



San Jacinto County Personnel Policy Manual

Effective 10/01/2021

SAN JACINTO COUNTY

PERSONNEL POLICY MANUAL

INTRODUCTION

These personnel policies for San Jacinto County have been developed to provide a better understanding of the relationship between the County and the citizens who serve the County as employees. This is done by:

- a. Defining the benefits and privileges enjoyed by County employees
- b. Stating the rules and regulations that apply to County employees
- c. Outlining the expectations the County has of its employees
- d. Providing a system of fair and consistent treatment for all employees
- e. Providing information and systems to increase the efficiency of the personnel management program of the County

Each of these policies and parts of policies are intended to stand independently. Therefore, if any policy or part of a policy becomes invalid because of federal or state law or other authority, it shall not affect the validity or application of other policies or parts of policies.

From time to time, it may be necessary to make changes in these policies as a result of changes in the County or its programs. When this occurs, all County employees shall be notified of the changes and the date the changes are to be effective.

The purpose of these policies are to serve the needs of both the employees and the County, to the mutual benefit of both. Any employee who has a question concerning any of San Jacinto County's personnel policies is encouraged to discuss it with his or her supervisor.

San Jacinto County operates under the legal doctrine of “employment-at-will” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason.

The County will attempt to ensure that employee dismissals are not made in an arbitrary or capricious manner. However, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment.

Legal references contained in these policies are for information purposes only and are subject to change.

The County has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to “County” means San Jacinto County, Texas.

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RESOLUTION

WHEREAS, San Jacinto County Officials desire to have a clear and understandable personnel policy manual for their employees; and

WHEREAS, the new policy manual will help San Jacinto County comply with current employment law and standards; and

WHEREAS, the new personnel manual will allow for the implementation of more effective county government which will benefit the citizens of San Jacinto County through more efficient standards; and

WHEREAS, the following elected officials and department heads agree to abide by and, fully implement the policies contained therein,

County Judge

Commissioner Precinct # 1

Commissioner Precinct # 2

Commissioner Precinct # 3

Commissioner Precinct # 4

County Clerk

District Clerk

County Tax Assessor

County Treasurer

District Attorney

County Auditor

County Sheriff

Justice of the Peace Precinct # 1

Justice of the Peace Precinct # 2

Justice of the Peace Precinct # 3

Justice of the Peace Precinct # 4

Constable Precinct # 1

Constable Precinct # 2

Constable Precinct # 3

Constable Precinct # 4

RESOLUTION: Continues

Indigent Health Coordinator

Maintenance Supervisor

Extension Service

Department of Public Safety

Environmental Officer

District Judge

Election Administrator

Other

WHEREAS, any and all previous personnel policy manuals, implied policies, informal policies, verbal policies and written contracts whether known or unknown, are hereby rescinded and declared null and void.

NOW, THEREFORE BE IT RESOLVED, that on this ____ day of _____, _____, the San Jacinto County Commissioners' Court does hereby adopt, accept, and place into effect this manual called the SAN JACINTO COUNTY PERSONNEL POLICY MANUAL and it shall be in effect from _____, _____, 2021 forward until rescinded by official order or resolution of the San Jacinto County Commissioners' Court.

Fritz Faulkner, County Judge

Laddie McAnally, Commissioner
Precinct # 1

Donny Marrs, Commissioner
Precinct # 2

David Brandon, Commissioner
Precinct # 3

Mark Nettuno, Commissioner
Precinct # 4

SAN JACINTO COUNTY
POLICY ON DISSEMINATION OF PERSONNEL POLICIES
1. MASTER PERSONNEL POLICY MANUAL

1.01 MASTER PERSONNEL POLICY MANUAL. Contains the original of all personnel policies in effect for San Jacinto County, shall be maintained in the County Treasurer's office.

Copies of the complete Personnel Policy Manual shall be maintained in each department.

1.02 PERSONNEL POLICY. The County Treasurer shall serve as the County's Personnel Policy Coordinator. The Duties of the Personnel Policy Coordinator shall include:

- A. Maintaining the Master Personnel Policy Manual and updating the manual whenever a change, addition or deletion is made in the County's personnel policies;
- B. Providing each department head with copies of new or changed policies and information when policies are deleted so that the department head will be able to update the department's copy of the Personnel Policy Manual when a change, addition or deletion is made;
- C. Coordinating recommendations for additions, deletions and changes in personnel policies;
- D. Developing and implementing a system for notifying all County employees whenever a change, addition or deletion is made in the County's personnel policies; and
- E. Conducting a periodic review of all personnel policies to determine if they are consistent with actual practices and in compliance with all legislation relating to the personnel function, and the relationship between the employer and employee.

1.03 DISSEMINATION. Each department head shall take appropriate action to see that each employee has received and read a copy of the Personnel Policy Manual.

1.04 FAILURE TO SIGN STATEMENT. Each employee shall be required to sign a statement stating that they have received and read the Personnel Policy Manual.

1.05 ACCESS TO POLICY MANUALS. All employees shall have the right to review the master Personnel Policy Manual. The master Personnel Policy Manual may be reviewed at any time during the normal workday, in the Treasurer's Office. A copy of the Personnel Policy Manual may be reviewed in each department.

1.06 EMPLOYMENT-AT-WILL. San Jacinto County operates under the legal doctrine of "employment-at-will" and, within requirements of State and Federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. The County will attempt to ensure that employee dismissals are not made in an arbitrary or capricious manner. However, these policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment.

1.07 EQUAL EMPLOYMENT OPPORTUNITY. It is the policy of San Jacinto County to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, gender, religion, color, disability, or national origin. Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

San Jacinto County expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, or status in any group protected by State, Federal, and Local Law. Improper interference with the ability of the County's employees to perform their job duties is not tolerated.

Employees will not engage in conduct at work, which involves the use of racial or ethnic joking or derogatory remarks. Reports of such conduct will be investigated and necessary corrective action will be taken.

Retaliation or discrimination against an employee for alleging discrimination on any of the bases covered in this chapter is prohibited.

1.08 PERSONS WITH DISABILITIES. It is the policy of San Jacinto County to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on County finances or operations. The [Americans with Disabilities Act \(ADA\)](#) defines disability as:

- 1) A physical or mental impairment, which substantially limits one or more of a person's major life activities;
- 2) A record of such an impairment; or
- 3) Being regarded as having such impairment.

It is also illegal, and against County policy, to discriminate against a person because of his or her relationship or association with an individual with a known disability.

Persons with disabilities must be provided equal access to the hiring process. Persons with disabilities who perform the essential functions of their job must be provided equal access to promotion, training, and other benefit opportunities. No person will be subject to any form of retaliation for pursuing a complaint based on disability-related discrimination.

1.09 CHANGES TO THESE POLICIES. These policies may be amended or revised or new policies may be added at any time, with or without notice, upon the approval of the Commissioners' Court.

In January of each year, the Treasurer shall appoint a Personnel Policy Committee made up of the County Treasurer Office, two member of Commissioners' Court, and other members as determined to be appropriate.

The Personnel Policy Committee shall conduct a periodic review of these policies.

1.10 EMPLOYEE SUGGESTIONS. Employees are encouraged to make constructive suggestions for improvements to these policies, work procedures, or conditions. Employees should submit suggestion(s) along with appropriate justification to the County Treasurer Office. The County Treasurer Office shall provide a written response within thirty days to employees presenting suggestions under this policy.

SAN JACINTO COUNTY
POLICY CHANGE DEVELOPMENT WORKSHEET

POLICY TITLE: _____

SECTION OF MANUAL: _____

BRIEF PURPOSE OF CHANGE TO POLICY:

DOES ANY LEGISLATION AFFECT THE CONTENT OF THIS CHANGE?

_____ **YES** _____ **NO**

IF YES INDICATE THE LEGISLATION AND LIST THE KEY POINTS

REQUESTED POLICY CHANGE

REQUESTED BY: _____ **DATE** _____

RECEIVED BY: _____ **DATE** _____

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL. San Jacinto County is a public, tax-supported organization. As such, employees must adhere to high standards of public/customer service that emphasize professionalism, good judgment, courtesy, productivity, efficiency, and avoidance of even the appearance of illegal or unethical conduct at all times.

2.02 PROFESSIONAL APPEARANCE. Employees are hired to provide services to the County's citizens and to perform specific tasks in a professional manner. As representatives of the County, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public.

While the County does not have a formal dress code, individual departments may have *their own* dress guidelines. Departments that do have their own dress code should provide a copy to Treasurer's Office. Employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner, which is appropriate to the particular job being performed. A neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the County's work force.

2.03 TIMELINESS AND ATTENDANCE. Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.

Employees who expect to be late for or absent from work must report the expected tardiness or absence to their supervisors within at least one-half hour of the time the employee is scheduled to begin work, unless emergency conditions exist. Department Heads/Elected Officials may require a different reporting schedule if it would benefit their department. Failure to report within the required period may be considered justification for disallowing paid leave for an absence. Frequent tardiness, unexcused, or unplanned absence is not permissible and is grounds for disciplinary action up to and including termination.

2.04 OUTSIDE EMPLOYMENT. Although San Jacinto County expects employees to devote their primary efforts toward their duties and responsibilities with the County, employees may engage in outside employment with the prior approval of their Department Head/Elected Officials. Generally outside employment will be approved if it:

- 1) Does not conflict with the employee's responsibilities to the County, including the ability to work any required and approved overtime.
- 2) Does not interfere with the performance of the duties of employment with the County.
- 3) Does not prove detrimental to the interests of San Jacinto County.
- 4) Does not involve a conflict of interest or the appearance of a conflict of interest (i.e. working for a competitor, vendor, or customer); and
- 5) Does not involve the use of confidential or proprietary San Jacinto County information.

Any issues regarding outside employment being contemplated should be resolved prior to accepting such employment.

San Jacinto County accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a County employee.

2.05 GIFTS AND GRATUITIES. County officers or employees may not accept any gift or free service that might tend to influence their official actions or impair their independence of judgment in performance of duties for the County. (See "Conflict of Interest" section below.)

2.06 CONFLICT OF INTEREST.

2.06.01 COUNTY ELECTED OFFICIALS. Members of the Commissioners' Court and certain other County officials will not participate in a vote or decision affecting a business or real estate in which the member or official has a substantial interest. The details of this prohibition are set out in the County's "Conflict of Interest Policy for Members of the Commissioners' Court and certain other County Officials."

2.06.02 COUNTY EMPLOYEES. Employees may not: (1) solicit, accept or agree to accept a financial benefit, other than from the County, that might reasonably tend to influence their performance of duties for the County or that they know or should know is offered with intent to influence their performance; (2) accept employment or compensation that might reasonably induce them to disclose confidential information acquired in the performance of official duties; (3) accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County; (4) make any personal investment that might reasonably be expected to create a substantial conflict between the employees' private interest and duties for the County; or (5) solicit, accept, or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

2.07 POLITICAL ACTIVITY. San Jacinto County employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with State and Federal law and these policies.

Employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so.

Employees may not:

- 1) Use their official authority or influence to interfere with or affect the result of an election or nomination for office; or
- 2) Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

Employees, except Elected Officials, may not participate in political activities while on County duty. Employees are expected to remove County uniforms before participating in political activity. In addition, no County-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity other than conducting party primary elections.

In addition to the above, the Federal Hatch Act does not permit employees to engage in certain political activities or seek office in a partisan election if their “principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency.” ([Title 5 USC Section 1501](#)) Such employees are responsible for ensuring they comply with the Hatch Act, and may wish to consult private counsel, or request that their Department Head/Elected Officials confer with the San Jacinto County Attorney’s Office on the matter.

Political activity which is not in violation of this section will not be considered in determining employee compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

2.08 CHAIN OF COMMAND. Employees receive direction regarding work to be done, expected results, and adequacy of work performance from first line supervisors and/or Department Heads/Elected Officials and are responsible to these individuals. Employee questions, problems, or grievances should follow the department’s supervisory chain of command.

2.09 COMMUNICATIONS. Communication with the public about County issues or problems is the responsibility of Department Heads/Elected Officials or their designee. Employees are to refer the public to the appropriate Department Head/Elected Officials if a question is non-routine, controversial, or outside of the scope of employees’ normal duties.

2.10 EMPLOYEE HANDBOOK. New employees are provided a SJC Employee Handbook and are urged to read and retain this publication. A current copy of the Employee handbook will be maintained on the SJC Website by the County Treasurer's Office.

2.11 SEXUAL HARASSMENT. It is the policy of the County to provide and maintain a work environment which is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination.

In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature (1) that create a hostile working environment or (2) the submission to which is made a term or condition of a person's employment.

It is illegal and against the County's policy for any worker, male or female, to harass another worker or to create a hostile working environment by either committing, tolerating, or encouraging:

- 1) Physical assaults on another employee, including, but not limited to rape, sexual battery, molestation, or attempts to commit these assaults; or
- 2) Intentional physical contact that is sexual in nature, including, but not limited to, touching, pinching, patting, or brushing up against another employee's body; or
- 3) Unwanted sexual advances, propositions, or sexual comments, including making sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct in his or her presence is unwelcome; or
- 4) Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The County's grievance procedure provides procedures for reporting alleged sexual harassment (See Grievances).

The County Treasurer's Office shall notify the Commissioners' Court immediately upon receipt of a sexual harassment complaint.

The County Treasurer's Office will conduct an immediate investigation, including questioning all employees who may have knowledge of either the incident in question or similar problems. Both the complaint and the investigative steps and findings should be documented as thoroughly as possible. As much as possible, confidentiality will be maintained with respect to a sexual harassment complaint and only those who need to know about such a complaint will be advised of its existence. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

2.12 SOCIAL MEDIA. For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, and MySpace.

San Jacinto 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 San Jacinto County among the community at large.

San Jacinto 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.

2.12 SOCIAL MEDIA CONTINUED:

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

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

San Jacinto County owns the rights to all data and files in any computer, network, or other information system used in the county. 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. San Jacinto County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copyright laws, download any illegal or unauthorized downloads. 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 San Jacinto County electronic systems, unless expressly permitted to do so by their supervisor and or IT department. Violation of this policy, may result in disciplinary action, up to and including termination of employment.

2.14 SERVICE ANIMALS Prohibits bringing a pet (a domestic animal kept for pleasure or companionship) to work or having a pet in San Jacinto County controlled buildings and premises, with the exception of service animals providing Americans with Disabilities Act (ADA) reasonable accommodations for a person with disabilities.

According to the ADA, a service animal is defined as "any animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting individuals who are hearing impaired to intruders, or pulling a wheelchair and fetching dropped items."

A person with a disability uses a service animal as an auxiliary aid. In compliance with the ADA, service animals are welcome in all buildings on company property and may attend any class, meeting or other event. There may be an exception to certain areas. Employees requesting accommodation for a disability that includes a service animal must contact the Treasurer's department and complete a Documentation of Disability form.

All service animals must be registered with the Treasurer's department. Requirements of service animals and their owners include:

- All animals need to be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current.
- Animals must wear a rabies vaccination tag.
- All dogs must be licensed per state law.
- Service animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times.
- Animals must be in good health.
- Animals must be on a leash, harness or other type of restraint at all times, unless the owner/partner is unable to retain an animal on leash due to a disability.
- The owner must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the owner/partner.
- The owner/partner must provide the Treasurer's department staff with information as to how the animal accommodates for the individual's disability.

