

COUNTY  
OF  
MENARD



EMPLOYEE  
HANDBOOK



## **EMPLOYEE HANDBOOK ACKNOWLEDGEMENT**

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

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

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

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

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

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

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

---

**Signature of Employee**

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**Printed Name of Employee**

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**Date Signed**



**COUNTY OF MENARD  
COMMISSIONERS COURT ORDER**

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

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

**THEREFORE, BE IT RESOLVED that the Menard County Commissioners Court and hereby approve, and adopt, the COUNTY OF MENARD EMPLOYEE HANDBOOK.**

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

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

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

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

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

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

**Witnessed and Attested By:**

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



**RESOLUTION FOR MENARD COUNTY**

**I the undersigned have read the Menard County Employee Handbook that the Menard County Commissioner’s Court has adopted. As an ELECTED OFFICIAL of Menard County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Menard County employees and it reflects my commitment to conform to appropriate state and federal laws. I agree to be bound by the terms and conditions of the Menard County Employee Handbook, as witnessed by my signatures below.**

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

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

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

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

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





## Menard County Employee Handbook

**Welcome to Menard County!**

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

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

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

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

**Welcome aboard!**

**Sincerely,**

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**County Judge**

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**Commissioner Pct. 1**

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**Commissioner Pct. 3**

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**Commissioner Pct. 2**

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**Commissioner Pct. 4**



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This policy is subject to change without notice at the sole discretion of the County. Any changes made by the County may modify or supersede this, Policy. As modifications are made, employees will be notified of such changes.

## **ARTICLE 1. PERSONNEL ADMINISTRATION**

### **SECTION 1. SCOPE**

These policies shall apply to and govern all employees of the Commissioners Court of Menard County. If, at any time these policies conflict with Federal or State laws, then this policy shall be superseded by those laws.

### **SECTION 2. ADMINISTRATIVE AUTHORITY**

General authority and responsibility for conduct and administration of county affairs is vested in the Commissioners Court.

### **SECTION 3. AMENDMENTS**

These policies are not intended to be inflexible. It is expected that amendments and revisions will be made from time to time. Amendments shall only be made with the approval of the Commissioners' Court.

### **SECTION 4. SAVING CLAUSE**

The provisions in this handbook are declared to be severable, and if any policy, section, clause, sentence, or word of these policies shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining policies, clauses, phrases, and words of policies shall stand, notwithstanding the invalidity of any part.

## **ARTICLE 2. EMPLOYMENT INFORMATION**

### **SECTION 1. STANDARDS OF CONDUCT**

Employees in the county organization are the good will ambassadors of Menard County. County employment involves a degree of duty and obligation regarding public and private conduct which is not common to many other classes of employment. The attitude and behavior of a county employee should at all times be such as to promote the good will and favorable attitude of the public toward the county. An uncivil employee is the greatest liability that the county can have. On the other hand, the most valuable asset of the County of Menard is the confidence and respect of the citizenry.

### **SECTION 2. NORMAL WORK WEEK LENGTH**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Menard County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and 84 hours as established by the Menard County Commissioners Court.

### **SECTION 3. TIME CLOCKS**

All employees working in departments where time clocks are present are to use the time clocks to provide an accurate account of their time worked.

## **ARTICLE 3. GENERAL POLICIES**

### **SECTION 1. EMPLOYMENT AT WILL**

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

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

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

### **SECTION 2. EMPLOYEE STATUS POLICY (UNDER 50 EMPLOYEES)**

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

#### **REGULAR FULL TIME:**

A full-time employee shall be any employee in a position which has a normal work schedule of at least 32 hours per week or 64 hours bi-weekly. Full time employees are eligible for county benefits for which they are qualified. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Menard County makes exempt status determination based on the Fair Labor Standards Act.

#### **REGULAR PART TIME:**

A part time employee shall be any employee in a position which has a normal work schedule of less than 30 hours per week or 60 hours bi-weekly. Part time employees may be eligible for certain Menard County benefits. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week.

#### **TEMPORARY/SEASONAL:**

A temporary/seasonal employee shall be any employee who is hired into a position that is expected to last for a specific duration or until a specific project is completed. Temporary/seasonal employees may have work schedules as assigned by their manager. Temporary/seasonal employees are not entitled to any county benefits. All employees are considered to be “at will” employees and employee status shall not be considered a contract of employment.



### **SECTION 3. EQUAL EMPLOYMENT OPPORTUNITY**

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

### **SECTION 4. AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

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

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

### **SECTION 5. DISCRIMINATION COMPLAINT PROCESS**

In accordance with Title VI of the Civil Rights Act of 1964, Menard County shall not discriminate against individuals based on race, color, religion, national origin, sex, age, genetic information, pregnancy, veteran status, English proficiency, economic status, and disability, or any other condition or status protected by law. Employees who feel that they have been discriminated against in any form should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the discrimination to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney. The department head, County Judge, or County Attorney shall review the complaint and respond within 5 business days. Should the employee still remain unsatisfied after the response and/or any remedial actions, he/she may appeal to the Equal Opportunity Employment Commission at 1-800-669-4000.

### **SECTION 6. PERSONNEL FILES**

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

It is important that the personnel records of Menard County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Menard County requests employees to

promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

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

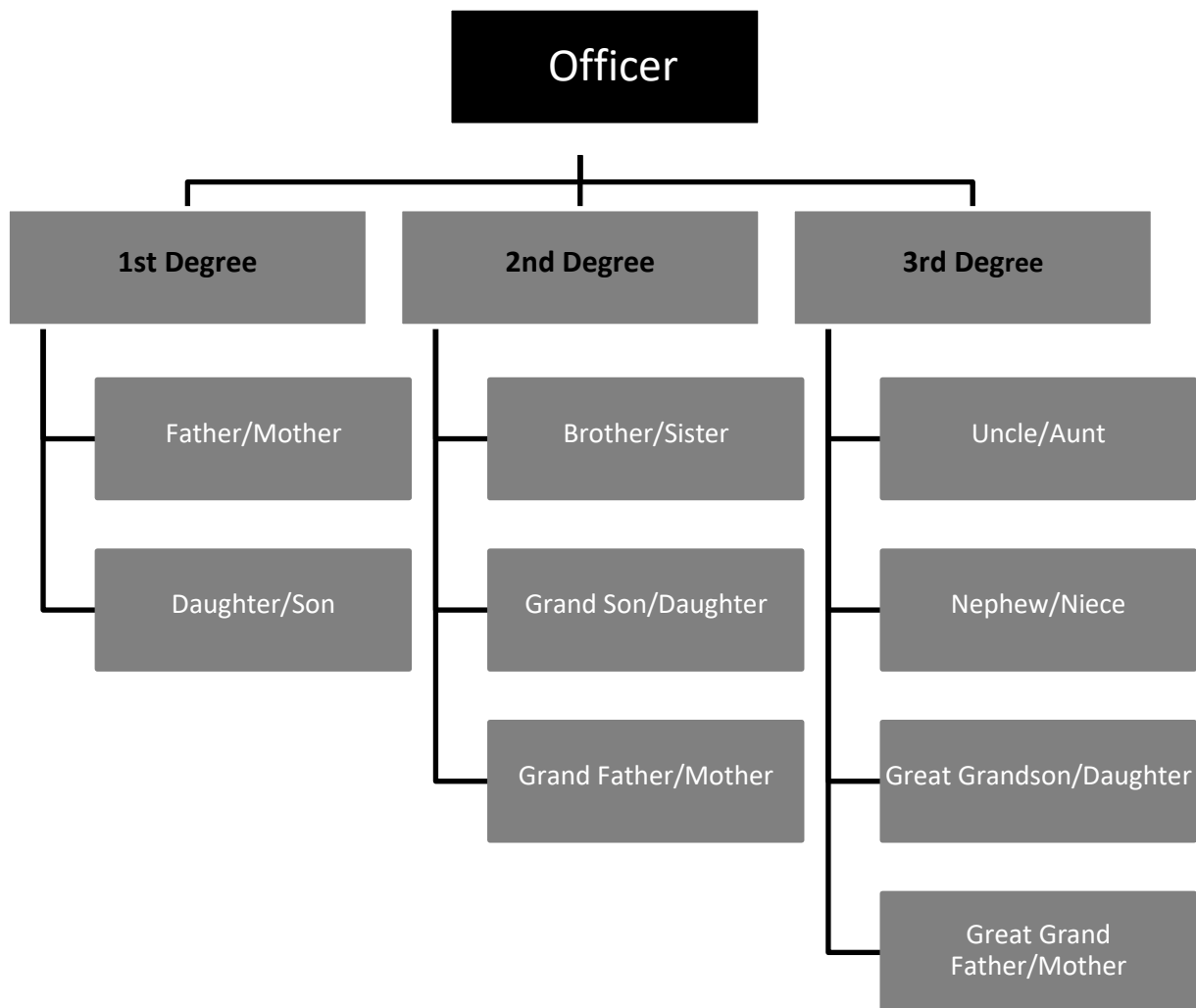
## SECTION 6. NEPOTISM

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

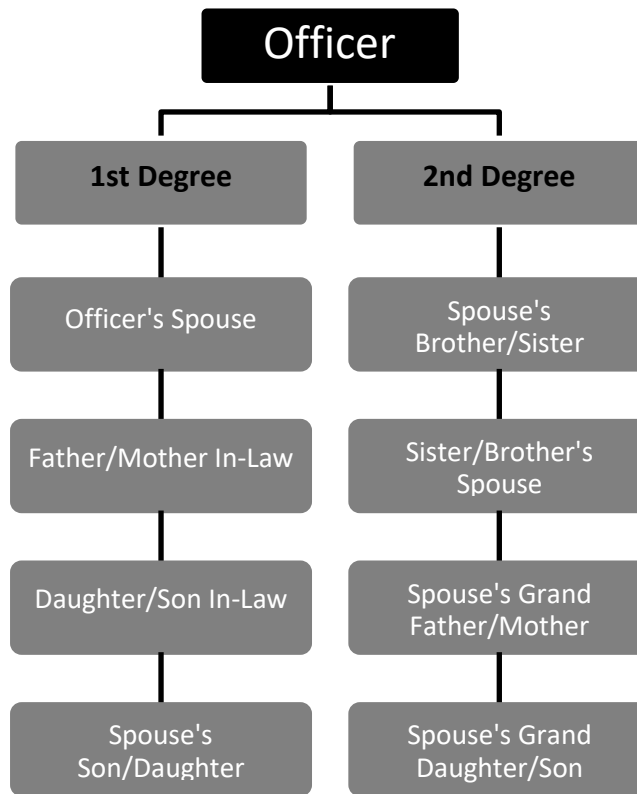
A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

### CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



**AFFINITY KINSHIP CHART  
(Relationship by Marriage)**



**ARTICLE 4. WORK POLICIES AND RESPONSIBILITY**

**SECTION 1. ATTENDANCE**

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

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

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 24 hour(s) prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.

Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

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

## **SECTION 2. DRESS CODE**

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

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

## **SECTION 3. SMOKE FREE WORKPLACE**

Menard County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in county buildings is strictly prohibited, including smokeless tobacco and electronic cigarettes.

## **SECTION 4. CONFLICT OF INTEREST**

Menard County Employees shall not engage in any additional employment, relationship, or activity which could be viewed as a conflict of interest, as defined below. This additional employment, relationship, or activity is prohibited because of the potential for a conflict of interest, or the appearance of a conflict of interest. Such additional employment, relationship, or activity is prohibited because it can affect the employee's job efficiency, judgment, or reduce their ability to make objective decisions regarding their work and responsibility as a Menard County employee.

Employees with relationships, employment, or other activities that may be considered a conflict of interest shall not take part in the procurement, selection, award, or administration of any contract with Menard County.

Activities which constitute a conflict of interest include, but is not be limited to the following:

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

If an employee's immediate family (i.e., spouse, children, siblings, parents) receives a financial benefit, gift, or favor from someone or some entity that if taken by the employee would constitute a conflict of interest as defined above, then the employee is subject to discipline as if the employee accepted the financial benefit, gift, or favor.

If an employee is involved in a situation that is determined to be a conflict-of-interest shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees.

