. A copy of the inventory will be retained by the elected official / department head, the County Auditor and one filed with the Comm. Court at their next meeting.

When an elected official and/or department head terminates employment with the County it is the responsibility of the elected official / department head to coordinate a date and time with the County Auditor to complete a physical inventory of the assets assigned to the elected official/department head. Commissioners' Court will not release the elected official / department from liability until all assets assigned for responsibility have been accounted for and turned over to the Commissioners' Court. The elected official / department head may be held personally responsible for replacing all assets that are found missing and or damaged at current replacement cost.

Commissioners' Court does not permit nor does it allow any elected official, department head or employee of Kinney County and/or anyone who may have occasional access to a department in Kinney County buildings, to make a copy of any software that has been licensed to the County. The Elected Official/Department Head will be responsible for any cost assessed the County due to having unlicensed software. It is their responsibility to have all software used on their computers licensed.

TRANSFER OF PROPERTY

When property as defined in this policy is transferred from one department to another; when property is found to be missing from an office; and/or, when an office decides that property is no longer of use; it will be the responsibility of the elected official /

department head of the office with accountability to immediately notify the County Auditor with the attached Change in Inventory Form. Accountability for all property owned by the County will be maintained.

DISPOSITION OF PROPERTY

When property as defined in this policy is determined to be lost or stolen the elected official / department head has the responsibility of notifying the County Auditor as soon as the property is determined to be missing with the attached Change in Inventory Form. In the event it is suspected that the property was stolen the department is responsible for contacting the appropriate law enforcement officials.

Property that is determined to be surplus or salvage is to be reported Maintenance Department for disposition. The County Auditor must be notified by the Change in Inventory Form provided by the Elected Official or Department Head. An auction will be held at least once a year in compliance with Local Government Code ' 263.150-263.158 with regards to the disposition of property.

DONATED/ESCHEAT or EMINENT DOMAIN PROPERTY

All property, plant and equipment received by the County through donation, escheat or the eminent domain process is required to be formally presented to Commissioners' Court for approval and acceptance. No elected official and/or department head is authorized to accept property donated to the County on behalf of the Commissioners' Court. The Commissioners' Court will require the approval of the elected official and/or department head of any property that is specifically donated to their department. Once approved, Commissioners' Court will consider acceptance.

The County will not accept donated property with a value in excess of \$5,000 without an independent appraisal being provided by the donor. Once the fixed asset has been officially accepted by the County the property will be added to the County's asset ledger and assigned to a department for accountability.

All donations to the County will be evaluated under the guidelines established by Local Government Code Sections ' 81.032.

OTHER

All acquisitions made by any department through the State surplus property procedures are required to be reported to the Commissioners' Court and the County Auditor (Texas Administrative Code. Vol.1, 113.73). All such purchases are required to be accounted for regardless of value.

All departments that maintain weapons/firearms or small tools must maintain an inventory of all such items regardless of the value.

Assets that are purchased in a large quantity, but their individual price is below the capitalization threshold, are to be inventoried by location as a quantity total (example: 200 metal folding chairs, 30 folding 8 foot tables, etc).

It will be the responsibility of the individual departments that are accountable for property, plant and equipment and responsible for their custody to ensure that the property, plant and equipment are properly cared for while entrusted to their care.

ALL Kinney County Property should have KC or Kinney County permanently marked on them. Items \$ 1,000 and over should also have a number indicated on them somewhere. It is the Elected Official/Department Head that is responsible for ensuring proper identification is shown.

Internal Control Policy

All County employees play a part in the internal control system of Kinney County (hereinafter referred to as “County”). Ultimately, it is the County management’s responsibility to ensure that controls are in place to safeguard its resources, assure accuracy and reliability of information and properly report that information. That responsibility is delegated to each area of operation in the County so that every employee should be involved in making the internal control system work. Therefore, all County employees need to be aware of the concept and purpose of internal controls.

PURPOSE

The purpose of this administrative policy is to define what constitutes internal controls, and to outline rules and procedures that all employees must follow when internal controls are not in place or not being followed.

SCOPE

This policy applies to all County employees.

DEFINITIONS

1. Internal Controls – Refers to a system of financial checks and balances designed to provide assurance that money or other assets do not disappear or that mistakes do not occur.
2. Preventive Controls – Designed to discourage errors and minimize the occurrence of irregularities.
3. Detective Controls – Designed to find errors and/or irregularities after they have occurred.
4. Fraud – Theft, intentional waste or abuse of County funds, property, records or time. (Refer to “Kinney County Fraud Prevention and Detection Policy” for a more detailed explanation.)
5. County Funds – Currency, checks or other negotiable instruments belonging to the County or for which the County is the fiscal agent.
6. County Property – Any tangible (i.e., land, buildings, equipment, etc.) or intangible (i.e., software, copyrights, patents, etc.) item owned by the County.
7. County Employee – A global term encompassing all individuals whether elected, appointed, hired or agents representing themselves to be working for the benefit and good of the County.
8. Avoidance of Established Internal Controls – When a County employee circumvents, ignores or intentionally misapplies departmental or county established internal, preventive and/or detective controls.
9. Retaliation – When an individual is discriminated against or penalized for reporting fraud or non-compliance with internal controls, or for cooperating,

giving testimony or participating in any manner in an audit/investigation, proceeding or hearing.

10. Negligence – (noun) the quality or state of being negligent; lack of due diligence or care; omission of duty; habitual neglect; heedlessness; carelessness.
 - A. A County employee's lack of prudent care and/or inattention to duty and/or responsibility to manage and protect County funds collected in the performance of official duties from loss and/or misapplication until deposited into the County treasury.
 - B. The lack of prudent care and/or inattention to duty and/or responsibility to manage and protect County property/assets from loss and/or damage.
 - C. A County employee's failure to follow, intentionally circumvent, and/or failure to provide sufficient administrative control as stipulated in the County's internal control and/or fraud policy.
 - D. A County employee's failure to report and/or attempt to conceal actions intended to circumvent, ignore and/or disregard the internal control and/or fraud policy in regards to their own and/or another's culpability.