Reasonable behavior is expected from service animals while on company property. The owners of disruptive and aggressive service animals may be asked to remove them from San Jacinto County facilities. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any San Jacinto County facility until the owner takes significant steps to mitigate the behavior. Cleanliness of the service animal is mandatory. Consideration of others must be taken into account when providing maintenance and hygiene of service animals. The owner/partner is expected to clean and dispose of all animal waste.

2.15 TELEPHONE USE. Telephones are to be used for County business. It is understood that occasional personal calls, using County telephones or personal cell phones are necessary, but should be kept short and to a minimum. Work-related e-mail and text communication conducted on personal devices is not private or confidential, and may be subject to public disclosure under the Public Records Law.

Employees shall not use SJC telephones to make personal long distance calls.

2.16 UNIFORMS. Some departments require employees to wear uniforms. These employees will be provided a uniform for each day of their workweek. Employees are expected to keep uniforms neat and clean and worn according to departmental policy. Departments that have their own uniform policy should provide a copy to Treasurer's office.

If County uniforms or attire with San Jacinto County government/department logos are worn outside the parameters of the County or department dress code policies, the employee will be advised regarding inappropriate dress through counseling with a supervisor. Repeated violations will result in disciplinary action up to, and including, separation from employment.

Upon separation from the County, all uniforms must be turned in before the release of employees' final paycheck.

2.17 INDEBTEDNESS TO THE COUNTY. State law may prohibit issuing a paycheck to a County employee if the employee is indebted to the County or to the State. (*Legal reference:*

[*V.T.C.S., Local Government Code, Section 154.025*](#))

2.18 SOLICITATION. Uninvited solicitation from non-employees is prohibited on County property.

2.19 COUNTY OWNED OFFICE SUPPLIES, POSTAGE, AND EQUIPMENT. ([*Refer to Chapter 10.*](#))

3.00 RECRUITMENT AND SELECTION OF EMPLOYEES

3.01 NOTIFICATION OF POSITION VACANCY. Department Heads/Elected Officials will notify the County Treasurer's Office of a position vacancy.

3.02 METHODS OF RECRUITMENT AND SELECTION. Vacant positions in San Jacinto County may be filled by the following methods: promotion or transfer of qualified County employees; through a competitive process which includes public announcement and interviewing of qualified candidates; by referral from a state, federal, or other recognized job training program; or by selection from an eligibility list of qualified applicants developed within the preceding 180 days. Applications submitted for vacant positions must be retained and stored according to State statute ([Texas Constitution and Statutes Local Government Code Title 6](#)). Department Heads/Elected Officials, in consultation with the County Treasurer's Office, determine which of these methods will be used to fill department vacancies.

3.03 POSITION ANNOUNCEMENTS. Position announcements will be placed on the San Jacinto County Internet site and on designated bulletin boards in County Buildings. Additional advertising and other recruitment methods may be used, as appropriate for the position. Vacant positions may be announced to the public and/or employees as follows.

3.04 APPLICATION FOR EMPLOYMENT. Due to the volume of applications received, the Treasurers Office is unable to advise applicants as to the status of their application. If your application meets the required qualifications for the position you will be contacted by the Department representative for an interview date. The Department Head will make the final decision.

Applications must be retained and stored for two years and then may be destroyed.

3.05 NEW EMPLOYEE HIRE POLICY. Applications for employment with San Jacinto County can be found in the Treasurer's Office, Online at www.co.san-jacinto.tx.us, or in the office in which the job vacancy is available.

3.06 COMPLETING THE APPLICATION:

1. Applications should be typed or printed (black or blue ink only)
2. Resumes will not be accepted as a substitute for applications.
3. Incomplete applications will not be considered.
4. All statements made on the application(s) are subject to investigation and/or verification.
- 5.

Applicants may apply for multiple positions by submitting separate applications for each position. Applicants may make as many copies as desired. Copies, however, cannot be provided by San Jacinto County.

3.07 SUBMITTING YOUR APPLICATION

1. Applications can be submitted in person to the Treasurer's Office, or the office in which the job vacancy is available.
2. Applications may be faxed to the Treasurer's Office, or the office in which the job vacancy is available.
3. Applications may be mailed to:
Treasurer's Office/Human Resource Department 1 State Highway 150 RM 1
Coldspring, Texas 77331
4. Applications by e-mail to:
County.treasurer@san-jac.us

3.08 DISQUALIFICATION OF APPLICANTS. Applicants are disqualified from employment by the County if they:

1. Do not meet the minimum qualifications for performance of the duties of the position;
2. Knowingly made a false statement on the application form;
3. Have committed fraud during the selection process;
4. Are not legally permitted to hold the position;
5. Have offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
6. Do not pass any test, examination, or screening process required for employment in the position.

3.09 NEW HIRE PROCEDURES.

1. Prior to hiring, all applicants shall be required to undergo alcohol and/or drug screening. If any of the following occur the hiring process will be terminated and their conditional offer of employment will be withdrawn. The applicant can not reapply for employment for one year.
 - A. The applicant fails to appear at the designated collection site within 2 hours.
 - B. The applicant fails to provide a sample after reasonable opportunity.
 - C. The applicant has a positive result for drugs and/or alcohol.
2. Treasurer's Office will contact the Department Head after it receives a negative result for the presence of drugs or alcohol.
3. The Department Heads/Elected Officials must bring a signed Payroll Change Notice to the Auditor's Office for review and approval.
4. The Payroll Change Notice with the Auditor's signature and the Department Head's signature is brought to the Treasurer's Office.

3.09 CONTINUED:

5. The completed application, payroll change notice, and two forms of identification will be required before new hire paperwork can be completed.
6. San Jacinto County and the Treasurer's Office require each employee to sign off that they have been notified where to locate the Personnel Policy. Employee's shall read and understand these policies.

APPLICANTS ARE NOT CONSIDERED EMPLOYEES UNTIL THE TREASURERS OFFICE DEPARTMENT HAS:

1. A negative drug/alcohol result
2. A signed Payroll Change Notice by Employee, Dept. Head, Auditor & Treasurer
3. A Complete Application
4. A completed new hire packet

3.10 AGE REQUIREMENTS. Persons under 16 years of age will not be employed in any County position. Persons under 18 years of age will not be hired in any hazardous occupation. Persons selected for Corrections Officer and Juvenile Detention Officer must be at least 18 and 21 years of age, respectively.

Other age restrictions will be applied only as required by state or federal law applicable to the County.

3.11 QUALIFICATIONS. The County maintains classification descriptions, which establish the required training, experience, knowledge, skills, and abilities for each position. Candidates selected for employment with San Jacinto County must meet the job requirements, as posted.

3.12 PRE-EMPLOYMENT TESTING. Except for drug and psychological tests for law enforcement officers and any other tests that may be required by state law, the only performance tests administered for employment will be specifically job-related tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, reading comprehension, etc.).

3.13 REFERENCE CHECKS. It is the responsibility of the employing department to make appropriate reference and/or criminal history checks of the final candidate to verify education, experience, character, and required certificates and skills. Human Resources will continue to work with the hiring departments throughout this process as needed.

3.14 SELECTION. Department Heads/Elected Officials are responsible for the interviewing and selection of employees for department positions, in accordance with San Jacinto County Personnel Policies.

3.15 POST JOB OFFER TESTING. Fitness-for-duty testing is required for employment in some County positions. These tests may include, but are not limited to, physical examination and/or assessment, psychological examination, and drug/alcohol screens. The County Treasurer's Office maintains a list of positions for which testing is required. After a conditional offer of employment has been extended to candidates, the County Treasurer's Office will schedule the necessary tests. Testing must be completed by employees and test results received by the County Treasurer's Office prior to the first day of work.

San Jacinto County is responsible for all pre-employment testing expenses.

All records relating to the post job offer testing and screening of employees are strictly confidential and will be maintained separately from employees' personnel files.

3.16 DRIVING RECORD. Employees required to drive a County owned vehicle or operate motorized equipment must possess a valid Texas driver's license and maintain a safe driving record. Employees who drive their personal vehicles on County business must provide a copy of their automobile liability insurance to Auditors Office.

The Treasurer's Office is responsible for checking and approving driving records prior to an employment offer into a position requiring vehicle or equipment operation.

3.17 VERIFICATION OF ELIGIBILITY TO WORK. In accordance with the Immigration Reform and Control Act of 1986, new employees will be required to complete and sign a federal Form I- 9 within three days of employment to provide proof of identity and eligibility to work in the United States.

3.18 EMPLOYMENT OF RELATIVES. To avoid favoritism, the appearance of favoritism, and conflicts of interest, no person shall be hired into (or serve in) a position which is supervised by a relative. The definition of "relative" includes:

1. Persons connected by blood (as set forth in the following chart);

DEGREES OF RELATIONSHIP (BLOOD)			
Employee Officer	1 st Degree	2 nd Degree	3 rd Degree
	Son	Grandchild	Great grandchild
	Daughter	Sister/Brother	Niece/nephew
	Mother	Half Sister/Brother	Aunt/uncle
	Father	Grandparent	Great grandparent

2. Persons connected by marriage (as set forth in the following chart);

DEGREES OF RELATIONSHIP (MARRIAGE)		
Spouse	1 st Degree	2 nd Degree
	Son-in-law	Grandson-in-law
	Daughter-in-law	Granddaughter-in-law
	Step Child	Grand Step Child
	Mother-in-law	Grandmother-in-law
	Father-in-law	Grandfather-in-law
		Sister/Brother-in law

3. Persons connected through adoption;

4. Domestic partners;

5. Persons in a relationship involving cohabitation.

No person may continue in County employment that is related in one of the prohibited relationship degrees unless the employee has been employed continuously by the County for a period of: (a) at least 30 days, if the officer or member is appointed; (b) at least six months, if the officer or member is elected at an election other than the general election for state and County officers or; (c) at least one year, if the officer or member is elected at the general election for state and County officers.

Additionally, the employment of relatives in the same work unit or department is highly discouraged.

3.19 EMPLOYMENT OF TCDRS RETIREES. A [Texas County & District Retirement System \(TCDRS\)](#) retiree may be rehired into a regular full-time or part-time position after satisfying a full calendar month waiting period from the effective date of retirement. Under no circumstance, shall any San Jacinto County Department Head, Elected Official or other agent of the County make any prior commitments, agreements, or arrangements to rehire a TCDRS retiree after his/her retirement.

3.20 ORIENTATION AND TRAINING. On-the-job training of employees is the responsibility of the Department Head/Elected Official.

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES OF EMPLOYMENT. San Jacinto County categories of employment:

REGULAR FULL-TIME An employee who has a normal work schedule of forty (40) hours per week shall be classified as a full-time employee. Full-time employees are required to fill out a time sheet.

Full time Hourly will be paid on an hourly basis per each hour worked.

Full time Salary will be paid a fixed amount approved by Commisioners Court.

REGULAR PART-TIME An employee who has a normal work schedule of less than forty (40) hours per week shall be classified as a regular part-time employee. Regular part-time employees are required to fill out a time sheet.

TEMPORARY An employee in a position that is established for a specific period of time (usually less than one year), until a specific project is completed, or who does not qualify as a regular full time or regular part-time employee shall be considered a temporary employee. Temporary employees are required to fill out a time sheet. Temporary employees will NOT receive basic life insurance or participate in the county retirement plan.

ELECTION WORKER An election worker's work hours are determined by the Election Administrator to be in compliance with the Election Code.

EXEMPT Elected officials, appointed officials and salaried employees are exempt from earning overtime as specified by the provisions of The Fair Labor Standards Act. A list of exempt employees, by titles, is maintained in the County Treasurer's office.

EMPLOYMENT CONTRACT No employee shall have an employment contract for a specific or indefinite period of time unless the contract is approved in writing by the Commissioner's Court, and definitions as to benefits detailed.

The terms 'employee' 'full-time' or 'part-time' do not imply a guarantee of length of employment or salary. All employees are paid for time worked or leave time accrued as reported on employee time sheets. (Refer to Benefits Section for details of benefits payable for each category of employment.)

If a full-time employee subsequently becomes a part-time employee, without a break in service, vacation benefits are paid at termination of full-time status. Vacation, Sick, and Health benefits become null and void. If a part-time employee subsequently becomes a full-time employee service time and accrual rates start from date employee moves to full-time status.

Temporary employees do not accrue leave nor receive benefits.

If an employee has not worked for a twelve (12) month period they must be terminated and rehired when needed.

4.02 GRANTS. Once approved by Commissioners' Court, grant-funded positions will be posted, indicating the duration of the grant (employment) period. Employment of incumbents will terminate at the end of the grant period, unless the grant is re-funded by its original source for an additional time period.

In some cases, the County may wish to fund a position for which grant monies are no longer available. Should this occur, a job description will be prepared and submitted to the County Treasurer's Office which will determine the appropriate job classification and pay range for the position. Once approved by Commissioners' Court, the County-funded position will be posted and filled in accordance with SJC Personnel Policies.

4.03 PROBATIONARY PERIOD. All new employees serve a minimum 90 day probationary period during which they may be terminated without cause.

5.00 JOB DESCRIPTION AND EMPLOYEE COMPENSATION

5.01 JOB DESCRIPTION Department Heads/Elected Officials, in cooperation with Human Resources, will ensure that current job descriptions are maintained and regularly reviewed for positions in their department and that copies of each job description are provided to the County Treasurer's Office.

A job description will be prepared and submitted to the County Treasurer's Office for new positions requested by a department. The County Treasurer's Office will conduct an appropriate job analysis and forward a written position classification recommendation to the Commissioners' Court for approval.

If a significant and permanent change in the duties and responsibilities of a position occurs, a Department Head/Elected Official may request a classification review of the position. Employees may request a review of their position classification through the Department Head/Elected Official. A written request with recommendation and justification and an updated position description will be provided to the County Treasurer's Office. Human Resources will conduct an appropriate job analysis and forward a written position classification recommendation to the Commissioners' Court for approval.

Departmental requests for review of a position's classification will not be submitted for the purpose of rewarding employee performance or promoting an employee. Approval of all position reclassification requests is subject to availability of appropriate funding.

5.02 LONGEVITY INCENTIVE. San Jacinto County values the service of all of its employees. San Jacinto County has established a Longevity Incentive Policy to reward its valued employees. San Jacinto County will reward employees monetarily for length of employment with the San Jacinto County. Longevity pay is a fringe benefit based on an employees years of faithful service with the San Jacinto County. Eligibility is based on 5 complete years (60 months) of service as of December 1st of each year.

5.02.01 ELIGIBILITY. Full time employees, elected officials, and department heads are all eligible for longevity pay if they have completed 5 years (60 months) of service with San Jacinto County.

5.02.02 PRIOR YEARS OF SERVICE. In order for prior years of service to be rewarded:

- A. The employee must have completed 5 years of uninterrupted prior service,
- B. The employee can not have a break in service greater than one year,
- C. The employee can not have been terminated for gross misconduct or violation of County policy
- D. Maximum number of years for prior service credit is 5 years.
- E. This does not apply for employees with 8 years prior service.