## **SECTION 5. HARASSMENT**

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

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

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

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

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

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

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

## **SECTION 6. SEXUAL HARASSMENT**

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

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such

conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

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

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

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

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

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

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

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

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

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

## **SECTION 7. POLITICAL ACTIVITY**

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

County employees shall not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce, attempt to coerce, command, or advise

another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

## **SECTION 8. OUTSIDE EMPLOYMENT**

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

## **SECTION 9. BREAKS**

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

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

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

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

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

## **SECTION 10. GRIEVANCES**

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

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

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

## **SECTION 11. DISCIPLINE**

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

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

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

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

## **SECTION 12. LICENSE AND CERTIFICATIONS**

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

## **SECTION 13. WEATHER CLOSINGS AND EMERGENCIES**

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

The County Judge will notify the following entities for a public announcement: Menard County Sheriff's Office, Menard County Clerk's Office, and Menard County Emergency Management Coordinator. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

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

## **SECTION 14. CONFIDENTIALITY**

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



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

## **SECTION 15. WHISTLEBLOWER**

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

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

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

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

## **SECTION 16. INSTRUCTION AND TRAINING**

Department Heads are charged with the responsibility of in-service training and instructing employees in their job responsibilities, policies and procedures. In order to accomplish these objectives, department heads shall arrange such special and general instructions as is deemed to be necessary.

All expenses for out-of-county instruction, training, educational seminars, workshops or conferences must be approved by Commissioners' Court before receiving expenses to attend such instructional meetings.

## **SECTION 17. GROUNDS FOR DISMISSAL**

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

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

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

## **SECTION 18. TERMINATIONS**

Employees terminating from the service of the county, for any reason, shall be required to surrender and return to their department or other proper source all records and property of the County of Menard which may be in their possession or custody.

The following procedures will govern terminations:

- A. Resignation - An employee may leave the service of the county in good standing by submitting notice of their resignation to the department head at least ten (10) working days in advance. Unauthorized absence from work for a period of three (3) working days will automatically be considered a resignation.
- B. Dismissal - An employee may be dismissed by the department head for just cause ascertained after careful and factual consideration and after written documentation of the dismissal charges. An employee who is dismissed shall have explained to him the reasons for the action, and the reasons will be entered in writing into the employee's permanent file.

## **ARTICLE 5. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **SECTION 1. COUNTY PROPERTY USAGE**

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

### **SECTION 2. COUNTY VEHICLE USAGE**

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

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

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

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

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

### **SECTION 3. CELL PHONE USAGE**

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

Menard County does not allow the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

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

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

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

### **SECTION 4. COMPUTER AND INTERNET USAGE**

The use of Menard County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Menard 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 Menard 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. County employees shall have no expectation of privacy when using county computers, networks, or any other county owned equipment. Improper use may result in discipline up to an including termination.

Menard County owns the rights to all data and files in any computer, network, or other information system used in the county. Menard 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. Menard County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws.

No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. Menard 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 Menard 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.

## **ARTICLE 6. SAFETY AND HEALTH RESPONSIBILITY**

### **SECTION 1. WORKERS COMPENSATION**

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

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

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

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

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

### **SECTION 2. EMPLOYEE SAFETY**

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

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

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

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

### **SECTION 3. DRUG AND ALCOHOL- ALL EMPLOYEES**

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

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

The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

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

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

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

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

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

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

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

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

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

An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly

until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

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

### **Pre-employment drug Testing**

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

### **Suspicion-Based Testing**

**Under the Influence** shall be defined as having a blood alcohol concentration of .04 or more. (CDL license holders have the limit of .04 as well)

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

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e., paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

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

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

### **Post-Accident Testing**

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

#### Testing Procedures:

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

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

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

## **SECTION 4. DRUG AND ALCOHOL- CDL EMPLOYEES**

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

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

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

It is the policy of Menard County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Menard County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

## **SECTION 5. WORKPLACE VIOLENCE**

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

## **SECTION 6. 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 TikTok.

Menard 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 Menard County among the community at large. Menard County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.



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

- If your posts on social media mention Menard County make clear that you are an employee of Menard County and that the views posted are yours alone and do not represent the views of Menard County.
- Do not mention Menard County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Menard 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 Menard County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. Menard 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 Menard County’s website or post Menard County material on a social media site without written permission from your supervisor.
- All Menard 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 Menard 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 Menard County that supervisors do not engage in social media activities with their employees.

## **ARTICLE 7. EMPLOYEE PAYROLL**

### **SECTION 1. FAIR LABOR STANDARDS ACT SAFE HARBOR**

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

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time card must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early

departures, and meal breaks. Do not sign your time card if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

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

It is a violation of Menard County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Menard County Judge at 325-396-4789.

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

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety policies of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

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

Please note: it is not an improper deduction to reduce an employee's accrued forms of paid time off for full or partial day absences.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the Menard County Treasurer at 325-396-2748. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney. Every report will be fully

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

## **SECTION 2. INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS**

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

## **SECTION 3. COMPENSATION**

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

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

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioner's Court has adopted this exemption.

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

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

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

## **SECTION 4. PAYROLL DEDUCTIONS**

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

## **SECTION 5. WORK WEEKS AND WORK PERIODS**

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

## **SECTION 6. TIMESHEETS**

All non-exempt employees in designated departments must fill out a time sheet to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record is a criminal offense. Other employees in other departments must clock in and out via a digital thumbprint.

## **SECTION 7. PAYPERIODS**

All County employees will be paid by direct deposit or check, issued by the County Treasurer. Bi-weekly employees will be paid every other Friday (with an exception made if the Friday falls on a holiday or in case of an emergency) for the two weeks prior to that payday. Bi-weekly pay will result in 26 pay periods per year for all County employees.

## **SECTION 8. WORK SCHEDULES**

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

## **SECTION 9. HOURS WORKED**

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

## **SECTION 10. LAW ENFORCEMENT PAY AND OVERTIME**

Menard County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Law enforcement employees' salary covers all hours up to 86 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

## **SECTION 11. OVERTIME CALCULATIONS AND POLICIES**

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

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

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

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 45 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

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

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

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

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

## **SECTION 12. EMERGENCY PAY**

### **Declaration of Emergency**

The County Judge shall be the local County authority to declare an emergency exists as a "qualified emergency", or in the County Judge's absence, the senior member of Commissioners Court. In the event of an emergency closing or evacuation, the County shall provide paid leave for "essential" and "non-essential" employees in the event of certain emergencies including, but not limited to: Floods, Inclement weather such as ice & snow, other acts of God, or any other emergency declared by the federal, state, or local authority.