BACKGROUND

1. Internal Controls are an integral part of the duties and functions of each department or office within the County and should be incorporated into the operational procedures and policies of each department or office to ensure that resources are safeguarded, reports are reliable, policies and procedures are followed, and operations are conducted economically and effectively.
2. Key elements of Internal Control:
 - A. Organizational Controls require adequate checks and balances including separation of task authorization and performance from reporting responsibility.
 - B. Procedural Controls divide tasks to provide internal checks by specifying tasks and responsibilities for each employee.
 - C. Recording Controls maintain necessity for prompt, complete and accurate recording by every employee who prepares, approves, processes and/or summarizes any record.
 - D. Reporting Controls must be usable and present an accurate picture of what has occurred in a timely, complete and concise manner.
 - E. Analysis/Oversight Controls provide independent review and risk assessment of organizational, procedural, recording and reporting controls.
3. Limitations of Internal Controls:
 - A. Subject to human error due to mistakes in judgment, carelessness, misunderstandings and/or fraud.
 - B. Poorly written and/or poorly enforced internal controls allow fraud to occur.

- C. Implementation of a sound internal control system along with strong management practices can reduce weaknesses but not eliminate them entirely.
 - D. The system should be reviewed periodically and revised when necessary to keep pace with changes in office policies, duties and personnel in an attempt to prevent complacency and complicity.
 - E. Cost of controls exceeds potential benefit.
- 4. The County is committed to accurate, complete and honest financial reporting in all aspects of County business. The County is required to develop and maintain accounting systems that enable and support the preparation of accurate financial statements in accordance with statutes, applicable laws, rules and accounting principles.
- 5. This policy is not intended to be a detailed study of every procedure or activity that constitutes internal controls.
- 6. Local Government Code 157.903 – Authority to Indemnify Elected and Appointed County Officers states: “The commissioners court of a county by order may provide for the indemnification of an elected or appointed county officer against personal liability for the loss of county funds, or the loss of or damage to personal property incurred by the officer in the performance of official duties if the loss was not the result of the officer’s negligence or criminal action.”
- 7. Role of Internal Audit:
 - A. Internal auditing is an independent appraisal function established to examine and evaluate the adequacy and effectiveness of the organization’s internal control system and its overall quality of performance.
 - B. Internal auditing furnishes the County’s management with analyses, appraisals, recommendations, counsel and information concerning the activities reviewed.
 - C. Internal auditing reviews the reliability and integrity of information, compliance with statutes, policies and regulations, the safeguarding of assets, the economical and efficient use of resources and established operational goals and objectives.
 - D. Internal audits may encompass all financial activities and operations within the County.

INTERNAL CONTROL

- 1. No employee shall, directly or indirectly, knowingly falsify, cause or allow to be falsified any book, record or account of the County. This includes expenditures, travel records, time sheets, and approval of vendor invoices, case transaction records, or any other business/financial record of the County.

2. No entries should be made that intentionally conceal the true nature of any transaction or record of the County.
3. No funds or accounts should be kept for purposes that are not fully and accurately disclosed.
4. All County employees must protect County assets and ensure their efficient use. The County will not tolerate theft, misuse or intentional waste of County assets. All County assets should be used strictly for legitimate County business purposes.
5. Applicable Internal Control descriptions with examples. (Note: The following examples are not intended to cover all possible procedures or activities that constitute internal controls. Each department or office should design, implement, monitor and adjust internal control objectives for each activity or procedure as applicable. The County Auditor's office would welcome any request for help establishing, changing or evaluating internal controls by a department or office.)

A. Adherence to all organizational procedures:

- (1) Separation of duties -- no one employee should be functionally responsible for a financial or other business transaction from start to finish.
- (2) A departmental approved written policy establishing employee duties, authorization levels, internal controls, etc. will be on file in every department or office that:
 - (a) Describes and provides examples of each employee's duties and responsibilities
 - (b) Establishes each employee's scope of authority and the transactions that conform to that authorization.
 - (c) References and/or documents internal control procedures for the department or office.
 - (d) Establishes and describes restrictive access to monies, the safe and other sensitive areas.
- (3) Competent management and employees – competent by education, experience and/or training to accomplish their assigned duties.
- (4) Documents on file with the appropriate County department/office:
 - (a) Conflict of interest statements (completed and enforced).
 - (b) Oaths of office (completed and filed).
 - (c) Education documentation (maintained for audit)
 - (d) Bonding of personnel handling cash.
- (5) Rotation of duties and/or personnel in positions more susceptible to fraud.
- (6) Overages/Shortages:
 - (a) Overages to be fully disclosed and deposited to the Treasury. Shortages to be made up by department head or

elected official and deposited to treasury or, to follow indemnification process outlined in Local Government Code #157.903 — Authority to Indemnify Elected and Appointed County Officers.

(b) Adherence to Procedural Controls:

(1) Issuing or receiving assets:

- a. Checks/money orders to be stamped “For Deposit Only” immediately
- b. Checks/money orders shall have remitter’s name, address, case #, docket # or other such information that properly identifies the purpose of the instrument.
- c. A receipt shall be issued for every financial transaction.
- d. Assets may not be issued or received without proper documentation and approvals.
- e. Payment requests shall have backup documentation.

(2) Daily, timely and accurate deposits of all receipts to the treasury.

(3) Funds to be secured in a safe when held overnight.

(4) Balance receipts for each cash drawer at the end of the day

(5) Restrict access to office, documents, equipment and personnel.

(6) Ensure that employees take regular vacations.

(7) Follow established and documented internal controls as defined in office policy.

(c) Adherence to Recording Controls:

(1) Transactions to be recorded as executed, when executed and properly classified.

(2) Each transaction to be timely and properly documented receipt, docket sheet/case file entry, purchase order or other County approved documentation. Clear documentation of cash receipts collection to deposit into the treasury.

(3) Files are to be maintained accurately and up-to-date through timely recording.

(4) Use only approved/official County receipts for County business:

- a. Unique tracking numbers
- b. Multiple copies
- c. Date of issuance
- d. Amount paid and form of payment (i.e., check, money order, cash etc)

- e. Subject of document (i.e., certified copy, fine, etc.)
 - f. Initiator of document (cashier's name or initials)
 - g. Payee information (i.e., name, address, and driver's license number on all checks)
- (d) Adherence to Reporting Controls:
- (1) Maintain good control over assets, liabilities, revenues and expenses:
 - a. Monthly reconciliation of bank statements to check register and general ledger accomplished in a timely manner. (Within 10 days after the receipt of the bank statement.)
 - b. Document asset movement, authorization levels and reconciliation.
 - (2) Documentation to be easily available to meet audit requirements, to detail internal control objectives and procedures, for asset accountability and for all transactions and/or other business activity performed in the department or office.
- (e) Adherence to Analysis/Oversight Controls:
- (1) Independent reviews and task monitoring
 - (2) Department head/elected official is to review reports, reconciliations, receipts and disbursements.
 - (3) Regular annual independent audits of areas susceptible to fraud:
 - a. Recount and verify daily receipts
 - b. Verify authorization level of document initiator
 - c. Verify vendor information
 - (4) Evaluate audit findings and recommendations.
 - (5) Determine proper actions and response to audit findings and recommendations
 - (6) Complete all actions that correct and/or resolve the audit findings within established time frames.