5.02.03 CALCULATION OF LONGEVITY PAY. Years of service will be calculated and paid in December. No benefit will be received by an employee if they are terminated or did not give two (2) week notice upon resignation. Longevity will be prorated for retiring employees and elected officials resigning their term of office before December 31st. San Jacinto County's longevity pay is calculated at \$5.00 per month. To qualify for longevity, you must have completed 5 years (60 months) of service before the first five years are paid.

5.02.04 Cost of Living Adjustment (COLA) or Other General Adjustments. During budget deliberations for the coming fiscal year, the Commissioners' Court may consider and authorize a cost of living or other general pay increase for employees.

5.02.05 Merit (Performance) Pay Increases. During budget deliberations for the coming fiscal year, the Commissioners' Court may consider and provide funding for Merit (Performance) Pay increases.

Performance evaluations, disciplinary actions, etc. should be considered when determining how merit pay increases will be distributed in the department.

6.00 WORK SCHEDULE, TIME REPORTING, AND PAYROLL

6.01 WORK WEEK. The normal work week for most County employees is Monday through Friday, 8:00 a.m. to 5:00 p.m., a total of 40 hours for full-time employees.

San Jacinto County Commissioners Court has adopted the 207 (k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked.

A law enforcement employee must account for 84 hours during each work period, by reporting actual hours worked, sick, vacation or compensatory time. If an employee reports more than 84 actual hours worked during a work period he or she will receive no additional salary compensation for the actual hours worked between 84 hours and 86; however, the county will provide an hour for hour straight time off benefit for the actual hours worked up to 86 hours during a work period.

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

Department Heads/Elected Officials may, within the limits of state and federal law, make adjustments to employee work schedules.

6.02 OFFICIAL WORK PERIOD. The official work period for many County employees is a seven-day work week beginning 12:00 a.m. on Saturday and ending 11:59pm on the following Friday.

6.03 REST PERIODS/BREAKS. One morning and one afternoon break of 15 minutes each may be authorized by the Department Head/Elected Official. Rest periods and breaks are not required by state or federal law.

The granting of rest periods is subject to the workload demands of the organizational unit. Rest or break time does not accumulate if not taken. Breaks cannot be used to alter an employee's work hours or schedule.

6.04 MEAL PERIOD. Employees normally receive a one hour meal period, during which an employee must be entirely relieved of work duties. Skipping meal periods should not be used to alter an employee's work hours or schedule.

6.05 DISASTER POLICY. San Jacinto County wants to recognize Bad Weather Days and Emergency Days and events Declared or Non Declared Man Made or Natural Disaster events. These days will be designated by the County Judge or Elected Officials, and may be due to circumstances beyond the control of the County or could be considered detrimental to the health and/or well being of employees.

When an emergency closing or delayed start of operations has been officially declared, under a Local Declaration of Disaster or Emergency, full time employees/part time employees will be paid for the hours they would have normally worked that day. Such time should be recorded as "Administrative Leave" on employee time sheets. Unless otherwise indicated, operations will be delayed for two hours from when the employee normally reports to work. Employees should verify with their supervisors when they will be expected to report to work.

When an emergency closing is not officially declared locally, employees who do not report to work will not be paid, unless they elect to use employee leave banks to cover the absence. Employees who are not entitled to vacation leave will be docked for the work hours missed.

If an early emergency closing is declared during a work day, all employees who are at work will be compensated for the remainder of their normal work day. Employees who are not at work when the closing of operations is declared, will not receive Administrative Leave pay.

If an employee is required to work during emergencies, Declared or Non Declared Man Made or Natural Disaster events during his/her regularly scheduled hours, the employee may be paid for these hours worked, with no additional compensation.

However, when employees are instructed to work during periods of adverse weather or emergencies, declared or non declared man made or natural disaster, and the employee works more than 40 hours in that week (law enforcement 86 hours in a 14 day pay cycle), those hours of overtime worked may be paid in lieu of being placed in an overtime compensation bank.

Some salaried exempt employees may be eligible for overtime pay for hours worked during any emergency situation (EMC, Building Main. Supervisor), such as Emergencies, Declared or Non Declared Man Made or Natural Disaster events. The Commissioner's Court must authorize each exception. No more than 16 hours of straight time and overtime shall be claimed in a 24 hour period.

Each situation will be viewed individually and must be approved by Commissioners' Court before any overtime is paid. These overtime hours will be charged to the department's salary budget code.

6.06 WORK IN EXCESS OF NORMAL SCHEDULE. As a general policy, Department Heads/Elected Officials are expected to manage their operations so that employees are not required to work beyond their normal schedule as determined by the Department Head/Elected Official.

When occasional emergencies occur or operating necessities demand, Department Heads/Elected Officials may authorize employees to work in excess of their normal schedule. Unless specifically exempted under the Fair Labor Standards (FLSA), such employees will earn compensatory time off for these excess hours. One and one half hours of compensatory time is earned by employees for each hour worked in excess of their normal schedule (see [6.01](#)).

Employees should not work in excess of their normal schedule without prior approval of the Department Head or Elected Official.

Whenever possible, work schedules should be adjusted so that employees who have worked excess hours can take them off during the same week in which they were earned.

For example,

if an employee working a 40 hour work week is asked to work 10 hours on Tuesday, his schedule should be reduced by 2 hours on Wednesday, Thursday, or Friday so that the total hours worked for the week do not exceed 40.

Eligibility for compensatory time is based on the number of hours worked in the work week. Vacation, sick, and holiday leave are not hours worked and are not counted when determining compensatory time eligibility.

The maximum compensatory time accrual is 80 hours for non-law enforcement employees and 240 hours for law enforcement employees. If an employee's accrued compensatory time exceeds the maximum for their job category, the Department Head/Elected Official must appear before Commissioners' Court to provide justification for this occurrence.

Once accrued compensatory time is exhausted, absences should be charged to vacation or sick leave, as appropriate.

Positions must remain vacant until compensatory time payments to former employees have been absorbed in the department's budget, unless approval is granted by the Commissioners' Court to hire a replacement sooner.

6.07 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION). Department Heads and other executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). These individuals are expected to render necessary and reasonable overtime services with no additional compensation.

6.08 TIME REPORTING. All employees (under the FLSA) are expected to enter work and leave hours on a daily basis, unless an absence precludes this. Employees will acknowledge their time entered on Individual Time Sheets after verifying that all work and leave hours are recorded correctly.

Time must also be acknowledged by the Department Head/Elected Official and submitted to the Treasurer's Office by established deadlines.

Department Heads/Elected Officials are responsible for ensuring that all hours worked and leave time taken by employees is accurately reported on Time Sheets.

6.09 PAYROLL

6.09.01 PLACEMENT ON COUNTY PAYROLL. New employees must complete employment forms, direct deposit enrollment, prior to inclusion on the County payroll.

6.09.02 PAY. Salaries are set each year by the Commissioners' Court and adopted in the County operating budget. The Commissioners' Court also establishes rules governing salary administration and pay increases.

6.09.03 PAYDAYS. Paydays are scheduled by the County Treasurer and approved annually by the Commissioners' Court.

When an approved holiday and/or bank holiday falls on a County pay day, pay checks will be released on the last regular workday preceding the holiday.

6.09.04 PAYROLL DEDUCTIONS. Tax and other required deductions will be made from employees' pay in accordance with state and federal regulations.

In addition, employees may authorize deductions for dependent health and dental premiums, supplemental insurance programs, savings bonds, supplemental retirement contributions, and other deductions authorized by the Commissioners' Court in accordance with [Texas Local Government Code 155.001](#).

Employees are responsible for maintaining current name, address, W-4, and other information with the Treasurer's Office.

6.09.05 APPROVING AUTHORITY. The Commissioners' Court is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies, (2) employee compensation plans, and (3) the annual budget.

7.00 EMPLOYEE BENEFITS

7.01 MEDICAL, DENTAL, AND LIFE INSURANCE. Full-time employees (work a 40 hour week schedule) are provided general medical, dental, life insurance and basic life insurance and dismemberment after a three month (90 day) waiting period. Changes to these benefits can be made within current plan guidelines or at the annual County Open Enrollment.

Insurance benefits for employees in grant-funded positions will be continued from one grant year to the next as long as no break in service occurs.

Refer to current insurance booklet for more information about these benefits.

Part time employees (less than 29 hours work week schedule) may be eligible to participate in San Jacinto County Basic Life Insurance Plan. Part time-Temp employees are not eligible to participate in the Basic Life Insurance Plan.

7.02 VACATION, SICK, HOLIDAY, AND BEREAVEMENT LEAVE. See [Chapter 8](#).

7.03 CAFETERIA PLAN. Full-time employees (work a 40-hour/week schedule) are eligible for this benefit. The Cafeteria Plan is an Internal Revenue Service sanctioned program which allows employees to pay for dependent health insurance premiums, allowable health care expenses, and/or dependent day-care costs with pre-tax dollars.

This option is offered by signing a contract for one calendar year.

Refer to current Cafeteria Plan Document for additional information.

7.04 DIRECT DEPOSIT. Electronic deposit of your paycheck into your bank is optional.

The Direct Deposit Form is available in the San Jacinto County Treasurer's Office. Any changes must be made in person. Making changes to direct deposit without sufficient notice to the Treasurer's Office may result in a delay of paycheck.

7.05 RETIREMENT. San Jacinto County is a member of the [Texas County & District Retirement System \(TCDRS\)](#). All non-temporary full-time and part-time employees are required to become members of TCDRS and contribute 7% of their total pay per month into their retirement account. The employer contribution rate is approved annually by the Commissioners Court..

Employees are vested in TCDRS upon completion of 5 years of service with the County.

Additional information is available in the *TCDRS Guide to Member Benefits* or by accessing <https://www.tcdrs.org>.

7.06 SUPPLEMENTAL RETIREMENT PLANS. Employees may contribute to a supplemental retirement plan through a payroll deduction

7.07 SOCIAL SECURITY AND MEDICARE. All employees of the County are covered by social security. The County also contributes to the social security and Medicare systems on behalf of each employee.

7.08 WORKERS' COMPENSATION. All employees of San Jacinto County are covered by the workers' compensation insurance program.

The County pays the premium which is carried by the State. Workers' Compensation coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries.

Detailed information about workers' compensation benefits is found in [Chapter 11](#) of these policies.

7.09 CREDIT UNION. Employees are eligible to bank at Doches Credit Union.

7.10 UNEMPLOYMENT. All County employees except for elected officials are subject to unemployment benefits as administered by the U.S. Department of Labor and the Texas Workforce Commission. The County pays the cost of the program.

At no time will an employee be allowed to earn a San Jacinto County salary check, Unemployment check at the same time. If an employee receives an Unemployment check after he/she begins working, the employee must report the payment to the County Treasurers office. If circumstances determine an employee has or is receiving Unemployment payments, while an employee of San Jacinto County, the employee will be terminated immediately, and San Jacinto County will take the necessary actions to recoup the over paid funds. Some exceptions may apply to this rule. If you are receiving both a County salary check and unemployment check at the same time, contact the Treasurers Office.

7.11 COBRA GROUP INSURANCE. The federal [Consolidated Omnibus Reconciliation Act of 1985 COBRA](#) allows certain individuals the option of continuing their group health and dental insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate.

Employees are provided detailed information about their rights to continue coverage under COBRA by the County's Treasurer's Office.

Each covered employee is responsible for notifying the Treasurer's Office of electing to continue coverage. Applications can be found at the Treasurer's Office. Employees electing coverage must pay at the Treasurer's Office within 60 days of the qualifying event.

Payments are due to the Treasurer's Office by the first of the month. If the payment is not made, the employee has a 30 day grace period before medical insurance is terminated automatically.

7.12 RETIREMENT INSURANCE. Retired employees can use the County Insurance Cafeteria Plan upon retiring. Retiree must be eligible and pay the full monthly premium. The retiree may only enroll in what they are enrolled in at the time of retirement.

Eligibility:

- At age 60 with 5 consecutive years of full time service.
- At any age with 30 consecutive years of full time service.
- When combined age and full time service equals 75 consecutive years.

Employees electing coverage must pay at the Treasurer's Office within 60 days of retirement. Payments are due to the Treasurer's Office by the first of the month. If the payment is not made, the employee has a 30 day grace period before medical insurance is terminated automatically.

At 65 years of age the retiree is no longer eligible for medical insurance, but may still carry dental and vision if eligible.

8.00 LEAVE BENEFITS

8.01 GENERAL. The following policies apply to all forms of leave described in this chapter.

- Employees must request leave with as much advance notice as is practicable.
- All leave taken by County employees must be approved by their Department Head/Elected Official.
- All absences from employees' normal work schedules must be charged to an appropriate leave category on the County provided Individual Time Sheet.
- Department Heads/Elected Officials are responsible for the accurate and timely reporting of all employee absences to the Treasurer's Office.
- An employee that is under Workers Comp, FMLA, Military Leave, or Approved Leave will still accrue holiday leave, vacation leave, sick leave.

8.02 LEAVE CATEGORIES. The following leave categories and policies have been approved by the San Jacinto County Commissioners' Court.

8.02.01 VACATION LEAVE. Full-time hourly employees are eligible to accrue paid vacation leave. Vacation leave is accrued on a bi-weekly basis in accordance with the schedule shown below.

Length of Service	Accrual Per Pay Period	Maximum Accrual
0-1 years	0 hrs	0 hrs
1-9 years	3.08 hrs	240 hrs
10-14 years	4.62 hrs	240 hrs
15-50 years	6.15 hrs	240 hrs

While vacation leave is accrued from the date of hire, it may not be used by employees until completion of one year of employment.

Approval of vacation leave requests is contingent upon the workload demands and staffing needs of the department.

All employees over the maximum of 240 hours vacation will be reduced to the maximum amount every January 1st of each year.

The Commissioners Court will be notified by the Department Head in writing that the employee be allowed vacation accrual above the maximum. Document shall contain the reason the employee was unable to take vacation in time to reduce his/her balance below the maximum. After Approval from Commissioners Court the document will be placed in his/her permanent personnel file.

An employee who has been approved to accrue vacation in excess of the maximum shall promptly take vacation to reduce the balance to or below the maximum as soon as circumstances and needs in the County allow it, but no longer than June 30th.

Department Heads are encouraged to have employees set their vacation schedules at the 1st of every year.

An employee shall not be allowed to receive pay in lieu of taking time off for vacation or borrow vacation against possible future vacation earnings.

If a holiday falls during the period an employee is on vacation, the holiday shall be handled in accordance with the provisions of the policy on holidays (8.07) and will not be charged against the employee's vacation balance.

8.02.02 SICK LEAVE. Full-time employees are eligible to accrue 2 hours sick leave per pay period.

Sick leave may be used by employees for: personal illnesses or incapacities; medical, dental, optical, or other examinations/treatments performed by a licensed health care provider; medical quarantines resulting from exposure to a serious contagious disease; or to care for an immediate family member who resides in the employee's household and is dependent upon the employee for care.

While sick leave is accrued from the date of hire, it may not be used by employees until completion of the ninetieth day of employment.

Absences before and/or after holidays may not be charged to employees' accrued sick leave unless a valid excuse from a licensed health care provider is provided to the Department Head/Elected Official. In the event a valid excuse cannot be provided, the absence(s) must be charged to compensatory time or vacation, if available. If accrued leave is not available, the absence(s) will be charged as leave without pay.