### **Road and Bridge**

Road and Bridge employees working for the county will receive one and a half time pay while working emergencies outside of their normal schedule. The Road and Bridge Supervisor will approve what employees are eligible to respond to emergencies. Employees approved for emergency pay will receive "double time" pay if responding to an emergency on a Holiday. Each Road and Bridge employee may be placed on call as per a rotating schedule as approved by the Supervisor for the instance of any emergency.

### **County Employee**

A County employee may receive one and a half time pay for performing essential duties outside of their normal schedule during qualified emergencies. The employee's Supervisor will approve all employees

eligible to respond to qualified emergencies. Employees approved for emergency pay will receive “double time” pay if responding to an emergency on a Holiday.

### **CLOSING DUE TO INCLEMENT WEATHER OR EMERGENCY**

When an inclement weather or emergency closing has been ordered, all “non-essential”, nonemergency personnel will be released from work. Any “essential” employee who fails to report to work as scheduled during an emergency closure order may be subject to disciplinary action, up to and including job termination; if the employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services. A list of “essential” employees shall be provided to the Emergency Management Coordinator and the County Judge and shall be updated annually or as needed. Employees shall be paid as follows:

- A. Full-time, regular employees who are not required to report for duty will be paid for the Mandatory Emergency Days and Inclement Weather days are paid as administrative leave for the purpose of calculating their compensation. Early closures relative to inclement weather at the direction of the County Judge will be compensated as paid Administrative Leave.
- B. Part-time and temporary employees will be paid for their scheduled time lost due to an emergency closing.
- C. In the event of this type of closing, employees who had previously requested paid leave for time off prior to the declaration of an emergency closing will have the approved leave time deducted from their appropriate leave balance.

### **SECTION 13. DEMOTIONS**

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

### **SECTION 14. TRANSFERS**

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

### **SECTION 15. PROMOTIONS**

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

## **SECTION 16. SEPARATIONS**

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

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

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

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

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

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

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

## **SECTION 17. RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Menard County as long as the following provisions are met:

1. The retiree has been retired for at least one calendar month,
2. No prior arrangement or agreement was made between Menard County and the retiree for re-employment, and
3. strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

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

Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire with an agreement to go work in a different department or different position. Changing employee status does not matter when

determining if someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.

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

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

## **SECTION 18. LONGEVITY PAY**

### **ELIGIBILITY:**

Regular full-time employees, whose work assignments and duties are solely in Menard County, on record as an active employee as of September 30, 2017, shall be eligible for the longevity pay benefit for the fiscal year ending that day.

An employee shall be required to work a minimum of 36 continuous months in an eligible position before receiving longevity pay. A break in service resets the longevity calculation to zero, unless that break in service is unpaid family or medical leave or military leave.

### **AMOUNT:**

Longevity pay shall equal \$6.00 per month for each completed full month of employment with pay. If an employee is out on unpaid family and medical leave or military leave during the year, he or she will not receive longevity credit for the unpaid portion of the leave. The longevity payment will be calculated on a pro rata basis for only the number of months actually worked and/or paid for.

### **PAYMENT:**

Payment of longevity will be the first regularly scheduled pay period in December after acquiring longevity pay benefits for the previous fiscal year.

### **MAXIMUM:**

The maximum amount of longevity pay that an employee shall be eligible for in any one year is \$1500.00, which is the equivalent to 180 months of service.

If an employee terminates their employment before their first pay period in December, **they forfeit any claim to longevity pay**, and has acquired longevity, that employee is entitled to their longevity pay at their last pay check.

### **OTHER GUIDELINES:**

All of the above policies shall apply to employment guidelines as of September 30, 2017, and any employment and wages solely within Menard County or shared or combined with one or more counties previously shall have no bearing on the longevity pay benefit paid for the fiscal year aforementioned.



## **ARTICLE 8. EMPLOYEE BENEFITS**

### **SECTION 1. HEALTH AND DENTAL PLANS**

All full-time regular employees of Menard County shall be eligible for the group medical plan and dental plan benefits after 90 days.

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

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

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

Employees who leave the employment of Menard County or who lose their coverage eligibility, may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Treasurer's Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination

### **SECTION 2. OTHER PLANS – LIFE, SUPPLEMENTAL**

Menard County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Menard County provides supplemental insurance coverage under AFLAC. Deductions for supplemental coverage shall be made through payroll deduction from the employee's paycheck each pay period.

### **SECTION 3. Retiree Dental Insurance**

At the time of retirement, Menard County employees who retire ("Retiree") may continue to keep dental insurance coverage for the Retiree at the cost to the Retiree. Prior to final day of employment, the Retiree must elect to keep said coverage in writing. The premium amount shall require an automatic draft each month from the Retiree's bank account. If the Retiree's payment is ever delinquent the coverage will be dropped after 60 days. If Retiree wishes to discontinue dental insurance coverage the Retiree will need to provide that request in writing to Treasurer and the draft will be stopped at the earliest reasonable date.

### **SECTION 4. PAID TIME OFF**

Paid Time Off ("PTO") includes what is commonly referred to as sick days and vacation days. Menard County has combined "vacation" and "sick" days into PTO days. Full Time and Part Time Employees shall be eligible for PTO benefits. Full Time and Part Time Employees shall accrue PTO benefit hours at a prorated rate. Seasonal and Temporary Employees shall not be eligible for the PTO benefit.

Full Time and Part Time Employees will accrue PTO at .0577 PTO hours per one hour worked. Employees will accrue PTO bi-weekly in hourly increments up to 120 hours. PTO is added to the employee's accrued PTO bank when the bi-weekly paycheck is issued. PTO taken will be subtracted from the employee's accrued PTO bank in one-hour increments.

Accrual of PTO shall begin at the time an employee begins work in an eligible position. PTO shall not accrue while an employee is on leave without pay. PTO hours used will not be considered when tabulating overtime hours for the week.

The maximum PTO allowed to accrue and bank is 120 hours. When an employee reaches the maximum accrual, he/she shall not accrue additional PTO time until the employee uses PTO hours to reduce his/hers balance below the maximum number allowed.