RESPONSIBILITIES

1. All County Employees:

Any employee who has knowledge of avoidance of established internal controls shall immediately notify his/her supervisor. If the employee has reason to suspect that the employee supervisor may be involved, the employee shall immediately notify the department head/elected official of his/her department. However, if the employee has reason to suspect that the department head/elected official may also be involved, the employee should contact the County Attorney or District Attorney and the County Auditor. Every employee shall cooperate with administrative investigations pursuant to

this administrative policy. The employee shall not discuss the matter with anyone other than his/her supervisor, the department head/elected official, the County Attorney or the District Attorney and the Auditor. Failure to report avoidance of established internal controls will be considered negligence and could result in disciplinary action or termination.

2. Supervisor:

A. Upon notification from an employee of avoidance of established internal controls, or if the supervisor has reason to suspect the avoidance of established internal controls, the supervisor shall immediately notify the department head/elected official of his/her department. The supervisor shall not attempt to investigate the suspected avoidance of internal controls or to discuss the matter with anyone other than the department head/elected official, the County Attorney or the District Attorney and the Auditor. However, if the supervisor has reason to suspect that the department head/elected official may also be involved, the supervisor should contact the County Attorney or District Attorney and Auditor. Failure to report the avoidance of internal controls will be considered negligence and could result in disciplinary action or termination.

B. Upon notification from an employee of the lack of internal controls, or if the supervisor has reason to believe there is a lack of internal controls, the supervisor shall immediately notify the department head/elected official of his/her department. When notification comes from an employee, the supervisor will respond to the employee within a reasonable time period of any action taken regarding the notification. The supervisor, with direct knowledge of the department head/elected official, should and may correct the lack of internal controls by updating the office policy to reflect the change and notifying the County Auditor of the change. The County Auditor should be contacted for help in establishing, changing or evaluating internal controls as necessary.

3. Department Head/Elected Official:

A. Upon notification from an employee or supervisor of avoidance of established internal controls, or if the department head/elected official has reason to suspect the avoidance of established internal controls, the department head/elected official shall immediately notify the County Attorney or District Attorney and the County Auditor. The department head/elected official shall not attempt to investigate the suspected avoidance of internal controls or to discuss the matter with anyone other than the County Attorney or the District Attorney. Failure to report the avoidance of established internal controls will be considered negligence and could result in disciplinary action or termination.

B. Upon notification from an employee or supervisor of the lack of internal controls, or if the department head/elected official has reason to believe there is a lack of internal controls, the department head/elected official should and may correct the lack of internal controls by updating the office policy to reflect the change and notifying the County Auditor of the change. When notification comes from an employee or supervisor, the department head/elected official will respond to the employee or supervisor within a reasonable period of time of any action taken regarding the notification. The County Auditor should be contacted for help in establishing, changing or evaluating internal controls as necessary.

4. County Auditor/Internal Audit:

A. Upon notification or discovery of avoidance of internal controls the County Auditor will promptly coordinate the investigation of possible fraud with the County Attorney or the District Attorney. The County Auditor will follow up on the lack of internal controls that may be identified during the investigation.

B. Upon discovery or notification of the lack of internal controls or a request for help establishing, changing or evaluating internal controls by a department, the County Auditor will follow up with the department.

5. The County Attorney or District Attorney's office will coordinate the investigation of any criminal action reported or identified in the course of an audit or investigation with the County Auditor to address relevant issues of fraud or other actions resulting from the audit or investigation.

PROCEDURES

1. Documentation/Record Security:

A. Maintaining a record of any notifications and the resulting follow up to that notification should be made by the applicable parties to be used in any further investigations.

B. A successful audit/investigation can only be performed if the documentation relating to an internal control issue and possible alleged fraud is available for review in its original form. Therefore, once notified of an avoidance of internal controls, the department head/elected official and supervisor shall take immediate action to prevent theft, alteration or destruction of relevant records or be considered negligent. Such actions include, but are not necessarily limited to:

(1) removing the records

(2) placing them in a secure location;

(3) limiting access to the location where the records currently exist;

(4) preventing all other individuals from having access to the records. The records must be adequately secured until the audit or investigation begins and records are turned over to the auditor or investigator.

2. Contacts/Protocol:

After an initial review and a determination that the suspected activity warrants additional investigation the County Auditor will notify the Commissioners' Court and the County Attorney or the District Attorney of the allegations as appropriate. The County Attorney or District Attorney shall coordinate the investigation with the appropriate law enforcement officials and shall report his/her investigative findings as described in the section entitled "Disposition of Investigation."

3. Confidentiality:

All participants in any investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative policy. However, the County Attorney and the District Attorney may discuss the investigation with any person if such discussion would further the investigation.

4. Personnel Actions:

If a suspicion is substantiated by the audit or further investigation, disciplinary actions shall be taken in conformance with the County's Personnel Policies and Procedures. A false or vindictive allegation of avoidance of internal controls or fraud is a violation of this administrative policy. All violations of this administrative policy, including violations of its confidentiality provisions, shall result in disciplinary actions up to and include immediate termination.

5. Retaliation:

It is a violation of this administrative policy for any individual to be discriminated against for reporting fraud or for cooperating, giving testimony, or participating in an audit/criminal investigation, proceeding or hearing. Such individuals fall under the protection of the Whistle Blower Act.

6. Media Issues:

If the media becomes aware of an audit or criminal investigation, the appropriate supervisor or department head/elected official shall refer the media to the Office of the County Attorney or the District Attorney. The alleged actions and investigation shall not be discussed with the media other than through the Attorney's Office.

DISPOSITION OF INVESTIGATION

At the conclusion of the audit and/or criminal investigation the County Auditor and the County Attorney or the District Attorney will document the results in a confidential report to the Commissioners Court with a copy to the appropriate department head/elected official. If the allegations are founded, the appropriate disciplinary action and/or criminal proceeding will ensue.