Employees who are unable to work as scheduled must notify their supervisor within a half hour of their normal starting time, or as required in their department policies, unless an emergency situation exists.

Employees are expected to call their supervisor each subsequent day of absence to discuss their probable date of return to work.

Employees who are absent three or more work days must furnish supervisors with written documentation from their licensed health care provider which authorizes their absence from work. Written documentation from a licensed health care provider may be required from an employee when sick leave abuse is suspected.

Employees who exhaust their accrued sick leave may request to use accrued compensatory time or vacation, if available, during the absence.

Employees who become ill or injured while on approved vacation leave may charge this time to their accrued sick leave account upon providing their supervisor with valid documentation of this condition from a licensed health care provider.

Unused sick leave accruals are forfeited at separation of employment.

8.02.03 PAID QUARANTINE LEAVE is available for peace officers and detention center employees. It is required that paid quarantine leave be ordered by the employees supervisor or Elected Official. San Jacinto County Treasurers Office must be notified and supplied proper documentation immediately upon an employee being quarantined or isolated. Any employee ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. All employment benefits and compensation will continue, including leave accrual, retirement benefits, and health benefits for the duration of the leave. Reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation is available. San Jacinto County may not reduce salary, sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with the [H.B. No. 2073](#).

Off duty exposures will not be covered under this policy.

8.02.04 CIVIC DUTY LEAVE. Employees are granted civic duty leave with pay for services such as but not limited to: jury duty, judicial proceeding, or for the purpose of voting/elections.

Employees must provide advance notice prior to taking civic duty leave, call their supervisor at the beginning of their shift each day while serving for the civic duty, and return to work for the remainder of the work day if the service concludes before the end of their shift.

Jury Duty- Employees who appear for jury duty may not accept or receive payment for their appearance. Jury duty will be recorded on employees time sheet and be paid from the employees budgeted salary line.

Election Worker- Any county employee who is approved to serve as an "election worker", agrees to receive their "normal" hourly rate for normal scheduled day. Any hours incurred over the county employees normal hours would be paid at the commissioner's court approved rate for the election cycle the employee has agreed to serve in. The employee understands that no "overtime" can be earned by the time served as an "election worker". The employee may only serve upon the approval of the department supervisor/Elected Official of the office to which the employee is duly employed.

All employees working for an election must seek prior approval from the Elections Administrator.

8.02.05 MILITARY LEAVE OF ABSENCE. Military leaves of absence are granted; however, in order to be eligible, employees must submit written or verbal verification from the appropriate military authority.

1. Regular full time County employees who are members of the Reserve or National Guard of the United States Armed Forces shall be allowed up to fifteen (15) working days off per year with pay to attend authorized training sessions and exercises.
2. The fifteen (15) working days paid military leave shall apply to the calendar year and any unused balance at the end of the year shall not be carried forward into the next year.
3. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule.
4. An employee may use annual vacation leave or leave without pay if he/she must attend Reserve or National Guard training sessions or exercises in excess of the fifteen (15) working day paid maximum.

ORDERS. An employee going on military leave shall provide his/her supervisor with a set of orders within three (3) days after receiving them.

ACTIVE MILITARY. San Jacinto County will reinstate those employees returning from military leave to their same position or one of comparable seniority, status, and pay in accordance to Uniformed Services Employment and Reemployment Rights Act (USSERRA policy 3.13)

ELIGIBILITY. All San Jacinto County employees who are members of the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard, Air National Guard, or any other category of persons designated by the President in time of war or emergency are eligible for military leave for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, or absence to determine the employee's fitness to serve in the Armed Forces.

REEMPLOYMENT RIGHTS. Employees have the right to be reemployed in their job with San Jacinto County if they leave employment to perform service in any of the above mentioned branches for military service and:

CONTINUED:

1. Employee notifies San Jacinto County in advance either in writing or verbal of his/her service;
2. Employee will be granted leave as required to fulfill their military obligations but shall be limited to a cumulative period of five (5) years, which may be extended as required by law;
3. If period of military service is less than 31 days, the employee must report for work at the beginning of the first full regularly scheduled shift on the first full calendar day following his/her completion of military service and expiration of time for safe transportation back to his/her residence plus eight hours;
4. If period of military service is more than 30 days but less than 181 days, the employee must submit an application for reemployment no later than 14 days following completion of military service, or as soon as possible, if the failure to make timely application is through no fault of the employee;
5. If the period of military service was for more than 180 days, the employee must submit an application for re-employment no later than 90 days after the completion of military service;
6. All of the above time limits must be extended by a period of up to two years if an employee is hospitalized or convalescing from an illness incurred in or aggravated during, the performance of military service.

BENEFITS ON REEMPLOYMENT. An employee is only entitled to the benefits that the employee would have attained had he/she remained continuously employed upon reemployment.

HEALTH INSURANCE PROTECTION. An employee has the right to elect to continue his/her existing employer-based health plan coverage for him/her and their dependents (provided the eligible dependents were being covered before military service) for up to 24 months while in the military.

If an employee does not elect to continue coverage during his/her military service, they have the right to be reinstated in the County's health plan when he/she is reemployed, without any waiting periods or exclusions except for service connected illnesses or injuries.

DISCRIMINATION AND RETAILIATION. An employee can not be discriminated or retaliated against for being:

1. A past or present member of the uniformed service;
2. Having applied for membership in the uniformed services;
3. Obligated to service in the uniformed services.

The County may not deny an employee any of the following because of this statute:

1. Initial employment;
2. Reemployment;
3. Retention in employment;
4. Promotion; or
5. Any benefits of employment.

8.02.06 FAMILY AND MEDICAL LEAVE (FMLA). In accordance with the Family and Medical Leave Act of 1993, eligible employees are entitled to twelve work weeks of leave during any twelve month period for the following purposes:

1. A serious health condition that makes the employee unable to perform his/her job function;
2. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
3. For the birth of a son or daughter, and to care for the newborn child;
and
4. For placement with the employee of a son or daughter for adoption or foster care of a child.

To ensure compliance with the provisions of this Federal law, all employee absences of three or more consecutive work days must be reported immediately to the County Treasurer's Office.

Forms and additional information about the Family and Medical Leave Act are available on the County's Treasurers Office.

8.02.07 BEREAVEMENT LEAVE. Full-time employees may receive up to three working days with pay due to the death of a family member. *Family member* is defined as a spouse, daughter, son, daughter-in-law, son-in-law, parents, brother, sister, grandmother, grandfather, grandchild, step-parent or step-child, or ward of the employee or the employee's spouse. It also includes any *other* relative living in the employee's household who is dependent on the employee for care.

Bereavement Leave may also be granted in the case of death of any person whose association with the employee was similar to the above relationships.

In the event of the death of a County employee or someone closely associated with San Jacinto County, a Department Head/Elected Official may authorize personnel to represent the department at the funeral and their attendance will be reported in the County's timekeeping system as regular work hours.

8.02.08 INJURY LEAVE. For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, refer to [Chapter 11](#) of these policies.

8.03 UNAUTHORIZED ABSENCE FROM WORK. Employees who are absent from work without approval of the Department Head/Elected Official are considered to be on unauthorized leave without pay and are subject to disciplinary action.

Unauthorized absences for a period of three consecutive work days will be considered an employee resignation.

8.04 LEAVE WITHOUT PAY. Employees who exhaust all appropriate accrued leave during an absence are on leave without pay status.

Leave without pay in excess of 90 days must be approved by the Commissioners' Court.

8.05 LEAVE RECORDS. Official vacation leave and sick leave accrual records and leave usage records are maintained for each employee by the Treasurer's Office. Leave records are updated once a month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

8.06 HOLIDAY. The Commissioners' Court establishes paid holidays each year. In addition, the Commissioners' Court may declare holidays for special events. A list of approved holidays for the current year will be posted on the SJC website or may be obtained from the County Treasurer's Office.

8.07 ELIGIBILITY FOR PAID HOLIDAYS. Full-time employees are eligible for paid holidays.

Employees who are absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

Employees who are on approved Leave Without Pay will not be paid for the holiday.

8.08 WORK DURING HOLIDAYS. Full-time employees who work on an observed holiday will receive their regular pay for that day and will be allowed to take the holiday time off at a later date.

8.09 HOLIDAYS FALLING ON WEEKEND DAYS. When an approved holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the Commissioners' Court.

8.10 HOLIDAYS FALLING ON NON-WORKDAYS. Employees on a schedule other than a normal workweek are entitled to the same number of approved holidays as other employees. Therefore, if a holiday falls on their day off, full-time employees will be allowed to take the holiday off at a later date. Eligible part-time employees will be allowed to take the proportionate number (based on their normal work schedule) of holiday hours off at a later date.

8.11 HOLIDAY DURING VACATION. When an official holiday falls during employees' scheduled vacation, holiday pay will be granted in lieu of vacation leave.

8.12 HOLIDAY ACCRUAL. Employees can accrue a maximum of 120 hours. Hours accrued above the maximum amount allowed will be forfeited January 1 of each year.

9.00 SAFETY AND WORKERS' COMPENSATION

9.01 GENERAL. San Jacinto County will make every effort to provide healthful and safe working conditions for its employees.

9.02 EMPLOYEE RESPONSIBILITIES AND REPORTS. Employees are responsible for working in a manner that is protective of their own health and safety, as well as those of other employees.

Employees must report every on-the-job accident, no matter how minor, to their supervisor immediately, but no later than 24 hours. Department Heads/Elected Officials are responsible for filing a written accident report immediately with the Treasurer's Office unless emergency circumstances exist.

The following rules are designed to promote the safety and well-being of County employees and are to be observed at all times:

- 1) Employees may not engage in horseplay, wrestling, or practical joking while on duty or operating County equipment;
- 2) Employees should maintain awareness of potential dangerous situations that may cause injury to themselves, fellow employees, or the public;
- 3) Employees must report immediately to their supervisors any conditions that in their judgment threaten the health or safety of employees or the public;
- 4) Employees who are unable to perform their duties safely due to illness must promptly notify their supervisor and the treasurer's office;
- 5) Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries, and must immediately report all injuries to their supervisor and the Treasurer's Office.

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

9.03 EMPLOYEE SUGGESTIONS. Employees are encouraged to make suggestions to their supervisors for improvements that would make the County workplace safer or more healthful.

9.04 ON-THE-JOB INJURIES.

9.04.01 Medical Attention. Employees who sustain a bona fide, on-the-job, work related injury and who have fulfilled the obligation set forth in 9.02 must notify the Treasurer's Office if they wish to seek medical attention. All employees under the care of a physician for a work related injury should present a signed and dated Texas Department of Insurance Work Status Report (DWC073) to the Treasurer's Office upon return

from each medical appointment so that any restrictions directed by the medical provider can be accommodated into the employee's work schedule.

9.04.02 Insurance. The County provides workers' compensation insurance for all of its employees. This insurance provides protection against the cost of medical expenses and loss of wages because of a bona fide, on-the-job, work-related injury as prescribed under the statutes and rules of the Texas Department of Insurance. All necessary submission of forms will be handled by the office of Treasurer's Office and copies of individual forms can be obtained by employees as requested.

9.04.03 Statutory Benefits. Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments, medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s), and/or death benefits.

9.04.04 Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

9.04.05 Compensation. Employees removed from duty by a treating physician due to a work related injury or illness may receive salary continuation beginning with the eighth day of absence from work. Time Sheets must show from the first day of a work related injury "Workers' Compensation Hours" (WC).

For an employee who has been taken off of work for eight days by a treating physician, the county will then start submitting 70% of an employees average weekly rate.

Employees who are not removed from duty, but are required to make doctor visits, go to rehab, or any other physician directed appointments must list these absences as "Workers' Compensation Hours" on their time sheets. These hours will be subject to monthly review by the office of Treasurer's Office for accuracy. Any incorrect charges to Workers' Compensation will be corrected during the next available payroll period after notification to the Treasurer's Office.

9.04.06 Continuation of Medical Insurance for Employee Dependent. To continue medical insurance for employees dependent(s) when employees are on injury leave, the Employee will continue to pay its portion of employees' dependent(s) medical insurance for a period up to one year following the injury or separate's employment.

Payments are due to the Treasurer's Office by the first of the month. If the payment is not made, the employee has a 30 day grace period before medical insurance is terminated automatically.

9.04.07 Reporting Requirements. While on leave because of a bona fide work-related injury employees must provide the Treasurer's Office with a Work Status Report (DWC073) after each doctor's visit, medical consultation, or treatment.

Any change in employees' condition, which might affect salary continuation payments, must also be reported to the Treasurer's Office. In addition, injured employees must contact the Treasurer's Office periodically to report on their condition and anticipated return-to-duty date. Failure to provide the required medical reports to the Treasurer's Office in a timely manner is grounds for taking disciplinary action.

9.04.08 Duration of Injury Leave. The maximum duration of occupational disability or injury leave is one year unless the Commissioners' Court expressly authorizes an extension. The Commissioners' Court, in no more than 30-day increments, may authorize requests for extension after careful review.

9.04.09 Termination of Injury Leave. Employees' injury leave with pay may be terminated at any time without prior notice, if justified by legal and/or medical review.

Deputies or jailers who sustain injuries while on the job will receive their full salary while incapacitated until the end of the County Sheriff term of office under which the injury occurred. Their leave of absence expires with the last day of office of the County Sheriff and they will be terminated effective 12 midnight December 31, provided they have excided the maximum weeks allowed.

9.04.10 Return to Service. Work Status Report (DWC073) must be received by the office of Treasurer's Office before employees may return to work. All employees on injury leave must report to work after approval of either the attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary action, up to and including discharge.

Upon the return to work of injured employees, supervisors must immediately notify the Treasurer's Office to ensure proper paperwork has been received.

9.04.11 Light Duty Status. Employees released by their physician to part-time or full-time restricted duty will be placed in an appropriate position, if available. If no acceptable restricted duty assignment can be found, employees will be placed on inactive status until released by the physician to return their previous job.

Employees who return to work in a restricted duty status may be required to work in a different department and/or perform duties not contained within their current job description. Such employees will be paid according to the level of pay assigned to the restricted duty position. A restricted duty assignment cannot exceed one (1) year. In addition, employees may be eligible for Workers' Compensation payments in a reduced amount as provided by the statutes and rules of the Texas Department of Insurance, Workers' Comp Division.

9.04.12 Total Disability/Retirement. A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the County Treasurer's Office, in consultation with the employee will provide [The Texas County and District Retirement System \(TCDRS\)](#) with all necessary paperwork for their approval of a Disability Retirement. San Jacinto County does not have authority to approve the disability.

9.04.13 Reasons for Termination of Employment During Injury Leave. Employees may be terminated while on leave for an on-the-job injury for the following:

- 1) Refusal to return to duty on the workday on which the treating physician has released the employee;
- 2) Failure to accept a "restricted duty" assignment;
- 3) Failure to follow prescribed treatment including medical appointments;
- 4) Participating in activities, which, according to the County's medical and legal advisor, justify termination because they are injurious to recovery or they do not aid in healing.
- 5) Employee has been unable to work for one year following the date of injury.