Employees can only use accrued PTO and shall not be allowed to borrow PTO against possible future accruals. If a holiday falls during an employee's approved PTO, the employee will not be charged for the PTO on the holiday. An employee under suspension or under any disciplinary action forfeits all claim to PTO benefits for the duration of such action.

Each employee shall be responsible for accurately recording all PTO time used on their timesheet. All PTO leave by an employee must be documented on the County's "Absent from Duty " form and provided to the payroll department the Monday prior to the next scheduled payroll for the employee, regardless of signatures by the employee and/or department head. Forms missing required signatures must be signed, as soon as possible, following the payroll to which the form applies.

Scheduling time off of work and use of PTO shall be at the discretion of the individual department heads.

Employees shall notify their supervisor of their intent to use PTO as soon as practical. Where the use of PTO is not known in advance, an employee shall notify their supervisor of the intent to use PTO within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify their supervisor as soon as reasonably practicable. Employees who miss more than three consecutive unscheduled days may be required to present a doctor's release, permitting the return to work, to their supervisor. Only 80 hours of Accrued and banked PTO will be carried over into the County's next fiscal year. The last day of the County's fiscal year is September 31. Employees are responsible for monitoring and taking their PTO over the course of the County's fiscal year so that they do not lose time accrued. An employee can "cash out" up to 80 hours of PTO per fiscal year, if the request is approved by their department head. The employee will be compensated at their normal hourly pay for each out of PTO cashed out. An employee cannot cash out more than 80 hours of PTO in a fiscal year.

Employees who resign, without notice and under bad terms, is discharged or is terminated for any reason, shall not receive pay for accrued PTO.

Employees who retire or leave on good terms with the County, as determined by the elected official or department heard, shall be paid for up to 80 hours of accrued PTO, provided that they have not already cashed in 80 hours within the fiscal year.

## **SECTION 5. HOLIDAY**

The following employee classifications shall be eligible for the holiday benefit: Regular Employees. These employee classifications shall not be eligible for the holiday benefit: Law Enforcement (including dispatchers and jailers), Seasonal and Temporary Employees.

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

If a paid holiday occurs during the Paid Time Off of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's PTO balance. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 day's equivalent to the amount of time worked on the holiday.

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

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

## **SECTION 6. JURY DUTY**

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

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

## **SECTION 7. MILITARY LEAVE**

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

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

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

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

## **SECTION 8. RETIREMENT**

All part time and full-time employees shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary/Seasonal employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Menard County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Judge's Office during the normal working hours for that office.

## **SECTION 9. SOCIAL SECURITY/MEDICARE**

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

## **SECTION 10. FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

All counties are covered under CFR 825.108 (d), which states "all public agencies are covered by FMLA regardless of the number of employees; they are not subject to the coverage threshold of 50 employees carried on the payroll each day for 20 or more weeks in a year".

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

Menard County will follow the regulation as a county with less than 50 employees by providing the following, as required under the regulation:

### **Counting**

To count employees in the county we will include all full-time employees, all part-time employees currently getting paid and all temporary employees currently getting paid. This will not include a count of elected officials, CSCD employees, A&M County Agents or any employees paid by the state. The county will not count people on the payroll register that are NOT getting paid. When the county payroll hits 50 eligible employees, Menard County will comply fully with the entire regulation and will notify employees of the change to the FMLA policy for over 50 employees.

### **Responsibilities**

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

## **SECTION 11. BEREAVEMENT**

Department heads may grant full-time employees emergency leave with pay for not more than three (3) working days in case of extreme emergency or death of a member of the employee's immediate family; i.e., parents, parents-in-law, brother, sister, wife, husband, or child.

## **SECTION 12. TRAVEL LEAVE/ REIMBURSEMENT POLICY**

The department head may grant employees special leave with pay and actual expenses to attend professional conferences, conventions and short courses, or to visit other entities in the interest of the County. Travel for professional conferences, conventions, and short courses shall be presented to the Commissioners Court prior to travel, when reasonably necessary.

It is the policy of Menard County that employees will be reimbursed for necessary and reasonable expenses incurred in the authorized conduct of county business subject to the provisions of this Policy. All travel on behalf of the County must be approved by the Commissioners' Court. Travel out of the county, on County business will be subject to the following policies:

- A. The Commissioners Court may authorize advance payment of an estimated travel allowance to the employees.
- B. Reimbursement for the out-of-county travel costs shall be based upon the most economical conveyance available. The use of County owned vehicles is the recommended mode of travel, but if the use of a private automobile is reasonably necessary, the County will pay the mileage reimbursement rate found on the current automobile rates established by the U.S. General Service Administration.
- C. Expenses will be allowed for adequate and reasonably affordable lodging. If a host hotel is the site of the conference, seminar or meeting to be attended, the employee is to have that special early booking rate or the government rate at that hotel for overnight room accommodations, if such rate is an acceptable reasonable affordable rate at a nearby hotel. Department heads will determine if such rate is a "reasonably affordable rate". Receipts for lodging must be provided to obtain reimbursement.
- D. Expenses for meals will be at a per diem rate of \$59.00 per day, per employee or the rate the U.S. General Service Administration allocates for a city without a specified rate. The County will not provide reimbursement for meal costs if travel is to acquire parts, materials, and/or supplies per the normal functions and duties of their role.
- E. Travel expenditures for mileage and lodging, must be supported by receipts. Employees and County officials are expected to show good judgment about travel expenses and have proper regard for the economy in conducting business away from the county.

## **SECTION 14. LEAVE OF ABSENCE - OTHER**

Employees may request a personal leave of absence to a maximum of 45 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination

and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

## **ARTICLE 9. VEHICLE USE POLICY**

### **SECTION 1. OVERVIEW**

It is the intent of Menard County to operate County-owned or leased motor vehicles, equipment, and personal vehicles used on County business in the safest manner possible. We will only allow drivers who meet our hiring criteria to drive on County business and expect our drivers to comply with our safety policies and procedures and state law in order to do our part to make the roads as safe as possible.

### **SECTION 2. APPLICATION**

This policy applies to all employees who operate motor vehicles and equipment while conducting County business. This includes County-owned or leased vehicles, equipment, and personal vehicles while conducting County business. This policy is not intended to supersede any departmental policy that may be more stringent or restrictive. Elected officials/department heads, managers and supervisors are designated to enforce the Vehicle Use Policy at the departmental level.