Fraud Prevention and Detection

Kinney County, hereinafter referred to as "County", is committed to preventing fraud. All County employees must share in this commitment. County employees, especially supervisors and Department Heads/Elected Officials, must be aware of the circumstances, or "red flags", which lead to fraud. For the purpose of this administrative procedure, fraud and intentional waste are referred to as "fraud".

BACKGROUND

1.1 Studies have shown that "red flags" of fraud within an organization were ignored by the organization in almost 50% of the frauds reported. "Downsizing" and repositioning within an organization increases the risk of fraud. Internal controls are the best method of preventing fraud. Poorly written or poorly enforced internal controls allow most fraud to occur.

1.2 Fraud occurs for the following reasons (note: there were multiple reasons in some cases):

- (a) Poor internal controls
- (b) Management override of internal controls
- (c) Type of organization (industry with high risk of fraud)
- (d) Collusion between employees and third parties
- (e) Poor or non-existent company ethical standards
- (f) Lack of control over managers by their supervisors

1.3 The most frequently cited "red flags" of fraud are:

- (a) Changes in an employee's lifestyle, spending habits or behavior;
- (b) Poorly written or poorly enforced internal controls, procedures, policies or security;
- (c) Irregular/unexplained variances in financial information;
- (d) Inventory shortages;
- (e) Failure to take action on results of internal/external audits or reviews;
- (f) Unusually high expenses or purchases;
- (g) Frequent complaints from customers;
- (h) Missing files;
- (i) Ignored employee comments concerning possible fraud.

- 1.4 Perpetrators of fraud typically live beyond their reasonably available means. Other indicators of fraud include the borrowing of small amounts of money from co-workers, collectors or creditors appearing at the place of business, excessive use of telephone to stall creditors, falsifying records, refusing to leave custody of records during the day, working excessive overtime, refusing vacations, and excessively rewriting records under the guise of neatness.
- 1.5 The following internal controls help prevent fraud:
- (a) Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions.
 - (b) Physical security over assets such as locking doors and restricting access to certain areas.
 - (c) Proper training of employees
 - (d) Independent review and monitoring of tasks.
 - (e) Separation of duties so that no one employee is responsible for a transaction from start to finish.
 - (f) Clear lines of authority.
 - (g) Conflict of interest statements which are enforced.
 - (h) Rotation of duties in positions more susceptible to fraud.
 - (i) Ensuring that employees take regular vacations.
 - (j) Regular independent audits of areas susceptible to fraud.

PURPOSE

- 2.1 The purpose of this administrative procedure is to define what constitutes fraud, and to outline rules and procedures all employees must follow when fraud is suspected.

SCOPE

- 3.1 This procedure applies to all County employees.

DEFINITIONS

4.1

- (a) Fraud - Theft, intentional waste or abuse of County funds, property or time. Specific examples of fraud include but are not limited to:
- (i) Theft of County funds.
 - (ii) Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business.
 - (iii) Unauthorized use or misuse of County property or records.

- (iv) Falsification of records.
 - (v) Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
 - (vi) Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
 - (vii) Neglecting or subverting job responsibilities in exchange for an actual or promised reward.
 - (viii) Forgery or alteration of a check, bank draft or any other financial document.
 - (ix) Disclosing confidential and proprietary information to outside parties.
 - (x) Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the county as prohibited by law.
- (b) County funds - Currency, checks, or other negotiable instruments belonging to the County, or for which the County is the fiscal agent or has a fiduciary responsibility.
 - (c) County property - Any tangible or intangible (i.e. software, copyrights, patents) items licensed to the County.
 - (d) Retaliation - When an individual is discriminated against or penalized for reporting fraud or for cooperating, giving testimony, or participating in any manner in an audit/investigation, proceeding, or hearing.

RESPONSIBILITIES

- 5.1 All Employees - Any employee who has knowledge of an occurrence of fraud, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Department Director/Elected Official of his/her department. However, if the employee has reason to suspect that the Department Head/Elected Official may also be involved, the employee should contact the County Attorney or District Attorney. Every employee shall cooperate with administrative investigations pursuant to this administrative procedure. The employee shall not discuss the matter with anyone other than his/her supervisor, the Department Director/Elected Official, the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.
- 5.2 Supervisor - Upon notification from an employee of suspected fraud, or if the supervisor has reason to suspect that a fraud has occurred, the supervisor shall immediately notify the Department Director/Elected Official of his/her department. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Department Director/Elected Official, the

County Attorney and the District Attorney. However, if the supervisor has reason to believe that the Department Director/Elected Official may be involved in a fraud, the supervisor shall contact the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.

- 5.3 Department Director/Elected Official - Upon notification from an employee or supervisor of suspected fraud, or if the Department Head/Elected Official has reason to suspect that a fraud has occurred, the Department Head/Elected Official shall immediately contact the County Attorney or District Attorney. The Department Head/Elected Official shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.
- 5.4 Internal Audit - Upon notification or discovery of a suspected fraud, the County Auditor will promptly coordinate investigation of possible fraud with the County Attorney or District Attorney.

PROCEDURES

- 6.1 Record Security - A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported, the Department Head/Elected Official and supervisor shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to: removing the records and placing them in a secure location; limiting access to the location where the records currently exist; and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the County Attorney or District Attorney obtains the records to begin the audit/investigation.
- 6.2 Contacts/Protocols - After an initial review and a determination that the suspected fraud warrants additional investigation, the County Attorney or District Attorney may request the services of the County Auditor, whereby, the County Auditor shall coordinate the financial review and shall report its investigative findings as described below.
- 6.3 Confidentiality - All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure.
- 6.4 Personnel Actions - If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative

procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination.

- 6.5 Retaliation - It is a violation of this administrative procedure for any individual to be discriminated against for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Such individual falls under the protection of the Whistle Blower Act.
- 6.6 Media Issues - If the media becomes aware of an audit investigation, the appropriate supervisor or Department Head/Elected Official shall refer the media to the County Attorney or District Attorney. The alleged fraud and audit investigation shall not be discussed with the media other than through the County Attorney or District Attorney's Office

DISPOSITION OF INVESTIGATION

- 7.1 At the conclusion of the audit/investigation, the County Auditor and County Attorney or District Attorney's Office will document the results in a confidential report to the Commissioners Court.
- 7.2 If the fraud has resulted in County property loss, the County Auditor shall report such loss to the Commissioners Court. The County Attorney or District Attorney or designated legal counsel shall seek restitution for any property loss.
- 7.3 Upon completion of the audit/investigation and all legal and personnel actions, records will be returned by the investigative offices to the appropriate department.