9.04.14 Final Release. At the time of final release or settlement of a Workers' Compensation claim employees must furnish the County with a report from their physician stating they are able to return to work. The report must also specify any restricted duty limitation(s) and the estimated duration of the limitation(s). In accordance with 09.04.11 and 09.04.13, employees who cannot perform their previous job duties, with or without reasonable accommodation as specified in the [Americans with Disabilities Act](#), will be separated from employment and paid accrued benefits, if any. The County Treasurer's Office will:

- 1) Send employees a certified letter;
- 2) Explain the circumstances, outlining that a reasonable effort has been made to place them in a suitable position; and
- 3) Inform employees that they have been separated from County employment and unless other arrangements have been made, their final paycheck will be sent via direct deposit for any remaining accrued and payable leave benefits.

10.00 USE OF AND ACCOUNTABILITY FOR COUNTY EQUIPMENT AND PROPERTY

10.01 GENERAL POLICY. The County attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

10.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES. Employees who are assigned tools, equipment, vehicles, or any other County property by their departments are responsible for them and for their proper use and maintenance. Repairs to vehicles must be done under the direction of the Department Head/Elected Official to whose department the vehicle has been assigned.

No personal or political use of any County property, materials, supplies, tools, equipment, or vehicles is permitted. Violations of this policy may result in discharge and possible prosecution. ([31.03 Texas Penal Code](#))

10.03 VALID DRIVER'S LICENSE. All operators of County vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and to keep the Department Head/Elected Official and Treasurer's Office informed of any changes in status of their licenses. Elected Officials or the Treasurer's Office will periodically check the driving records of all employees who operate County vehicles or are required to use their personal vehicle to conduct County business. Failure to maintain a safe driving record may result in disciplinary action.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator will result in a demotion or discharge.

10.04 VEHICLE INSURANCE. The County maintains up-to-date insurance coverage on all its vehicles. Department Heads/Elected Officials or employees who drive a personal vehicle on County business are required to provide the Auditor's Office with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so is grounds for disciplinary action up to and including discharge.

10.05 ACCIDENT REPORTING. Any employee operating County equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her Department Head/Elected Official, Treasurer's Office, Auditor's and to the appropriate law enforcement authorities immediately, or, in the case of injury to the employee, as soon as the employee is able.

Each vehicular accident, no matter how minor, must be reported to appropriate law enforcement authorities so that an official accident report can be filed. The Department Head must notify the Treasurer's Office and the Auditor's Office the day of the accident.

Employees involved in accidents are required to submit to a drug and alcohol test immediately following the accident. Refusal to submit to the drug and alcohol test is grounds for disciplinary action up to and including discharge.

A copy of any accident report involving County equipment or vehicles must be forwarded to Treasurer's Office as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the Treasurer's Office file of the employee involved in the accident.

10.06 USE OF COUNTY CREDIT CARDS. Gasoline credit cards are issued to authorized personnel by their Department Head/Elected Official. The Department Head/Elected Official will monitor use of the credit cards and will submit documentation of usage to the County Treasurer's Office at the end of each month.

Unauthorized or personal use of County credit cards is strictly prohibited. If a violation occurs a '*notice of violation*' will be submitted to the Commissioners' Court copied to the employee and his or her Department Head/Elected Official. It will then be left to the Department Head/Elected Official to follow progressive disciplinary procedures.

10.07 ACCOUNTABILITY FOR FIXED ASSETS. Department Heads/Elected Officials will sign for the fixed assets assigned to the department and will be held accountable for proper accounting, maintenance, and use of the property. When a Department Head/Elected Official leaves the employment of the County, he or she will arrange for a formal inventory to be taken prior to his or her last day of employment.

10.08 ACCOUNTING AND CONTROL. The Auditor's Office is responsible for maintaining fixed asset records and accounting systems. In addition, only the Auditor's Office has the authority to move surplus assets from department to department as necessary. Each department is required to conduct an annual inventory of furniture and equipment and forward the results to the Auditor's Office. The Auditor's Office will supply Department Heads/Elected Officials with all necessary forms and information concerning the transfer and accountability of fixed assets into/out of their departments to assist them with their annual inventory. This policy will insure that transfers of assets between departments within the county or disposals of assets are properly documented.

10.09 FIXED ASSET POLICY AND PROCEDURES. This procedure documents general policies and guidelines, which should be followed by all County departments, as applicable. These guidelines should be considered as the minimal requirements for establishing adequate internal controls for processing property transactions and safeguarding County property. The elected or appointed official is responsible for all County property within their department. Written policies/procedures should be established within each department for handling and safeguarding County property.

Local Government Code (LGC) §157.903 provides Commissioners Court the ability to indemnify (at their discretion) an elected or appointed county officer against personal liability for the loss of county funds, or 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.

ASSETS

A. Fixed Assets

1. Each department within San Jacinto County has purchased and maintains items defined as "Fixed Assets". A Fixed Asset is defined as tangible personal property having a useful life of one year or more and acquisition cost of \$2,500 or more.
2. Classification of Fixed Assets
 - a. Land
 - b. Buildings
 - c. Land Improvements
 - d. Machinery and Equipment
 - e. Vehicles

B. Infrastructure Assets

1. Infrastructure assets are long-lived fixed assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most fixed assets.
2. Classification of Infrastructure Assets
 - a. Roads
 - b. Bridges

C. Personal Assets

1. Any personal furniture brought into a County Office for County use must be logged with the Auditors Office.

D. Other Assets

1. Detailed records shall be maintained for certain items below the capitalization thresholds that should be safeguarded from loss. These items will be part of the annual physical inventory. These items include:
 - a. Furniture
 - b. Computer/Office Equipment
 - c. Tools

E. Asset Costs

1. Capitalized costs include, but are not limited to, the following:
 - a. The purchase price, net of any purchase discounts
 - b. Freight and handling
 - c. Installation and inspection costs
2. Cost excluded from capitalization include, but are not limited to, the following:
 - a. Licensing and registration
 - b. Costs related to the training of personnel in the use of the fixed asset

E. Depreciation and Useful Life

1. The Auditor's office will assign an estimated useful life to all applicable assets for the purpose of recording depreciation. Asset lives will be adjusted as necessary depending on the present condition and use of the asset and based on how long the asset is expected to meet current service demands. Adjustments should be properly documented. Depreciation will be recorded based on the straight line method using actual month convention and depreciated down to the assets salvage.
2. Depreciation will be recorded on Fixed Assets with an original value of \$2,500 or greater only. Other fixed assets will be expensed upon purchase. Infrastructure assets will not be depreciated.
3. Depreciation will be recorded on the following fixed assets:
 - a. Buildings and improvements
 - b. Land improvements
 - c. Machinery and equipment
 - d. Vehicles
4. Depreciation will not be recorded on the following fixed assets:
 - a. Land

G. Asset Identification and Tracking

1. All machinery and equipment, vehicles, furniture and computer/office equipment will be assigned an asset number and identified with a fixed asset tag. Any fixed assets that are purchased, disposed of or transferred during the year must be reported by the department head in custody of that asset by preparing a Fixed Asset Disposition Form. Once completed, this form is then forwarded to the County Auditor.
 - a. Purchased Assets- At the time an asset is purchased, the Fixed Asset Disposition form is completed by the Department Head. The completed form should be forwarded to the County Auditor with the following information:
 1. Department
 2. Date
 3. Location
 4. Make
 5. Model Number
 6. Serial Number
 7. Brief description of asset
 8. Cost Information

- b. Transferred Assets- If it is determined an asset is no longer needed but that the item surplus could be possibly used by another department, arrangements can be made to transfer the item directly.
 - 1. The Fixed Asset Disposition form should include:
 - a. Asset number
 - b. Serial number
 - c. Name and signature of the department head the asset is being transferred to and the department head the asset is being transferred from
 - d. Forward completed form to the County Auditor.
- c. Disposed Assets
 - 1. Surplus
 - a. If it is determined an asset is to be declared as surplus a Fixed Asset Disposition form should be prepared to include the asset number, serial number and status of the asset.
 - b. Forward completed form to County Auditor
 - c. Commissioners' Court will approve/disapprove items as surplus
 - d. Bids will be received and awarded to highest bidder or rejected at least twice
 - e. Commissioners' Court then may order the assets destroyed or placed into storage
 - 2. Salvage
 - a. If it is determined an asset is to be declared as salvage, is lost or stolen a Fixed Asset Disposition form should be prepared to include the asset number, serial number and status of the asset.
 - b. Forward completed form to County Auditor
 - c. Commissioners' Court will approve/disapprove items as salvage
 - d. Property will be disposed of in an approved manner

GENERAL GUIDELINES

- 1. Department management should establish internal property access and use guidelines to ensure the safeguarding of property in the department's control.
- 2. Property should be secured at all times when the department is closed or the property is not in use.
- 3. The processing and/or approval of lost, stolen, damaged, or destroyed property documentation should be limited to supervisors.
- 4. Ensures for all items inventoried, regardless of Department inventoried property or San Jacinto County inventoried property, that inventory records reflect sufficient identifying information including each item's received date and serial number.

5. All property valued at or above \$2,500 must be tagged (if possible) with a San Jacinto County inventory identification number issued and applied by the auditor's office. These tags should not be removed except at the direction of or by the auditor's office. Property suspected to require an inventory tag, which is not tagged, should be reported to the auditor's office.
6. Stolen property as well as property damaged or lost due to natural causes valued at or above \$2,500 should be reported to the auditor's office for potential insurance claim processing.
7. The record retention period for records of deleted property is the fiscal year end of the date of deletion + 4 years.
8. Inventoried property records maintained by the department and/or auditor's office, should be kept current with new items added and deleted items removed timely (e.g., due to transfer, loss, theft, destruction) or otherwise indicated in accordance with department internal policy.
9. All or portions of inventoried property on hand should be counted annually and compared to perpetual inventory records, as maintained by the department and by the auditor's office on the County's Official Inventory Listing, as applicable. Discrepancies should be documented, investigated, and reconciled.
10. San Jacinto County Auditors office shall:
 - a) Perform annual inventory verification for property valued at or above \$2,500.
 - b) Completes, signs, and returns to auditor's office, *"Inventory Completion Statement," documenting completion of the annual inventory verification and any discrepancies noted.*
11. Performs annual inventory verification for computer and computer related equipment valued at \$1,000 to \$2,499 and retains verification documentation in department records.
12. Performs annual inventory verification for weapons and firearms (any value) and retains verification documentation in department records.
13. All or portions of perpetual inventory records should be compared to counted property on hand within the department with discrepancies documented, investigated, and reconciled.
14. Department employees should report any misuse, neglect, or impropriety regarding use of property to department management upon discovery of such use.
15. An Elected Official leaving their position can not make any asset transfers within the last 5 months in office.

16. All suspected criminal misconduct activities will be investigated and reported to the District Attorney's Office. If a theft is suspected or discovered, contact **each** of the following:

- County Auditor- (936) 653-4461
- County Sheriff- (936) 653-4367
- District Attorney- (936) 653-2601

Note: The removal of lost or stolen property from San Jacinto County Official Inventory Listing does not relieve the elected or appointed official's responsibility for the property.

10.10 TRANSFER OR EXCHANGE OF EQUIPMENT AND PROPERTY. Requests to transfer, exchange, or dispose of County equipment and property must be made via e-mail or in writing to the Auditor's Office. (Reference: [San Jacinto County Fixed Asset Policy, 2003](#))

10.11 SALE OF SURPLUS PROPERTY. No County employee is allowed to purchase or receive as a gift, County office supplies, equipment, or machinery for personal use other than through surplus property sales via public auction or sealed bid.

10.12 COMPUTERS. Computer games are prohibited on County owned computers. Computers purchased with such games loaded as part of the machine's internal software shall

be removed before use by County personnel. Personal software shall not be loaded without written permission of the San Jacinto County Information Technology Department.

If unauthorized software is found and removed from an employee's computer, a written warning will be placed in the employee's personnel file. Further disregard of Policy may result in removal of the user's access rights to all computers and the County computer system. Be also advised that continued violation of policy will result in punitive action against the employee. ([Refer to SJC Computer Usage and Security Policy](#))

11.00 DISCIPLINE

11.01 GENERAL. Employees of the County serve "at will" and, within the requirements of state and federal law regarding employment; can be dismissed at any time, with or without notice for any reason or no reason. Some of the actions that may result in discipline include, but are not limited to, the following:

- 1) Insubordination;
- 2) Absence Without Leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- 3) Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;
- 4) Use of Alcohol or Illegal Drugs while on duty or in a County vehicle;
- 5) Alcohol or Drug Abuse which may affect the performance or safety of the employee or other persons;
- 6) Involvement with Alcohol or Drugs in the workplace in violation of the County's Drug-Free Workplace Policy;
- 7) Unauthorized Use or Theft of Public Funds or Property;
- 8) Conviction of a felony;
- 9) Conviction of Official Misconduct, oppression, or perjury;
- 10) Falsification of Documents or Records;
- 11) Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- 12) Unauthorized or Abusive Use of Official Authority;
- 13) Violation of the Sexual Harassment Policy;
- 14) Incompetence or Neglect of Duty;
- 15) Disruptive Behavior which impairs the performance of others; or
- 16) Other Violation of any of the Requirements of these Personnel Policies or any departmental policies not in conflict with these policies.

11.02 PROGRESSIVE DISCIPLINE. A Department Head/Elected Official may take disciplinary action, including dismissal, against an employee at any time. The severity of the discipline depends on the infraction and/or the repetitiveness of the infraction. The County may, but not necessarily will, use a progressive discipline system.

The progressive discipline includes, but is not limited to, the following:

- 1) Oral Warnings with records of each warning maintained by the employee's Department Head/Elected Official;
- 2) Conference with Department Head/Elected Official, employee, and supervisor, with a written summary of the conference to be prepared by the supervisor, with one copy to the employee and one copy to the employee's personnel file;
- 3) Written Reprimands, which the Department Head/Elected Official must in all cases, deliver to the County Treasurer's Office for placement in the employee's personnel file;
- 4) Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances;
- 5) Demotion; and/or
- 6) Separation by involuntary dismissal.

Actions other than oral or written warnings require the advance approval of the appropriate Department Head/Elected Official, normally in consultation with the County Treasurer's Office, unless an emergency situation exists.

For additional information regarding procedures to be followed if discipline results in separation by involuntary dismissal refer to [Section 12.00 Separations](#).

12.00 SEPARATIONS

12.01 TYPES OF SEPARATIONS.

All separations of employees are designated as one of the following types:

- 1) Resignation;
- 2) Retirement;
- 3) Reduction in Force;
- 4) Dismissal;
- 5) Disability; or
- 6) Death.

Employees must wait a twelve (12) month waiting period before rehire is available. Prior approval from Commissioners Court is needed for any rehire returning before twelve (12) months period.

12.02 RESIGNATION.

An employee who intends to resign is requested to notify his or her Department Head/Elected Official in writing at least 10 working days prior to the last day of work. The Department Head/Elected Official is responsible for notifying the County Treasurer's Office and County Treasurer's Office of employee's intent to resign immediately.

12.03 RETIREMENT.

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly. The Treasurer's Office **must** be notified at least 30 day prior of intent to retire in order for retirement paperwork to be processed in a timely manner.

(See the [Texas County and District Retirement System's](#) website for additional information on retirement.)