### **SECTION 3. COUNTY RESPONSIBILITIES**

The County will:

- Provide vehicles that meet all federal/state mandated safety requirements.
- Require driving records at the time of hire for all drivers that will be assigned to operate County-owned or leased vehicles and equipment on County business.
- Maintain a list of drivers authorized to operate County-owned vehicles on County business.
- Support and enforce the County Vehicle Use Policy.
- Check driving records for County employees who operate their personal or leased vehicles on County business, if requested to do so. (The County's insurance carrier may perform an annual check of drivers who operate County-owned or leased vehicles).
- Notify officials and department heads of status changes involving employees who operate personal and County-owned or leased vehicles.

(Note: references to leased vehicles and equipment do not apply to rental cars or vans used on a temporary basis for employee travel or other approved temporary uses.)

### **SECTION 4. DRIVER LIST**

All employees that will operate a County-owned or leased vehicle and equipment on County business must be on the list of approved drivers. The list will indicate the driver's qualification status. Only drivers on the list may operate County-owned or leased vehicles and equipment.

### **SECTION 5. DRIVER QUALIFICATIONS**

Every driver on the driver's list must meet the point qualification for drivers as shown in Driver Qualification Criteria below. Each driver of County-owned or leased vehicles and equipment will have a Motor Vehicle

Records (MVR) check on an annual basis. Traffic violations on or off the job will be counted against drivers for insurance and employment purposes. Drivers not meeting the qualification standard may be removed from positions requiring driving. Drivers removed from positions requiring driving may be reassigned according to specific department policies if they qualify for currently available positions that do not require driving. If they do not qualify for a current position that does not require driving, or if license is suspended or revoked, they may be terminated.

## **SECTION 6. SAFE VEHICLE OPERATION**

Drivers will operate vehicles and equipment in a safe and lawful manner and do what is reasonably expected to avoid fleet incidents/crashes and injuries to passengers.

## **SECTION 7. VEHICLE RESTRAINTS**

Drivers will ensure that all occupants of the vehicle wear seat belts at all times, when possible, when the vehicle is in use. Passengers should not travel in vehicles that are not equipped with restraints in areas of the vehicle intended for cargo or where seats with restraints are not available.

## **SECTION 8. VEHICLE SECURITY**

All vehicles should be locked when not in use. Vehicles should be parked in a secure location and valuables should be secured out of sight when the vehicle is not in use.

## **SECTION 9. DRIVING RECORDS**

Drivers are expected to maintain a driving record that allows them to meet the qualification criteria outlined in Motor Vehicle Records (MVR) check.

## **SECTION 10. OPERATING VEHICLES WHILE IMPAIRED**

Drivers shall not operate the vehicle/equipment while under the influence of drugs, alcohol or under any other conditions in which the driver's ability to operate the vehicle or equipment safely is inhibited or impaired. Drivers shall also not transport any drug or alcoholic beverage in the vehicle/equipment unless they do so directly in the performance of their specific job duties. Employees who violate this policy will be subject to immediate disciplinary action, up to dismissal from employment. See the Menard County Drug and Alcohol Policy (ARTICLE 5, SECTION 5) for further information.

## **SECTION 11. VEHICLE INSPECTION**

It is the responsibility of fleet users to perform routine pre and/or post inspections on vehicles and equipment. Departments should establish policies to ensure that checks are accomplished. Inspection criteria may vary for each County office or department, and for each type of vehicle or equipment. The following are basic policies of thumb for inspecting vehicles and equipment that are recommended for individual department policies.

### Pre -Trip Inspection

1. Perform a visual walk around inspection of the vehicle for fluid leaks or obvious damage.
2. Inspect the following fluid levels where appropriate.

- Engine oil
- Battery fluid levels
- Cooling system level
- Hydraulic oil
- Transmission fluid (after warm up)
- Inspect the engine compartment for loose or frayed belts, hoses, etc.
- Check tire pressure to ensure compliance with the manufacturer's specifications.

Defects that affect the vehicles' safety should not be driven until the vehicle is repaired.

## **SECTION 12. VEHICLE MAINTENANCE**

The vehicles and equipment owned or leased by the County are on a preventative maintenance schedule based on miles or hours of operation. Any repairs needed to ensure the safe operation of the vehicle/equipment shall be performed prior to the vehicle being used.

## **SECTION 13. VEHICLE OPERATION**

Drivers should operate the vehicles/equipment per the guidelines in the manufacturer's operating manual. Guidelines regarding not using cruise control in adverse weather conditions must be followed. Drivers are expected to be familiar with a vehicle/equipment prior to using it and be able to operate lights, horn, emergency flashers and other equipment.

## **SECTION 14. NON-BUSINESS USE**

Drivers shall not permit the vehicle to be in custody or control of, or to be operated by, any person not authorized to operate a County-owned or leased vehicle.

## **SECTION 15. PASSENGERS WHILE ON COUNTY BUSINESS**

It is recommended that no non-business passengers should be in the vehicle when the vehicle is being used on County business.

## **SECTION 16. UNAUTHORIZED USE**

Employee agrees to indemnify and hold harmless Menard County from and against any and all losses, costs, judgments, damages, claims or liabilities growing out of or resulting from any unauthorized use of a County-owned or leased vehicle or from use of said vehicle by an unauthorized driver having care, control or custody of said vehicle.

## **SECTION 17. FLEET INCIDENT/CRASH/VANDALISM REPORTING**

Drivers must report all fleet incidents/crashes/vandalism involving a County-owned or leased vehicle and equipment to the proper chain of command in their department. Prompt reporting is essential to limit legal repercussions or ramifications, and employees are expected to report all fleet incidents/crashes as soon as possible. The department head shall report all fleet incidents/crashes/vandalism to the Menard County Safety Officer as soon as possible.

A fleet incident/crash shall be defined as any damage incurred to a County-owned or leased vehicle or equipment regardless of fault. This shall include collisions involving other vehicles and equipment, obstacles,



pedestrians, animals, overturning, jackknifing, vandalism and other damage that is not considered normal wear and tear. Vandalism shall be defined as the act of maliciously damaging County-owned or leased vehicles or equipment. Fleet incidents are those that would be considered minor due to the cost of repairs or that cause no damage to the County-owned or leased vehicle/equipment, and minimal damage to property, obstacles, and animals.