Questions or Clarifications Related to This Policy

All questions or other clarifications of this policy should be addressed to the County Attorney or District Attorney.

INVESTMENT POLICY

COMMISSIONERS' COURT ORDER

It being the desire of the County Commissioners Court of Kinney County, Texas to establish a sound investment policy which will provide for maximum investment return with maximum safety of principal from funds belonging to the County, the following INVESTMENT POLICY is adopted:

INVESTMENT AUTHORITY

LEGAL: In accordance with Section 116.112(a), Local Government Code and/or Title X, Chapter 2256, Section 2256(f) and (g), the Investment Officer of Kinney County, under the direction of the Commissioners' Court, may invest the County funds that are not immediately required to pay obligations of the County.

INVESTMENT SCOPE

This investment policy applies to all financial assets of all funds of the County of Kinney, Texas, at the present time and any funds to be created in the future and other funds held in custody by the County Treasurer, unless expressly prohibited by law or unless it is in contravention of any depository contract between Kinney County and any depository bank.

INVESTMENT OBJECTIVES

GENERAL STATEMENT – Funds of the County will be invested in compliance with federal and state laws, this investment policy, and written administrative procedures. The County will invest according to investment strategies for each fund as they are adopted by the Commissioners' Court resolution.

SAFETY AND MAINTENANCE OF ADEQUATE LIQUIDITY – The County is concerned about the return of its principal; therefore, safety of principal is the primary objective in any investment transaction. The County's investment portfolio must be structured in conformance with an asset/liability management plan that provides for liquidity necessary to pay obligations as they become due.

DIVERSIFICATION – It will be the policy of the County to diversify its portfolio to eliminate the risk of loss resulting from a concentration of assets in a specific maturity (save and except zero duration funds), a specific issuer of a specific class of investments. Investment of the County shall always be selected to provide for stability of income and reasonable liquidity.

YIELD – The yield objective of the County is to earn the maximum rate of return allowed on its investments within the policies imposed by safety and liquidity objectives, investment strategies for each fund and state and federal law governing investment of

public funds.

MATURITY – Portfolio maturities will be structured to meet the obligations of the county first and then achieve the highest rate of return of interest. When the county has funds not required to meet current year obligations, maturity restraints will be imposed based upon the investment strategy for each fund. The maximum allowable stated maturity of any individual investment owned by the county is thirty-six (36) months.

QUALITY AND CAPABILITY OF INVESTMENT MANAGEMENT – It is the County's policy to provide training required by the Public Funds Act and periodic training in investments for the county investment officer(s), members of the Commissioners' Court and other county officials through courses and seminars offered by professional organizations and associations in order to ensure the quality, capability and currency of county investment decisions.

COUNTY'S INVESTMENT OFFICER

In accordance with Sec. 116.112(a), Local Government Code and/or Chapter 2256, Sec. 2256.005(f) and (g) Government Code, the County Investment Officer, under the direction of the Kinney County Commissioners' Court, may invest County funds that are not immediately required to pay obligations of the County. The Commissioners' Court shall designate by resolution one or more officers of employees as investment officer. Kinney County Commissioners' Court has designated County Auditor, County Treasurer and County Attorney as investment officers for Kinney County.

If the investment officers(s) has (have) a personal business relationship with an entity – or is related within the second degree by affinity or consanguinity to an individual – seeking to sell an investment to the county, the investment officer must file a statement disclosing the personal business interest – or relationship – with the Texas Ethics Commission and the Commissioners' Court in accordance with Government Code 2256.005(i),

INVESTMENT STRATEGY

The investment strategy of the County is as follows:

1. Matching the suitability of investments to financial requirements.
2. Preservation and safety of principal.
3. Maintain required liquidity.
4. Marketability of the investment if need arises to liquidate.
5. Diversification of the portfolio.
6. Yield.
7. Maturities controlled by the investment policy.

INVESTMENT RESPONSIBILITY AND CONTROL

Liability of investment officer(s) – The County Investment Officer(s) is not responsible for any loss of county funds through the failure or negligence of the depository. This policy does not release the investment officer(s) or any other person for loss resulting from an act of official misconduct, or negligence, or for any misappropriation of funds.

Audit – The County Commissioners' Court will review the policy annually and, at a minimum, will have an annual compliance audit of management controls on investments and adherence to establish law and investment policies.

Standard of Care – Investments shall be made with judgment and care, under prevailing circumstances that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives:

1. Preservation and safety of principal;
2. Liquidity;
3. Yield.

In determining whether the investment officer(s) have exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

1. The investment of all funds, or funds under the county's control, over which the officer(s) has responsibility rather than a consideration as to the prudence of a single investment; and
2. Whether the investment decision was consistent with the written Investment Policy of the County.

Investment Institution Defined – The County Investment Officer(s) shall invest County funds with any or all of the institutions or groups consistent with federal and state regulations and approved by Commissioners' Court.

Qualifications for approval of Broker/Dealer – A copy of this investment policy shall be presented to any person seeking to sell to the county an authorized investment. The registered principal of the business organization seeking to sell and authorized investment shall execute a written instrument, provided by the County, that the registered principal has:

1. Received and thoroughly reviewed the investment policy of the County; and
2. Acknowledge that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the county and the organization.

The investment officer(s) may not buy any securities from a person who has not delivered to the county the instrument signed by the registered principal.

Along with the signed affidavit the organization must supply the County with the following:

1. Completed Broker/Dealer questionnaire.
2. Completed Anti-Collusion Agreement.
3. Executed PSA Master Repurchase Agreement. (Primary dealers only)
4. Financial Statement. (to be provided annually)
5. Delivery instructions.
6. NASD Certification Proof.
7. Texas State Securities Commission Registration Proof.
8. Original Proof of Insurance if it applies.

Standards of Operation – The County Investment Officer(s) shall develop and maintain written administrative procedures for the operation of the investment program set by the commissioners' court of the County. The County Investment Officer(s) shall determine the amount of cash available for payment by the County, invest the funds not required in the performance of that duty, and shall exercise good judgment and discretion to effectuate the policies herein set forth. The County Investment Officer(s) shall be authorized to delegate to an employee the authority to place orders for such investments and to perform all acts required to acquire, pay for, hold, sell, exchange, tender or collect investment.

Delivery vs. Payment – It will be the policy of the County that all investment securities shall be purchased using "Delivery vs. Payment" (DVP) method through the Federal Reserve System. By doing so, the County funds are not released until the County has received, through the Federal Reserve wire, the securities purchased.