12.04 REDUCTION IN FORCE.

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work, or if grant expires.

When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, (3) qualifications of the employee for remaining positions with the County, and (4) the employee's length of service with the County.

12.05 DISMISSAL.

San Jacinto County operates under the legal doctrine of "employment- -at-will" and within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason.

The County will attempt to ensure that employee dismissals are not made in an arbitrary and capricious manner. However, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The County has the right to change these policies at any time, without prior notice to employees.

12.06 DISABILITY. In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the County to hold the

position open, and if no position is available which the employee could perform with a reasonable accommodation by the County, the employee will be separated from employment with the County. (Legal reference: [U.S. Americans with Disabilities Act of 1990](#))

12.07 DEATH. If a County employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death. The employee's last paycheck will be sent via direct deposit into the employee's designated account.

12.09 CONTINUATION OF GROUP INSURANCE. The federal [Consolidated Omnibus Reconciliation Act of 1985 \(COBRA\)](#) allows certain individuals the option of continuing their group health and dental insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate. (Refer to [Section 7.11](#))

12.10 PAY AT SEPARATION. Employees who are separated from employment with the County will normally be paid on the next regularly scheduled payday. Any unused leave (vacation, holiday, comp), with the exception of sick leave, will be included in the employee's final paycheck. Grant employees refer to [Section 4.02](#).

12.11 FINAL PAYCHECK. Employee's final paycheck will not be processed until all final paperwork is received by the Treasurer's Office

13.00 GRIEVANCES

13.01 POLICY. It is the policy of the County, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those that occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A regular employee may file a grievance on one or more of the following grounds:

- 1) improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- 2) unfair treatment;
- 3) illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- 4) Improper application of fringe benefits; or improper working conditions.

The County follows a progressive grievance procedure that ensures employees who have satisfied the introductory period due process in the County's consideration of their work-related grievances:

- 1) the right to be represented,
- 2) the right to mount a defense, and
- 3) the right to present written response(s) regarding resolution of the grievance.

13.02 FINAL AUTHORITY. Grievances can be appealed through the employee's Department Head/Elected Official. If the Commissioners' Court appoints the Department Head/Elected Official, the matter may be appealed to the Commissioners' Court, whose decision is final.

If the grievance alleges either discrimination on the basis of race, age, gender, religion, color, disability, national origin, or sexual harassment, and the matter is not resolved to the employee's satisfaction at the Department Head/Elected Official level (whether the Department Head/Elected Official is elected or appointed), the employee is required to notify the Commissioners' Court, providing them with copies of all documentation of the grievance from initial filing through final action by the Department Head/Elected Official.

13.03 PROCEDURE. The following procedures are applicable to all County employees with the exception of Elected Officials

13.03.01 Informal Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

13.03.02 Formal Grievances. Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance. An employee may be represented throughout the grievance process by another County employee of his or her choosing or by a representative of the organization representing the employee.

After being presented with a written and signed grievance, the supervisor will:

- 1) meet with the employee and such other persons as may be necessary to gather the facts;
- 2) notify the Department Head/Elected Official;
- 3) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
- 4) communicate the decision to the employee in writing within 10 working days after receipt of the grievance, sending a copy of the proposed resolution to the Department Head/Elected Official.

If an employee, whose supervisor is someone other than the Department Head/Elected Official, either receives no written resolution from the supervisor within 10 working days from the date the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the Department Head/Elected Official within 10 working days. The Department Head/Elected Official will review the facts and the file, and will investigate the charges personally or through a committee or a designated person; and the person(s) conducting the investigation will meet with the parties involved. The Department Head/Elected Official will respond in writing to the employee within 10 working days of the date the appeal was received in the Department Head's/Elected Official's office.

If the Department Head/Elected Official is appointed by the Commissioners' Court, and the employee either receives no written resolution from the Department Head/Elected Official within 10 working days from the date the grievance was appealed to the Department Head/Elected Head, or if the employee is not satisfied with the Department Head's/Elected Official's proposed resolution of the matter, the employee must file a written appeal with the Commissioners' Court within 10 working days. The Commissioners' Court will then review the facts and the file and conduct an investigation if deemed appropriate before rendering a decision in the matter. The Commissioners' Court's decision is final.

13.03.03 Documentation. Copies of all documentation relating to the grievance will be forwarded to the County Treasurer immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

13.03.04 Grievances Relating to Sexual Harassment or Discrimination. Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability.

The initial written grievance may, at the employee's option, be submitted directly to the Department Head/Elected Official, or to the County Treasurer, as appropriate. In such an instance, to allow adequate time for investigation by the designated authority, the total cumulative time period, which would have been allowed during the other steps in the grievance process shall be available to the investigator before their written resolution (*of the grievance*) is required to be given to the employee.

If a grievance alleging either discrimination on one of the prohibited grounds or sexual harassment is not resolved to the employee's satisfaction at the Department Head/Elected Official level (whether the Department Head is elected or appointed), the employee is required to notify the Commissioners' Court, providing them with copies of all documentation of the grievance from initial filing through final action by the Department Head/Elected Official.

13.03.05 Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest resolution.

14.00 PERSONNEL FILES

14.01 GENERAL. Personnel records, except medical records, are maintained by the County Treasurer's Office. Medical records are considered confidential and are filed and maintained by the appropriate department(s) in compliance with San Jacinto County HIPAA Privacy Policies.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the County Treasurer's Office or his or her designee.

Each employee may choose whether the County discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the County Treasurer's Office. (Legal reference: [Texas Open Records Act](#), V.T.C.S. Article 6252-17a.)

An employee or his or her representative designated in writing may examine the employee's personnel file upon request during normal working hours at the County offices. An employee may not remove anything from his or her personnel file.

Employees must inform the County Treasurer's Office and Treasurer's Office of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

14.03 CONTENTS OF PERSONNEL FILES. An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing. (Legal reference: [U.S. Americans with Disabilities Act of 1990](#).)

15.00 COUNTY TRAVEL POLICY

[Section 152.001](#) of the Texas Local Government Code gives the County Commissioners' Court the authority to set travel expenses and other allowances for all County officials and employees. The Commissioners' Court allows reimbursement of travel expenses for County officials and employees who travel on official County business when funds have been allocated in departmental budgets for that purpose.

15.01 DEFINITIONS.

Official County Business means those trips in which County employees or Elected Officials participate that are recognized by the County Commissioners' Court as being official business of the County.

Educational Travel means a travel reimbursement paid to County employees who travel for official educational seminars, conferences, and meetings. Travel expense forms must be submitted to claim reimbursement for educational travel. Items included on travel expense forms include meals, lodging, airline fares, use of personal auto, public transportation, and conference registration fees.

Traveling Official or County Employee means the County official, Department Head, or employee traveling on official County business who accrues expenses to be reimbursed by the County.

Actual Expense means the actual cost of any allowable travel expense supported by proper receipts or statements.

Authorized Signature means the signature of a Department Head, Elected Official, or their authorized representative.

15.02 GENERAL TRAVEL RESPONSIBILITIES. Department Heads/Elected Officials are expected to plan travel and training for themselves and their employees to achieve maximum economy and efficiency as well as being consistent with good management practices. Limitation of available travel funds will be a basis for denying reimbursement for official travel or reducing allowances.

Unnecessary or unjustified expenses, excess costs, circuitous routes, or luxury accommodations will not be reimbursed by the County.

15.03 TRAVEL ADVANCES. If a travel advance is needed, a Travel Expense Form must be submitted to the Auditor's Office by noon on the Thursday before Commissioner's Court for approval.

When a travel expenses has been granted, the Travel Expense Form must be submitted to the Auditor's Office within five (5) working days after return. (In accordance with [TX Loc. Govt Code 154.025](#), excess travel advance funds not returned by employees become indebtedness to San Jacinto County.)

No additional travel advances will be granted until a previous advance has been settled by presentation of a completed Travel Expense Form and required documentation.

15.04 ALLOWABLE REIMBURSABLE EXPENSES. Employees will be reimbursed for travel, lodging, meals, registration, and related expenses in accordance with the following policies. To receive reimbursement, employees must submit required receipts, invoices, and other expense documentation, along with a completed Travel Expense Form, within five (5) working days of return.

15.04.01 Commercial Airlines. Commercial airlines are normally the most economical mode of transportation for out-of-state travel. Employees are encouraged to take advantage of reduced rates for advance reservations. Airline tickets may be paid for in advance if a Travel Expense Form is submitted and approved. The County will reimburse at the lowest available airline fare for the most direct airline route.

Airline ticket receipts and a Travel Expense Form must be submitted to Auditor's Office in order for these expenses to be reimbursed.

15.04.02 Rental Car. When it is necessary, or when it is more economical to rent a car than to utilize public transportation, employees are entitled to reimbursement for the actual cost of renting the vehicle, including motor fuel and collision damage waiver insurance. The *County* will reimburse small or mid-size vehicle rental only.

Car rental agreements, along with copies of receipts for fuel and other auto expenses must be submitted to the Auditor's Office along with the Travel Expense Form upon return to the *County*.

15.04.03 Taxi, Bus, Fares. Employees will obtain receipts for taxi or bus fares and will be reimbursed by the *County* for those fares relating to County business.

Receipts or statements will be submitted to the Auditor's Office along with the Travel Expense Form upon return to the County.

15.04.04 Personal Auto mobiles. Employees are expected to report the most direct route between points of departure and destinations for all travel. No other expenses other than the fixed price per mile will be reimbursed. Mileage will be calculated from office to location of conference (hotel). Travel within city is not reimbursed unless the hotel and conference are held at separate locations. Mileage reimbursement based on the most direct

or safest travel route. When two or more employees travel in one automobile, only one person will be reimbursed for mileage.

Employees will be reimbursed for mileage at the maximum rate per mile as set by the IRS for in-state, out-of-County travel. Upon return to the *County*, mileage expenses must be submitted to the Auditor's Office on a Travel Expense Form.

15.04.05 County Owned Automobiles. The County will only pay actual expenses, such as gas, oil, or other such maintenance items. Receipts are required for all of these items.

15.04.06 Lodging. Employees will be reimbursed for the actual cost of lodging while traveling on official County business. An itemized lodging statement must be submitted with the Travel Expense Form when the employee returns to the County.

Authorized lodging expenses include:

- 1) Daily Room Charges
- 2) Necessary Hotel Taxes
- 3) Hotel Fees

Those items which will not be reimbursed are:

- 1) Personal Expense Items (such as cleaning or laundry)
- 2) Alcoholic Beverage Charges
- 3) Hotel Club and Restaurant Charges
- 4) Recreation Facilities Use Charges Movies and Personal Phone Calls

Employees may obtain a travel advance to cover lodging expenses based on an estimate from the conference hotel.

The County will reimburse employees for a maximum of one-day lodging prior to the start of the conference or seminar, lodging during the time the conference or seminar is in session, and a maximum of one-day lodging after the end of the conference or seminar. Any additional lodging will be at employees' expense unless proof is presented that the additional lodging is a result of extended County business.

15.04.07 Meals. May only be reimbursed for his/hers actual meal expense not to exceed the daily \$55.00 maximum.

Partial per diem reimbursement may be claimed for out-of-County travel not requiring an overnight stay. The following percentages will be reimbursed, provided the travel departure and return occurs in accordance with the chart below.

Department Heads/Elected Officials are responsible for ensuring that partial per diem claims submitted to the Treasurer's Office comply with this policy.

15.04.08 Registration Fees. The County will pay registration fees for educational conferences and training. The registration form, receipt, or copy of conference programs must be submitted with the Travel Expense Form to the Treasurer's Office for reimbursement of these expenses.

15.05 ENTERTAINMENT. Entertainment expenses incurred by employees will not be reimbursed.

15.06 ILLNESS, INJURY, OR DEATH DURING OFFICIAL TRAVEL. Employees who become incapacitated because of illness or injury not induced by personal misconduct are entitled to transportation expenses and allowances to return to their place of residence.

In the event employees are hospitalized while traveling on County business, the spouse or next-of-kin will be authorized to travel to the employee. Travel will be authorized only if: (1) the length of hospital stay anticipated is greater than two days; or (2) length of stay is unknown due to the severity of illness or injury. Reimbursement for spouse or next-of-kin expenses shall not exceed seven days. Only one trip to and from the hospital will be reimbursed.

In the event an employee dies while traveling for the County as a result of an illness or injury not induced by personal misconduct, the County will pay for transportation expenses to return the body to the local area. The spouse or next-of-kin will be allowed to travel to the location of the body and expenses for such travel will be reimbursed in the same manner as provided in this chapter.

15.07 DOUBLE TRAVEL EXPENSE PAYMENTS. Travel, lodging, and/or meal expenses which are eligible for reimbursement by another funding source or entity shall not be submitted by employees for payment by the County.

15.08 TRAVEL TO RECEIVE NON-COUNTY SPONSORED HONOR AWARDS. Prior approval by the SJC Commissioners' Court is required for reimbursement of travel, lodging, and/or meals for an employee traveling to receive an award sponsored by a non-County organization. To be reimbursed for expenses, the award must be determined to be closely related to the employee's employment with San Jacinto County.

SAN JACINTO COUNTY TRAVEL EXPENSE FORM

Employee Name:

Department:

Destination:

Purpose of Travel:

(Please attach a copy of the program or brochure for any schools, seminars or conferences from which the expenses were incurred)

Departure Date/Time:

Return Date/Time:

Meals & Tips (Receipts & Documentation required for all Expenses)

Date	Breakfast	Lunch	Evening	Total

Account Number

Total Meals & Tips \$

Other (Receipts & Documentation Required for all Expenses)

Date	Gas for Co. Vehicle	Phone	Lodging	Miscellaneous

Account Number

Total Other \$

Personal Vehicles

Odometer: Ending:

Beginning:

Total Mileage:

@ \$0.56 per mile Account Number

\$

For reimbursement for expenses related to other individuals (i.e. meals) please list the following and attach receipts or documentation.

Date	Purpose and Persons Present	Amount

Total \$

Grand Total \$

Less Advances \$

Requested Expense Reimbursement \$

CERTIFICATION OF EMPLOYEE

I certify that the expenses as stated above are true and correct
And were incurred by me while conducting official County business
In accordance with County policy.

Employee Signature

CERTIFICATION BY COUNTY OFFICIAL OR DEPARTMENT HEAD

I certify that the above named employee received proper authorization
To expend County funds while conducting County business. I have
Examined the expenses as stated above and approve the same.

Official or Department Head

16.00 DRUG AND ALCOHOL POLICY

16.00 DRUG AND ALCOHOL POLICY. The purpose of this policy is to provide procedures for implementation of the San Jacinto County Drug and Alcohol policy based upon the county's commitment to maintain safe, healthy and productive work environment for all employment employees, and to ensure the safe and efficient delivery of services to the citizens of San Jacinto County.

To establish a procedure to achieve a drug free workforce and to provide a work place that is free from the use of alcohol and illegal drugs.

To establish a procedure for drug and alcohol screening of new employees, prior to starting work.

To establish a procedure for drug and alcohol screening of employees where there is reasonable suspicion that an employee has a legal or elect substance in their system while on duty or in the scope of their employment with the county.

To establish a procedure of random alcohol and drug screening for personnel positions that have a significant impact upon the public safety of themselves or others.