**If an employee is involved in a crash, the following procedures apply:**

1. Contact Department foreman, supervisor, or department designee or call 911 to report the crash. Request EMS if anyone has been injured.
2. Wait for the emergency responders.
3. Do not attempt to assist any injured parties except under the direction of a law enforcement officer or a medical responder unless conditions exist that will cause further injury or death if immediate actions are not taken (i.e., drowning, proximity to fire).
4. Get the names, addresses, and phone numbers of all witnesses to the crash.
5. Note the location, time of day, weather, and road conditions.
6. Provide only your name, department, and the department phone number to others involved in the crash.
7. Answer any question asked by the responding law enforcement officer.
8. Do not admit any guilt or legal ramifications.

**Crash Investigation and Data Analysis**

1. The County Safety Officer will review all fleet incidents, crashes, and vandalism involving County-owned or leased vehicles/equipment, and report findings to the elected or appointed department head or his or her designated person. In investigations, the County Safety Officer may assist with determining facts and whether the employee was at fault.
2. When the facts are known, the foreman, supervisor and/or department designee, and the Safety Officer determine the best strategy to prevent a recurrence of this type of fleet incident, crash, and or vandalism. The official or department head reviews the findings and recommendations and is responsible for implementing corrective action.

**Claims Settlement**

1. A department designee must report all crashes to the County Safety Officer. Texas Association of Counties Loss Notice form will be required when crashes involve a third party.
2. The department designee shall work with the insurance carrier and the Safety Officer on any further follow up information needed to settle claims.
3. If the other party is at fault in a fleet incident, crash, or vandalism with a County-owned vehicle or equipment, then the Safety Officer, working with the department designee, is to file a claim with the other party's insurance. The County's insurance carrier can assist with this process.
4. The Safety Officer shall work with the other party's insurance carrier and the departmental designee to settle claims against the other party.
5. The Safety Officer shall forward a copy of the Fleet Incident/Crash/Vandalism report to the County Auditor once the costs of all damages have been determined.

**SECTION 18. FLEET INCIDENT/CRASH/VANDALISM REVIEW**

Each fleet incident/crash/vandalism involving a County-owned or leased vehicle or equipment will be reviewed by the department to determine if the driver did everything, they reasonably could to avoid the crash. Each fleet incident/crash/vandalism will be classified as preventable or non-preventable. Fleet

incident/crash/vandalism preventability will be used in determining a driver's qualification to operate County-owned or leased vehicles and equipment.

## **SECTION 19. MOTOR VEHICLE RECORDS**

Menard County employees must exercise the utmost care in the use of County-owned or leased equipment and vehicles to minimize damage. In order to reinforce the importance of individual responsibility for complying with this policy and preventing accidents, the policy requires that corrective action be taken against drivers who exceed the point totals in the Driver Qualification Criteria.

The Safety Officer or a designated supervisor in each office or department may, when records are available, review all written and photographic information that is relevant to an accident and review the driving records of the employee(s) involved in an accident for the preceding 36 months.

Next, there will be a review of the Driver Qualification Criteria and a levy of any corrective action based on the information gathered. Departments shall document their findings, and place a copy of the findings in the department's personnel file. A change in an employee's point system shall be given to the County Safety Officer to update the County Driver Qualification listing for insurance purposes.

An at-fault fleet incident/crash within the last three years will revoke an employee's excellent driving status and is grounds for corrective action. Depending on the circumstances surrounding each fleet incident/crash, the following corrective actions are possible:

- **Oral Counseling**
- **Driver training**
- **Driver education**
- **Written reprimand**
- **Suspension**
- **Probation**
- **Termination**

A conviction for one of the following violations, barring appeal, will disqualify a driver from being considered for positions that require operation of County-owned or leased vehicles or equipment:

1. Driving under the influence of alcohol or a controlled substance
2. Refusing to submit to a test to determine alcohol or controlled substance concentration
3. Leaving the scene of a crash
4. Vehicular manslaughter/homicide
5. Using vehicle to commit a felony
6. Losing your license or driving while license is suspended

Drivers with 12 points or more in the last three (3) years will be removed from positions requiring operation of County-owned or leased vehicles or equipment. Drivers removed from positions requiring driving may be reassigned according to specific department policies if they qualify for currently available positions that do not require driving. If they do not qualify for a current position that does not require driving, they may be terminated. In case of an arrest for a violation listed above, the official or department head may, based on business necessity, take appropriate action, up to and including dismissal from employment.

## **SECTION 20. RIGHT OF APPEAL**

With the approval of the elected official or department head, a person hired by the County or an applicant for a County position to be filled on or after that date, may appeal a disqualification not based on items 3,4, or 5, above, if the employee or applicant has not been arrested or charged with a violation carrying a point factor rating of 4 or higher (see Driver Qualification Criteria) in the 36-month period preceding the date of the appeal hearing. The County may, at its discretion, after due consideration of the County's best interests and the recommendation of the official or department head, consider lifting the disqualification or restricting the employee or applicant's vehicle or equipment operation in lieu of permanent disqualification.

## **SECTION 21. POST FLEET INCIDENT/CRASH TRAINING**

Drivers with violations, fleet incidents and/or crashes may be required to complete safety training.

## **SECTION 22. MOTOR VEHICLE RECORD (MVR) CHECKS**

Motor vehicle record checks for drivers or operators of County-owned or leased vehicles and equipment may be performed annually by the automobile insurance company. Departments may also request a MVR check at any time on any employee who operates a county-owned or leased vehicle or equipment. The County Safety Officer will review vehicle record reports and make appropriate recommendations.

Offices and departments will require new hires who will be assigned to operate County-owned or leased vehicles and equipment to provide a copy of their MVR to the department, and the MVR will be taken into account in making hiring decisions.

Drivers of County-owned or leased vehicles or equipment must notify their supervisor when any on or off the job changes in the following occur:

- Citations for driving- (moving violation) related offenses
- Citation for No Liability Insurance
- Loss of driver's license
- Convictions for driving- (moving violation) related offenses
- Changes in the ability to operate a motor vehicle due to injury or illness that impacts safe operation of the vehicle.
- A copy of this notification will be given to the County Safety Coordinator to update the County Driver Qualification listing for insurance purposes.