INVESTMENT REPORTING AND PERFORMANCE EVALUATION

Quarterly Report – Not less than quarterly, the investment officer(s) shall prepare and submit to the County Commissioners' Court a written report of investment transactions for all funds for the preceding reporting period within a reasonable time after the end of the period. The report must:

1. Describe in detail the investment position of the county on the date of the report;
2. Be signed by the investment officer of the county;
3. Contain a summary statement of each pooled fund group that states the:
 - a. beginning market value for the reporting period;
 - b. Additions and changes to the market value during the period; and
 - c. Ending market value for the period.
4. State to book value and market value of each separately invested asset at the beginning and the end of the reporting period by the type of asset and fund type invested;
5. State the maturity date of each separately invested asset that has a maturity date;
6. State the account of fund or pooled group fund in the county for which each

individual investment was required; and

7. State the compliance of the investment portfolio of the County as it relates to:
 - a. The investment strategy expressed in the county's investment policy; and
 - b. Relevant provisions of this chapter.

Notification of Investment Changes – The County Investment Officer(s) shall insure that all county funds are fully collateralized or insured consistent with federal and state regulations and laws and the current Bank Depository Contract in one or more of the following manners:

1. FDIC Insurance Coverage;
2. United States Treasury Obligations.

Safekeeping – All purchased securities shall be held in safekeeping by the County, or a County account in a third party financial institution, or with the Federal Reserve Bank.

All certificates of deposit, insured by the FDIC, purchased outside the Depository Bank shall be held in safekeeping by the County.

All pledged securities by the Depository Bank shall be held in safekeeping with the Federal Reserve Bank.

INVESTMENT TYPES

Authorized – The County Investment Officer(s) shall use any or all of the following authorized investment instruments consistent with Title X, Chapter 2256, Texas Government Code:

1. Obligations of the United States or its agencies and instrumentalities;
2. Direct obligations of this state or its agencies and instrumentalities;
3. No-load money market mutual funds;
 - a. Regulated by SEC;
 - b. Has a dollar-weighted average state maturity of 90 days or less;
 - c. Includes in its investment objectives the maintenance of a stable \$1.00 net asset value per each share, and ;
 - d. Limited in quantity to the requirements set forth in Chapter 2256, Government Code – Sec. 2256.014.
4. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this state or the United States or their respective agencies and instrumentalities; and
5. Obligations of states, agencies, counties, cities, and other political

subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

6. Certificates of deposit if issued by a state or national bank domiciled in the state and is:

- a. Guaranteed or insured by the federal Deposit Insurance Corporation or its successor;
- b. Secured in any other manner and amount provided by law for deposits of the county.

7. A fully collateralized repurchase agreement, if it:

- a. has defined termination date;
- b. is secured by obligations described by Section 2256.009(a)(1) of the Public Funds Investment Act; and
- c. requires the securities being purchased by the county to be pledged to the county, held in the county's name, and deposited at the time the investment is made with the county or with a third party selected and approved by the county; and
- d. is placed through a primary government securities dealer, approved by the county, or a financial institution doing business in this state.

8. Commercial paper is an authorized investment, if the commercial paper;

- a. Has a stated maturity of 270 days or fewer from the date of its issuance; and
- b. Is rated not less than A-1 or P-a or an equivalent rating by at least:
 - 1. Two national recognized credit rating agencies;
 - 2. One nationally recognized credit rating agency and is fully Secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United State or any state.

9. Eligible investment pools of the commissioners' court by resolution authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by the Public Funds Investment Act. The County by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

10. Obligations acquired under Chapter 2256, Government Code, before the effective date of HB 2459 will be managed by the Investment Officer(s) until such securities are liquidated or mature.

POLICY ON ALCOHOL AND DRUG ABUSE FOR C.D.L. DRIVERS

ADMINISTRATION GUIDE TO PERSONNEL ALCOHOL AND DRUG TESTING PROCEDURES

I. PURPOSE

The purpose of this administration guide is to set forth the procedures for the implementation of controlled substances and alcohol use and testing of driver applicants and current drivers pursuant to the Kinney County DOT Alcohol and Drug Abuse Policy. These procedures are intended to alter any existing relationship between Kinney County and any driver.

II. DEFINITIONS

When interpreting or implementing these procedures, or the procedures required by the Federal Highway Administration ("FHWA") controlled substance testing regulations, the following definitions

Apply:

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

"Alcohol concentration (or content)" means the alcohol in volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

"Collection site" means a place where individual present themselves for the purpose of providing breath, body fluid, or tissue samples to be analyzed for specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation of shipment of the samples to laboratory.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 326,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating or more than 10,000 pounds: or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material regulations (49 CFR part 172, sub-part F).

“Controlled substance” has the meaning assigned by 21 U.S.C. 802 and included all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308)

“Driver” means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers: casual, intermittent or occasional drivers; leased drivers and independent, owner-operated contractors who are directly employed by or under lease to the county or who operate a commercial motor vehicle at the direction of or with the consent of Kinney County. For purposes of pre-employment/pre-duty testing only, the term “driver” includes a person applying for a position with Kinney County, which requires a CDL to drive a commercial motor vehicle.

“Drug” means any substance (other than alcohol) that is controlled substance as defined in this section and 49 CFR Part 40.

“FHWA” means the Federal Highway Administration, U.S. Department of Transportation.

“Owner-Operator(s)” means a driver(s) who has been contracted for services with the County. For the purposed of these procedures and the County’s Alcohol and Drug Abuse Policy, owner-operators are not to be considered employees, but will be required to participate in the County’s Alcohol and Drug Abuse policy like all County drivers.

“Medical Review Officer” (“MRO”) means a licensed M.D. or D.O. or approved testing facility with knowledge of drug abuse disorders that is employed or used by Kinney County to conduct drug testing in accordance with this part.

“Performing (a safety-sensitive function)” means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

“Random selection process” means that alcohol and drug tests are unannounced; that every driver of a motor carrier is subject to test. Test conducted annually shall equal or exceed ten percent (10%) for alcohol tests and fifty percent (50%) for drug tests of the total number of drivers subject to testing by the County.

“Reasonable suspicion” means that the supervisor believes that actions or appearance or conduct of a CDL required motor vehicle driver who is on duty as defined below, are indicative of the use of a controlled substance.

“Safety-sensitive function” means any of those on-duty functions set forth by CFR 49 section 395.2.