To establish a procedure for drug and alcohol screening of personnel employed as certified peace officers assigned to, or who are applicants for, positions as certified officers with the County. Excluding elected officials.

To establish a procedure for Drug and Alcohol screening of personnel employed as reserve deputies within the County. Alcohol and drug screening of personnel employed as reserve deputies or volunteers shall be at the expense of San Jacinto County.

It is the policy of San Jacinto County that the manufacture, distribution, dispensation, possession, sale or use of illegal drugs or alcohol by employees while on duty or on the behalf of the county is prohibited. The county's goal is to establish and maintain a work environment that is free from the effects of abuse or misuse of any type drug and alcohol. Consequently, employees are prohibited from being at work or acting in the scope of their employment with the County while impaired by alcohol or with illegal or legally prescribed drugs present in there systems, or on their persons, in county vehicles or on county premises. This policy incorporates any off duty use or misuse of illegal or illicit subsistence that result in a positive alcohol or drug test pursuant to these procedures.

This policy applies to all employees of the county regardless of rank or position, and includes all employees, temporary, part time, or appointed, contractual reserve or volunteer.

This procedure is applicable to individuals applying for employment with the County and all San Jacinto County employees.

16.02 DEFINITIONS.

Application for Employment- means a person applying for any position within the county.

Certified Departmental Detectors- means a supervisor who has attended the mandatory two-hour training by a Department of Transportation (DOT) trainer.

Certified Peace Officer- means employees authorized under state law as peace officers.

County Premises- means all county owned or leased real or personal property and facilities, their surrounding grounds and parking lots and county provided motor driven equipment/ vehicles.

Collection Sites- is a place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Confirmation of Drug Test Results- means a form issued to an applicant for employee that informs them as a positive result from a confirmatory drug test.

Contract Employee- means a county employee directly engaged in the performance of work pursuant to the provisions of a federal contract valued in the excess of \$25,000.

Controlled Substance- means any substance listed in schedule I-V of section 202 of the Controlled Substance Act (21 U.S.C. S 812) as amended, or in the Texas Health and Safety Code Ann. 481.001, et. Seq.Vernon 1992). Or any other current law.

Conviction- means a finding or guilty or imposition of sentence, including deferred adjudication, or probation by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug status.

Criminal Drug Statute- means a federal or non-federal criminal statute pertaining to the manufacturer, distribution, sale, use of possession of any controlled substance or dangerous drug.

Drug- hereinafter referred to as an illegal, means any chemical substance that is defined by criminal statute as a controlled substance or which may produce physical, mental, emotional, or behavioral changes in their user.

Drug Paraphernalia- means equipment, a product or material that is used or intended for the use of concealing an illegal drug or for the use of injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance.

Omnibus Transportation employee testing act 1991- means the performance of work at which the county employees are prohibited from engaging an unlawful manufacturer, distribution, dissipation, position, sell or use of controlled substance.

Drug Screening/ Drug testing- means a procedure to screen and or test urine samples for the purpose of detecting the presence of amphetamines, cocaine, metabolites, opiate metabolites, phencyclidine, and marijuana metabolites.

Employee- means an individual engaged in the performance of work for or on the behalf of San Jacinto County. Excluding elected officials.

Grant- means an onward of funds by a foundation or a state or federal agency.

Grant employee- means a county employee directly engaged in the performance of work pursuant to the provisions of a federal or state grant, including all direct charge employees and indirect charge employees unless their impact or involvement is insignificant to the performance of the grant as determined by the commissioners court.

Illegal drug- herein before referred to as drug, means any drug or directive thereof, the years, possession, sale, transfer, attempted sale, or transfer, manufacture or storage of which is illegal, or regulated under any federal, state or local law or regulation of any other drug, including, but not limited to, a prescription drug, over the counter drug or inhalant, use for any reason other than a legitimate medical reason. Marijuana or cannabis in all forms is included.

Informed consent- means a form authorization completed by an applicant or employee consenting to a drug test and permitting his/her release of test results to designated county officials.

Laboratory- means a National Institute for drug abuse (NIDA) certified laboratory authorized by the county to perform drug screening/testing.

Medical review officer (MRO)- means a physician authorized by the county to review and interpret positive drug test results.

On duty- means that time period which constitutes an employee's work day, when or that time period when he or she has been recalled to work.

Reasonable suspicion- means an articulable belief based on specific facts and reasonable inferences drawn from those facts.

Safety sensitive position- means an employment position involving job duties which is performed with inactive fitness, errors and judgment, diminished coordination, dexterity, or composure may result in mistakes that could present a real and or immediate threat to a person's health or safety of an employee, coworker, and or the public. Any employee who operates a county owned or leased vehicle or motor driven or heavy equipment as part of their primary duties is in a Safety Sensitive Position. A Safe Safety

Sensitive Position also includes those employment positions who job duties involved contact or access to drugs or county inmates.

Notice- means approved condensed and written notice of the county's drug and alcohol policy, zero tolerance.

Position Announcements- means every vacancy or employment opportunity announcement shall state "Any applicant tentatively selected for this position will be required to submit to testing to screen for illegal drug & alcohol use prior to employment." Each applicant will be notified that employment in the position is contingent upon negative results. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance notice is provided to the applicants.

16.03 RESPONSIBILITIES. The Human Resources Administrator, or a designated representative, which is presently the County Treasurer's office, is responsible for:

Identifying safe safety sensitive positions for approval by the Commissioner's Court: Sheriff's Department, maintenance department, road and bridge and CDL drivers.

Notifying employees in departmental Safety Impact positions that they are subject to random drug and alcohol testing and for the reasonable suspicion;

Scheduling the employees for random alcohol and or drug testing for the reasonable suspicion;

Receiving the results of drug and alcohol tests of departmental employees;

Notifying the employees of positive test results and their right to split sample testing;

Retention of all drug and alcohol test related records for employees;

Ensuring policies or prominently displayed at all county facilities housing employees;

Ensuring that the drug and alcohol test, notice, forms and results are kept confidential;

Providing initial communication in training for departments;

Developing a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of alcohol or drug use by employees;

Collecting and maintaining employee drug and alcohol test records and files from all sources and assuring that they are kept confidential;

Making available to department drug and alcohol testing and notice forms;

Notifying a department of its employees randomly selected for drug and alcohol testing;

Overseeing the administration of the same dissenting county drug and alcohol policy.

16.04 CERTIFIED DEPARTMENT DETECTORS. are responsible for:

Determining if reasonable suspicion exists to warrant drug and alcohol testing and detailing in writing these specific facts, symptoms, or observations which form the basis of the reasonable suspicion;

Submitting the documentation to the human resources administrator or designee;

Enforcing the appropriate provisions outlined in this procedure.

6.05 GRANT OR CONTRACT EMPLOYEES. are additionally responsible for:

Then find their immediate supervisor of any criminal drug or alcohol statue conviction for violation occurring in the workplace no later than five (5) days after such conviction.

16.06 EMPLOYMENT TESTING. prior to beginning work all post officer employees shall be required to undergo drug and alcohol screening for the presence of drugs referenced in this section 16.02of these procedures.

Applicants/Employees shall be asked to consent to an Drug and Alcohol screening and sign an Applicant's Informed consent. The appropriate county officials shell complete a pre-employment drug test notification form. Applicant employees who refused to consent to a drug and alcohol screen, who failed to to appear at the designated collection site, or who failed to provide their breath or urine sample after reasonable opportunity shall have their hiring process terminated and their conditional offer of employment shall be withdrawn.

16.07 COLLECTION. at the collection site, applicants referred for Drug or Alcohol screening are required to present their Employment Drug and Alcohol Testing notification form and a photo Identification in a form approved by human resources department.

All urine samples will be screened in accordance with contractual requirements and all test results will be sent to the human resources administrator or designee for review.

The collection site shall confirm to the human resources administrator or designee that the applicant reported for this screening supplied a urine sample or breath sample.

A medical review officer (MRO) will review all test results and report to the County Treasurers Office, that's the applicant has a positive test result. A written notice will be sent to the Medical Review Office confirming positive results and of the procedure for obtaining an additional urinalysis test to be conducted on the same urine sample, add NIDA certified laboratory, selected by the applicant. The Medical Review Officer shell coordinate the retesting with applicants, and at applicants' expense. Request for additional testing must be made within two days of the positive test results.

A new applicant who has a confirmed positive test result shall have his/her hiring process terminated and his/ her conditional offer of employment withdrawn. Applicant will not be eligible for employment by San Jacinto County in the future.

16.08 REASONABLE SUSPICION OF DRUG AND ALCOHOL USE. the county may require an employee to undergo a drug and alcohol test if there is reasonable suspicion that the employee is under the influence of drugs or alcohol while on county property or while acting in the scope of employment on behalf of the county or has otherwise violated this policy. Reasonable suspicion means that a distinct belief based on specific facts and reasonable assumption drawn from those facts that an employee is under the influence of drugs and/or alcohol. Specific acts or conduct can create reasonable suspicion and precipitate a drug and alcohol test.

Only certified department or detectors shall be responsible for determining if reasonable suspicion exist to warn a drug and alcohol test shall be required to document in writing the specific facts, symptoms, or observations which form a basis for such reasonable suspicion. Is specific but not limited to contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee exist, the certified departmental detector shell contact the County Treasurers office for instructions regarding a “reasonable suspicion” interview.

The County Treasurer’s office shall require an employee to undergo Drug and Alcohol testing if there is reasonable suspicion that the employee is in violation of the County’s Drug and Alcohol policy. Circumstances which constitute a basis for determining “reasonable suspicion: may include but are not limited to;

- A) A pattern of abnormal or erratic behavior this includes, but is not limited to a single, unexplained incident or serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
- B) Direct observation of drug or alcohol use the elected official or supervisor directly observes an employee using drugs or alcohol while the employee is on duty. Under the circumstances, a request for drug and alcohol testing is mandatory.
- C) Presence of physical symptoms of drug or alcohol use the elected official or supervisor observes physical symptoms that could include but are not limited to glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses differ from what is usually displayed by the employee or generally associated with the common ailments, e.g., cold, sinus, hay fever, diabetes, etc.

The following will be deemed reasonable suspicion and may provide a sufficient basis for requesting a drug and alcohol test:

1. Violent or Threatening Behavior- If an employee engages in unprovoked, unexplained, aggressive, violent and/or threatening behavior against a fellow employee or citizen, the Elected Official or supervisor may request that the employee submit to alcohol and/or drug testing.
2. Violent or Threatening Behavior – Subsequent Incident: Whether or not any employee has previously received formal counseling or disciplinary action for

unprovoked, unexplained, aggressive, violent or threatening behavior against a fellow employee or a citizen, upon a second or subsequent episode of similar behavior/conduct (withing twelve months), the department shall request that the employee undergo alcohol and/or drug testing.

3. Absenteeism and/or Tardiness: If an employee has excessive absenteeism and/or tardiness, a continued poor record (within twelve months) may result in a request for an alcohol and/or drug test.
4. Loss – Subsequent Occurrence: Any documented, unexplained loss of County property, equipment, money or other assets may result in a request for alcohol and/or drug testing of the employee accountable for the lost asset(s).
5. Loss – Subsequent, Occurrence: A second or subsequent (withing twelve months) documented, unexplained loss of County property, equipment, money or other asset(s) shall result in a request for an alcohol and/or drug test of the employee accountable for the lost asset(s).

Certified Departmental Detector of employees are required to detail in writing the specific facts, symptoms or observations which formed the basis for the determination that reasonable suspicion exists to warrant the testing of the employee. This documentation shall be forwarded to the Human Resource Administrator or designee.

Alcohol and/or drug testing procedures for reasonable suspicion testing will be constituent with section 16.13.

16.09 POST ACCIDENT. Any on-the-job accident that results in any lost time personal injury (requiring treatment by a physician) or property damage shall result in mandatory alcohol and/or drug testing.

16.10 FOLLOW-UP TESTING. An employee may be required to submit to an alcohol and/or drug test upon returning to work after an absence of over 30 calendar days. An employee, after returning to work, upon voluntary notification of drug use will undergo a minimum of six (6) drug tests withing twelve (12) months, at the employee's expense and then will be returned to the drug testing pool.

Alcohol and/or drug testing procedures for follow up testing will be consistent with Section 146.

16.11 RANDOM DRUG TESTING. All county employees in certified Safety Impact Positions, as approved by Commissioners' Court Members, shall be subject to random alcohol and/or drug testing.

Elected Official or Department Heads who believe that a job position has an impact upon the safety of that individual or others or for appropriate reasons should be subject to random testing, shall identify each such position and submit it to the Human Resource Administrator. The Human Resource Administrator, who in consultation with the District Attorney when

necessary, shall review the request. Commissioners Court shall approval all county Safety Sensitive Positions for the random selection pool. Employees in such positions shall be informed that they are in a "Certified Safety Sensitive Position" and are subject to random alcohol and/or drug testing.

All employees in certified Safety Impact Positions will be subject to random testing.

The selection of employees for random alcohol and/or drug testing shall be made by a random computer selection process.

Employees selected for a random test shall be notified by the Elected Official, Department Head or Supervisor to submit to an alcohol and/or drug test. Employees selected for random test but absent due to vacation, sick leave, other leave or on urgent county business approved by their Elected Official Department Head or Supervisor will not be notified to take the alcohol and/or drug test until the first day they return to work after random selections even if the first day back occurs in a later month or can select another employee to be tested.

Alcohol and drug testing procedures for random testing will be consistent with Section 146.

16.12 ASSIGNMENT TESTING. All employees shall be subject to alcohol and/or drug testing as a condition of transfer or promotion to an assignment that is in a certified Safety Impact Position. Employees seeking a transfer or promotion into such positions shall be tested only if they are qualified and selected for the transfer or promotion and consent to the test. Notification and testing will be conducted consistent with alcohol and/or drug testing procedures in section 146.

Successfully passing an alcohol and/or drug test is a condition of transfer or promotion. An employee who refused to consent to alcohol and/or drug testing or who fails to appear or provide a breath and urine sample shall have their transfer or promotion process terminated and the conditional offer of transfer or promotion withdrawn. Section 149 herein shall not be applicable in this limited circumstance only.

Alcohol and drug testing procedures for assignment testing will be consistent with section 4.

16.13 ALCOHOL AND/OR DRUG SCREENING/TESTING PROCEDURES. Employees selected for alcohol and/or drug testing for any reason shall be notified by the appropriated Department head or designee to submit to the alcohol and/or drug test immediately and process to the testing site.

Once an employee has been notified to take an alcohol and/or drug test, unless hospitalized, no sick or other leave may be authorized until the collection process is completed.

An employee has 2 hours from the time of notification to complete all the requirements of the collection process. A notified employee may consult with anyone regarding the alcohol

and/or drug test so long as the informed consent and the collection process are timely completed.

When drug screening is required or authorized under the provisions of this policy, a urinalysis test will be given to detect the presence of amphetamines, cocaine metabolites, opiate metabolites, and phencyclidine and marijuana metabolites.

The initial drug screening shall be by enzyme immunoassay techniques (EMIT) test which shall be administered at a County approved laboratory and at County expense. If an initial drug screen yields a positive result, a second confirmatory test, at employee's expense, using a gas chromatography/mass spectrometry (GC/MS) test will be conducted on a portion of the same urine sample provided by the applicant or employee for use in the initial drug screen.