## **SECTION 23. DRIVER TRAINING**

It is recommended that every employee who will operate a County-owned or leased vehicle or equipment be trained in safe operation through their department.

## **SECTION 24. SAFE VEHICLE OPERATION FOR PERSONAL VEHICLE DRIVERS**

Drivers operating personal vehicles used on County business and drivers operating other non-County vehicles on County business will operate the vehicles in a safe and lawful manner and do what is reasonably expected to avoid crashes and injuries to passengers.

## **SECTION 25. VEHICLE AGE AND CONDITION FOR PERSONAL VEHICLE DRIVERS**

Vehicles should be in good mechanical condition and be maintained according to the manufacturer's standards. Vehicles that have mechanical defects or do not have a good appearance due to age, damage, rust, etc., should not be used on County business. Department designees should change driving assignments when there is a clear indication that an employee's vehicle may be unsafe.

## **SECTION 26. INSURANCE LIMITS FOR PERSONAL VEHICLE DRIVERS**

Every vehicle used on County business must have liability coverage at least at the minimum levels required by state law.

## **SECTION 27. VERIFICATION OF COVERAGE FOR PERSONAL VEHICLE DRIVERS**

Employees operating their own vehicles on County business must be able to provide proof of insurance in case of a traffic violation or crash.

## **SECTION 28. MVR CRITERIA FOR PERSONAL VEHICLE DRIVERS**

Employees should meet the same MVR criteria in personal vehicles as County-owned vehicle drivers as outlined in Driver Qualification Criteria.

## **SECTION 29. SEAT BELTS FOR PERSONAL VEHICLE DRIVERS**

Drivers should ensure that all occupants of the vehicle wear seat belts at all times, when possible, when the vehicle is in use. Business passengers should not travel in vehicles that are not equipped with restraints in areas of the vehicle intended for cargo or where seats with restraints are not available.

## **SECTION 30. TOWING TRAILERS ON COUNTY BUSINESS**

Towing of trailers while on County business is prohibited, unless approved by the employee's official or department head as necessary for legitimate work-related duties. Trailers owned by the County should be towed by County-owned or leased vehicles.

## **SECTION 31. FLEET INCIDENT/CRASH REPORTING FOR PERSONAL VEHICLE DRIVERS**

All fleet incidents/crashes involving personal or leased vehicles used on County business must be reported to the proper chain of command in the department. The designated department representative shall report all incidents/crashes to the Safety Officer as soon as possible.

## **SECTION 32. CRASH INVESTIGATION AND DATA ANALYSIS FOR PERSONAL VEHICLE DRIVERS**

The County Safety Officer will review all fleet incidents and crashes involving personal vehicles used on county business and report findings to the Elected or Appointed Department Head or his or her designated person.

When the facts are known, the foreman, supervisor and/or department designee, and the Safety Officer determine the best strategy to prevent a recurrence of this type of incident, or crash.

The official or department head should review the findings and recommendations and implement corrective action.

### **SECTION 33. FLEET SAFETY POLICIES FOR PERSONAL VEHICLE DRIVERS**

Employees using personal vehicles on County business may be required to comply with all of the policies as outlined in the Vehicle Use Policy. (Employees using personal vehicles on County business whose driving records, upon review, show violations listed in Driver Qualification Criteria, may be subject to the disciplinary actions listed in that section.)

### **SECTION 34. DRIVER QUALIFICATION CRITERIA**

All preventable fleet incidents/crashes within a 36-month period shall be subject to the following disciplinary action:

Employees will be categorized based on a point system developed from the County’s Point Assessment Table. Drivers are categorized based on their point summation from the table within a 36-month period.

Excellent	0 points	
Satisfactory	1-4 points	Receive corrective action.
Unsatisfactory	5-11 points	Receive continued corrective action, and may include some type of driver improvement training.
Excluded drivers	12 + points	Driver will not drive a County-owned or leased vehicle or equipment, or use a personal vehicle for County business. Drivers removed from positions requiring driving may be reassigned according to specific department policies if they qualify for currently available positions that do not require driving. If they do not qualify for a current position that does not require driving, they may be terminated.

## Point Assessment Table:

<u>12-point violations.</u>	<ul style="list-style-type: none"> <li>• Driving under the influence of alcohol or a controlled substance</li> <li>• Refusing to submit to a test to determine alcohol or controlled substance concentration</li> <li>• Leaving the scene of a crash</li> <li>• Vehicular manslaughter/homicide</li> <li>• Using vehicle to commit a felony</li> <li>• Losing your license or driving while license is suspended</li> </ul>
<u>6-point violations.</u>	<ul style="list-style-type: none"> <li>• Reckless driving</li> <li>• Negligent crash</li> <li>• Violation with a pedestrian</li> </ul>
<u>4-point violations.</u>	<ul style="list-style-type: none"> <li>• Improper turn</li> <li>• Failure to control vehicle</li> <li>• Driving in an improper lane or on wrong side of road</li> <li>• Illegal passing</li> <li>• Failure to report a fleet incident, crash, or vandalism</li> </ul>
<u>3-point violations</u>	<ul style="list-style-type: none"> <li>• Speeding</li> <li>• Violation in a school zone or yielding to a school bus</li> <li>• Failure to yield</li> <li>• Running a stop sign</li> <li>• Following a vehicle too closely</li> <li>• Unsafe backing</li> <li>• Rear-ending a vehicle, with no injury</li> <li>• Running over object causing damage to vehicle and/or property</li> <li>• Causing property damage while operating on unstable surface/steep slope</li> <li>• Not being aware of your surroundings</li> <li>• Improper operation of a vehicle/equipment and causing damage</li> <li>• Flailing rocks when it is preventable</li> <li>• Not securing a load properly, including securing a trailer</li> <li>• Not following a proper procedure or accepted practice</li> </ul>

All facts and circumstances surrounding the fleet incident/crash shall be reviewed prior to any corrective action being levied. Fleet incidents, as in those with no property damage or minimal costs, can have their point assessment adjusted down by up to two points only after reviewing the facts. The above point system is the minimum criteria for assignment of points and is not all-inclusive. Each individual department may add to the above point system, but may not replace or remove any of the above criteria.

NOTE: If the County determines that the specific circumstances associated with any violation, or combination of violations, listed above, demonstrate a pattern of abuse or a clear disregard for safety or property, the County may recommend immediate dismissal of the employee.