“On duty time” means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. “On duty time” shall include:

1. All time on the County's premises, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty by the County.
2. All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
3. All time driving;
4. All time, other than driving time, in or upon any commercial motor vehicle.
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, Attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements relating to accidents.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

III SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS

A. Alcohol use means the consumption of any beverage, mixture, or preparation, including medications containing alcohol which, when consumed causes an alcohol concentration of 0.04 or greater.

B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

Marijuana	Cocaine
Opiates	Amphetamines
Phencyclidine (PCP)	

C. **Prescription Medications:** Drivers taking legally prescribed medication issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks. In the sole discretion of the Alcohol and Drug Program Administrator, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

IV. PROHIBITIONS

A. Alcohol Prohibitions:

The new alcohol rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.
2. Use during the 4 hours before performing safety-sensitive functions.
3. Report for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.
4. Possession of alcohol.
5. Use during 8 hours following an accident or until he/she undergoes a post-accident test.
6. Refusal to take a required test.

Note: A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply.

However, documentation of this test constitutes written warning that County Policy has been violated, and could result in disqualification of a driver.

B. Drug Prohibitions:

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV;
2. Testing positive for drugs; and
3. Refusing to take a required test.

All drivers will inform the Alcohol and Drug Administrator of any therapeutic drug use prior to performing a safety-sensitive function.

V. DRIVER APPLICANT AND CURRENT DRIVER TESTING

A. “Applicant Testing”: All driver applicants will be required to submit to and pass a Breath alcohol test and a urine drug test as a condition of employment. Offers of employment are made contingent upon passing the County’s medical review, including the alcohol and drug test. Driver applicants who have received firm employment offers are to be cautioned against giving notice at their current place of employment, or incurring any costs associated with accepting employment with Kinney County until after medical clearance has been received. All newly hired drivers shall not be permitted to start work until a confirmed negative result has been obtained by the Alcohol and Drug Administrator.

Driver applicant drug testing shall follow the collection, chain of custody, and reporting procedures set forth in CFR 49 Part 40.

B. “Owner-operator”: Owner-operators engaged by the county are not employees of the county, nor are they to be considered as such under this policy. However, every owner-operator engaged to provide services to the County who are not under a DOT approved drug and alcohol testing program must agree to, and successfully participate in the County’s alcohol and drug testing program. All owner-operator agreements will be entered into by the County contingent upon the operator’s successful completion of urinalyses and breath analysis under all phases of the County’s program, and are contingent upon the owner- operator’s continued status as a medically qualified driver.

The term “**driver**” as used in these procedures includes owner-operators.

C. “Employee Drivers”: Under all circumstances, when a driver is directed to provide either a breath test or urine sample (Appendix C) in accordance with these procedures, he/she must immediately comply as instructed. Refusal will constitute a positive result, and the driver/ employee will be terminated.

1. Suspicion-Base Testing:

A. Reasonable Suspicion: If a driver is having work performance problems or behavior that may be alcohol or drug-related, or is otherwise demonstrating conduct that may be in violation of this policy where immediate management action is necessary, a supervisor, with the concurrence of the Alcohol and Drug Program Administrator, will require that driver to submit to a breath test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (i.e. faster or slower)
- Constant sniffing
- Increased absences

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

B. Supervisors must take action if they have reason to believe one or more of the above- listed conditions is indicated, and that the substance abuse is affecting a driver's job performance or behavior in any manner. A supervisor observing such conditions will take the following actions immediately:

- Confront the employee involved, and keep under direct observation until the situation is resolved.
- Secure the Alcohol and Drug Program Administrator's concurrence to observation; job performance and county Policy violations must be specific.
- After discussing the circumstances with the supervisor, the Alcohol and Drug Program Administrator will arrange to observe or talk with the driver. If he/she believes, after observing or talking to the driver, that the conduct or performance problem could be due to substance abuse, the driver will be immediately required to submit to a breath test or urinalysis. If the driver refuses to submit to testing for any reason, the driver will be informed that continued refusal will result in their immediate termination.
- Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply will subject the employee to immediate termination. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider. If upon confrontation by the supervisor, the driver admits to using alcohol or drugs in violation of this policy it will be considered that they are resigning their position. They will be asked to complete a written resignation and if they fail to do so, the

county will terminate them.

C. The 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 Alcohol and Drug Program Administrator.

D. The Alcohol and Drug Program Administrator will remove or cause the removal of the driver from the County-owned vehicle and ensure that the driver is transported to an appropriate collection site and thereafter to the driver's residence of, where appropriate, to a place of lodging. Under no circumstances will that driver be allowed to continue to drive a County vehicle or his/her own vehicle on County business until a confirmed negative test result is received.

E. If, during the course of employment, the driver acknowledges a substance abuse problem and request assistance, the problem may be treated as if it were an illness, subject to the provisions set forth below:

- The decision to seek diagnosis and accept treatment for the substance abuse problem is the responsibility of the driver;
- The diagnosis and prescribed treatment of the driver's condition will be determined by health care professionals designated by the Alcohol and Drug Program Administrator in conjunction with the driver's physician; and
- The driver might be placed on medical leave for a predetermined period recommended by those medical professional if the SAP determines that such action is appropriate.

2. Post-Accident Testing:

Current, federal regulations place the burden of compliance with post-accident alcohol and drug testing regulations on the driver. Therefore, all drivers are required to provide a breath test and a urine specimen to be tested for the use of controlled substances "as soon as practicable" after an accident. The driver shall remain readily available for such testing or may be deemed by the Alcohol and Drug Program Administrator to have refused to submit to testing. No alcohol may be consumed for 8 hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.

An accident is defined by FHWA regulations as an accident which results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or which has had one of the vehicles towed from the scene of the accident. Except for a fatality accident,

verification of the driver's responsibility in the above accident scenario must be established by a citation to the driver.

Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment. (The failure of an owner –operator to comply with DOT post-accident and specimen collection rules will be considered breach of his/her contract with the County, and the contract is invalid until appropriate substance abuse professional counseling has been completed.)

3. Random Testing:

The county will conduct random testing for all covered drivers as follows:

- A. A County-wide selection process which removes discretion in selections from any supervisory personnel will be adopted by the County. This process will select covered drivers through the use of a computerized program.
- B. The random testing, once begun, will provide for alcohol testing of at least ten percent (10%) and for drug testing of a least fifty percent (50%) of all covered drivers.
- C. The random testing will be reasonably spaced over any twelve (12) month period.
- D. Once notified, a driver must proceed immediately to the assigned collection site.