Alcohol testing using Department of Transportation's certified Evidence Breath Testing (EBT) device shall be completed by a certified Breath Alcohol Technician (BAT). When an employee is tested for breath alcohol level and is found to have .04 level, employee will be terminated.

A copy of the San Jacinto Drug and Alcohol Policy, Zero Tolerance, shall be available to all employees.

When alcohol and/or drug testing is authorized by Sections 3.05 and herein due to reasonable suspicion or post-accident reasons, arrangement for obtaining a breath and/or urine sample from the employee shall be made as soon as possible following the decision to test by the Certified Departmental Detectors. The employee's urine sample shall be tested only at a County approved facility. At least one supervisor shall accompany the employee. When only one supervisor accompanies the employee, that supervisor shall be of the same sex as the employee to be tested.

A supervisor shall not be required, but may accompany an-employee for random, assignment or follow up alcohol and/or drug testing.

The Medical Review Office shall maintain alcohol and/or drug test-related record on applicants and the Human Resource Administrator shall retain all final drug and alcohol testing for employee records. All final record relating to the taking or ordering of an employee drug and alcohol test shall be kept in a separated, secure, and confidential file in the Human Resources Department.

Written consent authorizing disclosure from an employee is not required when alcohol and/or drug testing becomes the subject of a complaint or some other judicial or quasi-judicial proceeding.

Any employee who violate this confidentiality provision will be terminated.

6.14 POSSESSION OF DRUGS – CONSEQUENCE OF POSSESSION. Employees are prohibited from possessing or having in their control any alcohol and/or illegal drugs while on duty on County premises, or while acting in the course and scope of their employment at any geographic location.

Possession can include an employee's person or personal property if on County premises, a County motor vehicle/equipment under the employee's control or County provided property under an employee's control.

An employee who is determined to have any alcohol and/or drugs in his/her possession shall be terminated.

6.15 CONSEQUENCE OF POSITIVE DRUG TEST. An employee whose alcohol and/or drug test result has been confirmed positive by the MRO, and if employee does not choose to have an addition urinalysis on the same sample at a NIDA certified laboratory shall be terminated.

An employee whose alcohol and/or drug test result has been confirmed positive by the MRO and is terminated is not eligible for rehire with San Jacinto County.

6.16 CONSEQUENCE OF REFUSAL TO CONSENT TO A DRUG TEST. Any employee who refuses to consent to an alcohol and drug test after notifications, his/her refusal will be construed as a positive test and he/she will be terminated.

Any employee who consents to an alcohol and drug test but fails to appear within 2 hours at the collection site or who fails to give their breath and/or urine sample after reasonable opportunity to do so, will be treated as a positive test and will be terminated.

Any employee who refuses to consent to an alcohol and drug test, fails to appear with in 2 hours at the collection site or who fails to provide a breath and/or urine sample after reasonable opportunity to do so, shall be treated a s a positive alcohol and/or drug test he/ she will be terminated.

16.17 EMPLOYEE GRACE PROGRAM. An employee may report his/her drug or alcohol addiction after enrolling in drug or alcohol rehabilitation to their supervisor or Human Resource Administrator. The employees will be not be terminated because of his/her admission. All expense of rehabilitation will be the employee's expense.

Employees shall remain alcohol and drug free while seeing and/or undergoing alcohol and/or drug rehabilitation.

Disciplinary action based on violation of the County's Drug and Alcohol Policy is not suspended by an employee's participation in rehabilitation.

Employees seeking and/or undergoing alcohol and/or drug rehabilitation remain subject to follow-up testing as set forth in Section 145.08 herein.

16.18 OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991 REQUIREMENTS FOR EMPLOYEES OF GRANT FUNDED PROGRAMS. All employees engaged in the performance of a federal, state or local grant or federal state or local contract valued at over \$25,000 shall be given a copy of the County's Drug and Alcohol Policy, and informed that they must comply with the policy as a condition of employment.

Grant or contract employees shall notify the Elected or Appointed Official or the

Department Head of any criminal conviction for a drug statute violation occurring in the workplace no later than five (5) days after the conviction.

The Elected or Appointed Official or the Department Head shall provide written notice to the grantor or contractor agency and the Human Resources Administrator of any criminal drug statute conviction occurring in the workplace within ten (10) calendar days after receiving actual notice of the conviction. The information provided by the appropriate official shall include the employee's position, title, and the grant identifications for each grant on which the convicted employee was working.

16.19 RESERVATION OF RIGHTS. The County reserves the right to interpret, change, suspend, cancel, or dispute, with or without written notice, all or any part of this Policy, or procedures or benefits discussed herein.

Although adherence to this Policy is considered a condition of employment, nothing in this Policy alters an employee's status and shall not constitute not be deemed a contract or promise of employment. Employees remain free to resign their employment at any time, for any or no reason, and the County retains the right to terminate any employee at any time, for any or no reason, without notice.

The provisions of this policy shall pally in addition to, and shall be subordinated to, any requirement imposed by applicable Federal, State or local laws, regulations or judicial decision. Unenforceable provisions of this policy shall be deemed to be deleted.

16.20 EMPLOYEE ACKNOWLEDGEMENT. Each and every County employee shall acknowledge, in writing, that they received a condensed version of this policy, and be made aware of the location of the complete drug and alcohol policy.

16.21 AMERICANS WITH DISABILITIES ACT COMPLIANCE. San Jacinto County is aware that certain applicants and employees may have rights guaranteed by the Americans with Disabilities Act, 42 U.S.C. 12101. et. Seq. (1990). San Jacinto County does not discriminate on the basis of disability in admission, of access, or treatment, of employment in its programs or activities.

17.00 DRUG AND ALCOHOL POLICY

FOR EMPLOYEES PERFORMING JOBS THAT REQUIRE A COMMERCIAL DRIVERS LICENCE

The purpose of this policy is to provide for implementation of the San Jacinto County Drug and Alcohol Policy for employees performing jobs that require a commercial driver's license. This policy is based in the county's commitment to maintain a safe, healthy and productive work environment for all employees and to ensure the safe and efficient delivery of services to citizens of San Jacinto County.

17.01 EMPLOYEE CONTACT. The Human Resources Administrators, or designed representative, which is presently the County Treasurer's Office is the designated contact to answer driver question about this material.

17.02 POLICY. All San Jacinto County employees who are required to have a commercial driver's license (CDL) are subject to the controlled substance and alcohol testing under rules of the United States Department of Transportation. A CDL is required for driver's operating a vehicle that meets the requirements of the Texas Department of Public Safety, i.e., commercial motor vehicles designated to carry 16 or more passengers, including the driver, or of any size, which are used in the transportation of a placard able amount of hazardous material or any employee engaged in safety-sensitive functions.

17.03 DEFINITIONS.

COMMECIAL MOTOR VEHICLE – means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

- a) Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating or more than, 4,536 kilograms (10,000 pounds); or
- b) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- c) Is designed to transport 16 or more passengers, including the driver; or
- d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Material Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials

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 either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direct of or with the consent of an employer.

EMPLOYER – means any person (including the United States, a State, District of Columbia, tribal government, or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. The term employer includes an employer's agents' officer and representatives.

PERFORMING (a safety-sensitive functions) – 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 functions.

REFUSE TO SUBMIT (to an alcohol or controlled substances test) – means that a driver:

- a) Fails to provide adequate breath for alcohol testing as required by part 40 of U.S. Department of Transportation, without a valid medical explanation, after he or she has received notice of the requirement for breath testing accordance with the provisions of the part;
- b) Fails to provide an adequate urine sample for controlled substances testing as required by part 40 of U.S. Department of Transportation, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or
- c) Engages in conduct that clearly obstructs the testing process.

SAFETY-SENSITIVE FUNCTION – 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. Safety-sensitive functions shall include:

- a) All time at an employer's or shipper's plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- b) All time inspecting equipment as required by the U.S. Department of Transportation or otherwise inspecting, servicing, or condition commercial motor vehicle at any time;
- c) All time spent at the driving controls of a commercial motor vehicle in operation;
- d) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of U.S. Department of Transportation;)
- e) All time loading or unloading a vehicle, supervision, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded; and
- f) All time repairing, obtaining assistance, or remaining attendance upon a disabled vehicle.

17.04 PROHIBITED ALCOHOL AND CONTROLLED SUBSTANCES-RELATED CONDUCT.

The following activities are prohibited:

- 1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of .04 no employer having actual knowledge that a driver has an alcohol concentration of .4 shall permit the driver to perform or continue to perform safety-sensitive functions.
- 2. No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
- 3. No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.
- 4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes post-accident alcohol test, whichever occurs first.
- 5. No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test as required under guidelines of the U.S. Department of Transportation. Any employee refusing to tested will be terminated.

6. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a license's medical practitioner, as defined by the U.S. Department of Transportation, who has advised the driver that substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
7. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
8. An employer may require a driver to inform the employer of any therapeutic drug use.
9. No driver shall report for duty, remain on duty or perform a safety-sensitive functions, if the driver tests positive for controlled substances. No employer having actual knowledge that a driver has tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.
10. Any driver testing positive for controlled substance will be terminated.

17.05 CONSEQUENCES TO EMPLOYEE. An employee who is known to have engaged in prohibited behavior with regard to alcohol or drug misuse are subject to the following consequences:

Employees shall not be permitted to operate a vehicle that meets the requirements of the Texas Department of Public Safety, i.e., commercial motor vehicles, vehicles, designated to carry 16 or more passengers, including the driver, or of any size, which are used in the transportation of the placardable amount of hazardous materials, under the following conditions:

- a) When an employee is tested for his/her breathe alcohol level and the range is 0.04 or greater, he/she will be terminated;
- b) Employees who refuse a test shall be considered to have received a positive test result and will be terminated;
- c) Employees who test positive for a controlled substance will be terminated.

San Jacinto County employees shall be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or the use of controlled substances. An employee may report his/her drug or alcohol addiction after enrolling in drug or alcohol rehabilitation to their supervisor or Human Resources Administrator. The employee will not be terminated because of his/her admission. All expense of rehabilitation will be the employees. Employees shall remain alcohol and/or drug free will seeking and/or undergoing alcohol and/or drug rehabilitation. Employees seeking

and/or undergoing alcohol and/or drug rehabilitation remain subject to follow up testing. An employee may be required to submit to an alcohol and/or drug test upon returning to work, after an absence of over 30 calendar days. An employee, after returning to work, upon voluntary notification of drug use will undergo a minimum of six (6) drug tests within twelve (12) months, at the employee's expense and then will be returned to the drug testing pool.

17.06 TYPES OF TESTING. In order to enhance highway safety, San Jacinto County will follow the Omnibus Transportation Employee Testing Act of 1991 requiring employees holding a CDL to be tested for use of controlled substances and misuse of alcohol. The following are types of tests required to be administered;

1. Pre-employment testing;
2. Random testing for alcohol and controlled substance shall be administered at an annual rate constant with DOT requirements. San Jacinto County shall ensure that random testing will be unannounced and spread reasonably throughout the calendar year. Employees shall be tested for drugs and alcohol while they are performing safety-sensitive functions, immediately prior to performing or immediately after performing safety sensitive function. Each employee selected for random controlled substances testing shall proceed immediately to the testing site upon notification of being selected. In the even an employee who is selected for a random drug or alcohol test is on vacation or on extended medical absence, San Jacinto County can either select another employee for testing or keep the original selection confidential until the employee returns.
3. Reasonable Suspicion Testing shall be administered to an employee when San Jacinto County has reason to believe the employee has violated the alcohol or controlled substances prohibitions. "Reasonable Suspicion" shall be defined as the belief that the driver has violated the alcohol or controlled substances prohibition, use or possession-based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.
4. Post-Accident Testing shall be conducted as soon as practicable following an accident. San Jacinto County shall test for Alcohol and controlled substances on each surviving employee when either:
 - a. There is an accident; or where;
 - b. The employee is on the County payroll at the time of the incident.

An accident is defined but not limited to the following;

1. An incident involving a commercial vehicle operating on a public road in which there is a fatality;
2. An injury to the employee or other victim requiring medical treatment away from the scene of the accident;

3. One or more vehicles having to be towed from scene of accident
4. A driver receiving a citation under State or local law for a moving traffic violation arising from the accident.

The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident or until he/she submits to alcohol test, whichever comes first.

The employee must remain available for testing, and if he/she is not, his lack of availability will be considered as a refusal to take the test and will be terminated.

When an alcohol or controlled substance test has not been administered within eight (8) hours for alcohol and thirty-two (32) hours for controlled substance, following the accident, the following actions shall be taken:

1. If the employee has not submitted to alcohol test within two (2) hours, the County shall prepare and maintain on file a record stating the reason a test was not promptly administered. If the employee has not submitted to an alcohol test after eight (8) hours, attempts to administer the alcohol test shall cease
2. If the employee has not submitted to a control substance test after thirty-two (32) hours, the County shall prepare and maintain on file a record stating the reason a test was not promptly administered, and attempts to administer the drug test shall cease.

Note: Nothing should be construed so as to require the delay of necessary medical attention for injured people following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. Documentation must be maintained as to reason. If any employee is taken to the hospital or another health facility, the alcohol and/or drug test may be obtained while receiving medical attention.

Return-to-duty Testing and Follow-up Testing shall ensure that before an employee, who has engaged in prohibited conduct, regarding drug and alcohol misuse, returns to duty in a position requiring the performance of a commercial driver's license, the employee shall undergo a return-to duty drug and alcohol test indicating a breath alcohol concentration of less than 0.04 and a negative drug test. Employees who test positive for alcohol or drugs will be immediately terminated.

Upon returning to work and under going drug and/or alcohol return to work testing, the employee is subject to unannounced follow-up alcohol testing and/or controlled substances testing (at the employee's expense). Employee will continue rehabilitation and follow ups as directed by the substance abuse professional and San Jacinto County. The employee shall be subject to a minimum of six (6) follow-up-controlled substance and/or alcohol test in the following twelve (12) months. After the completion of twelve (12) months, the employee will be returned to the drug and alcohol testing pool.

17.07 PROCEDURES FOR TESTING. All procedures will be conducted accordance to party 40 – “Procedures for transportation Workplace Drug and Alcohol Testing Programs” found in the U.S. Department of Transportation Handbook.

17.08 RESERVATION OF RIGHTS. The County Reserves the right to interpret, change, suspend, cancel or dispute, with or without written notice, all or any part of this Policy, or procedures or benefits discussed herein.

Although adherence to this policy is considered a condition of employment, nothing in this Policy alters an employee's status and shall not constitute nor be deemed a contract of promise of employment. Employees remain free to resign their employment at any time, for any or no reason, and the County retains the right to terminate any employee at any time, for any or no reason, without notice.

The provision of this policy shall apply in addition to, and shall be subordinate to, any requirements imposed by the applicable Federal, State or Local laws, regulation, or judicial decision. Unenforceable provision of this policy shall be deemed to be deleted.

TREATMENT CENTERS

Alcohol & Drug Abuse Council of Deep East

1-800-445-8562

Texas Alcohol & Drug Referral

1-800-ALC-OHOL