4. Designation of Appropriate Substance Abuse Professional:

The Alcohol and Drug Program Administrator will be responsible for designating the appropriate substance abuse professional whom, in conjunction with the driver's physician, will diagnose the problem and recommend treatment.

- A. The driver's successful completion of the approved treatment program is a condition of continued employment as a driver.
- B. Following successful completion of any approved treatment program, the driver will be required to submit to at least six (6) random drug tests during the first year and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition and/or testing positive are grounds for immediate termination.
- C. All supervisors will receive training to assist them in identifying alcohol and drug use behavioral characteristics.

5. Return –to duty Testing:

Before a driver, who has entered a voluntary rehabilitation program returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy and Part 382 Subpart B (FMCSR), the driver shall undergo a return to duty alcohol test with a result of less than a 0.02 BAC or receive a confirmed negative result from a controlled substance urinalysis test.

VI COLLECTION OF BREATH AND URINE SPECIMENS AND LABORATORY ANALYSIS:

A. Breath Alcohol Testing: Breath alcohol testing will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49, Part 40 procedures. Refusal to complete and sign the testing form or refusal to provide breath will be considered a positive test, and the driver will be terminated.

B. Specimen Collection: Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each driver, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each driver submitting a specimen for analysis in accordance with these procedures.

C. Laboratory Analysis: As required by FHWA regulations, only a laboratory certified by the Department of Health and Human Services (DHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the county. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance and scientific analytical methodologies.

VI CONSEQUENCES: APPEAL OF TEST RESULTS

A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Kinney County, but causes serious individual health consequences to those who use them.

Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as

directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.

B. Any driver testing positive for the presence of a controlled substance will be contacted by the county's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test to the County as a negative.

C. Within 72 hours after the driver has been notified of a positive test result for drugs him /her may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory; the test will be voided by the MRO and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

VIII CONFIDENTIALITY

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests. Copies will be provided within 5 days.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to insure that all tests can be correctly traced to the driver. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Alcohol and Drug Program Administrator.

Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program Administrator for confidential record keeping.

APPENDIX A

ALCOHOL AND DRUG EFFECTS

Section 382.601 (b)(11) FMCSR mandates that all employees be provided with training materials discussing the effects of alcohol and controlled substances use on an individual's health, work and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 oz.), Whiskey (1 oz.), or wine (6 oz.) over time, may result in the following health hazards:

- Dependency
- Fatal liver disease
- Kidney disease
- Pancreatitis
- Ulcers
- Decreased sexual functions
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Spontaneous abortion and neonatal mortality
- Birth defects

Social Issues

- 2/3 of all homicides are committed by people who drink prior to the crime
- 2-3% of the driving population is legally drunk at any one. This rate doubles at night and on weekends.
- 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol-related.
- Alcoholics are 15 times more likely to commit suicide.

- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- 30,000 people will die each year from alcohol caused liver disease.
- 10,000 people will die each year due to alcohol-related brain disease or suicide.
- Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- Impairment can be measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

ALCOHOL'S TRIP THROUGH THE BODY

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream, through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body.

Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerated the clotting ability of blood platelets.

LIVER: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the

liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. The disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amount of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder, making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Glands: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

KINNEY COUNTY POLICY ON ALCOHOL AND DRUG ABUSE FOR C.D.L. DRIVERS

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive in coordination: confusion, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Health Effects

- Emphysema-like conditions.
- One joint of marijuana contains cancer-causing substances equal to ½ pack of cigarettes.
- One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infection.
- Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.

- Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- Chronic smoking of marijuana in females cause a decrease in fertility.
- A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life is common in pregnant marijuana smokers.
- THC causes birth defects including brain damage, spinal cord, forelimbs, liver and water on the brain and spine in test animals.
- Prenatal exposure may cause underweight newborn babies.
- Fetal exposure may decrease visual functioning.
- User's mental function can display the following effects.
 - delayed decision making
 - diminished concentration
 - impaired short-term memory
 - impaired signal detection
 - impaired tracking
 - erratic cognitive function
 - distortion of time estimation

Workplace Issues

- THC is stored in body fat and slowly released.
- Marijuana smoking has long-term effects on performance
- Increased THC potency in modern marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

COCAINE

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's disease could also occur.

- Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- Strong dependency can occur with one “hit” of cocaine. Usually mental dependency occurs within days for “crack” or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Treatment success rates are lower than other chemical dependencies.
- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increases probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates

Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- Because of tolerance, there is an ever increasing need for more.
- Strong mental and physical dependency occurs.
- With increased tolerance and dependency combined, there is a serious financial burden for the users.

Workplace Issues

- Side effects such as nausea, vomiting dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

Amphetamines

Central nervous system stimulant that speeds up the body and mind.

Health Effects

- Regular use causes strong psychological dependency and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce heart or brain damage due to severe constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

Workplace Issues

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes impairment.

Phencyclidine (PCP)

Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced, and treating with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- Not common in workplace primarily because of severe disorientation that occurs.
- There are four phases of PCP abuse:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perceptions are common.
 - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

**KINNEY COUNTY
POLICY ON ALCOHOL AND DRUG ABUSE FOR C.D.L. DRIVERS
APPENDIX B
EMPLOYEE NOTIFICATION LETTER
FOR REQUIRED C.D.L. HOLDERS**

I certify that I have received a copy of, and have read the above County Policy on Alcohol and Drug Testing Procedures. I understand that as a condition of employment as a driver, I must comply with these guidelines, and do agree that I will remain medically qualified by following these procedures. If I develop a problem with alcohol or drug abuse during my employment with Kinney County, I will seek assistance through the current Alcohol and Drug Testing Program Administrator.

Employee Signature

Date

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KINNEY COUNTY
POLICY ON ALCOHOL AND DRUG ABUSE FOR C.D.L. DRIVERS

APPENDIX C
ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST NOTIFICATION

Part 382 – Controlled Substances and Alcohol Use Testing applies to drivers of Kinney County.

832.113 Requirement of Notice:

Before performing an alcohol or controlled substances test under this part, each employer shall notify a driver that the alcohol or controlled substance test is required by this part. No employer shall falsely represent that a test is administered under this part.

County Name: Kinney County

Driver/Applicant Name:

(Print)

(First, M.I., Last)

You are hereby notified the following test will be administrated in compliance with the Federal Motor Carrier Safety Regulations.