

AGENDA ITEM # 11

March 3, 1998

*

Consider approving amended 1998 County Budget Order.

Moved: Commissioner Mehevec

Seconded: Commissioner Heiligenstein

Motion: To approve the amended 1998 County Budget Order as presented to include temporary workers being exempt from participation as provided by Retirement System regulations and include April 10, 1998 as a county holiday.

Vote: Motion carried 4 - 0

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To amend motion to approve the amended 1998 County Budget Order as presented to include temporary workers being exempt from participation as provided by Retirement System regulations, include April 10, 1998, as a county holiday and approve employee from maintenance assigned to Cedar Park Annex to take vehicle home.

Vote: Motion carried 3 - 1 With Commissioner Mehevec voting against the motion.

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STATE OF TEXAS

COUNTY OF WILLIAMSON

**AN ORDER ADOPTING THE 1998 COUNTY BUDGET
(As amended March 3, 1998)**

WHEREAS, the Williamson County Commissioners Court is authorized and required to adopt an annual budget for all Williamson County officials and their departments after due consideration;

WHEREAS, the Williamson County Commissioners Court did invite and encourage public participation from County officers, precinct officers, department heads, and the general public, as to the various needs of the citizens of Williamson County for the fiscal year 1998;

WHEREAS, the Williamson County Commissioners Court, after a full discussion of the needs, did make changes in the proposed budget filed by the County Judge in accordance with law;
NOW

THEREFORE, BE IT ORDERED BY THE WILLIAMSON COUNTY COMMISSIONERS COURT that the proposed budget filed by the County Judge and amended by the Commissioners Court be adopted with the following provisions;

AND BE IT FURTHER ORDERED that this Order is hereby amended by the addition of Appendix One, adopted by the Court on September 23, 1997, and Appendix Two, adopted by the Court on this date together with certain corrections to the main body and Appendix One. To the maximum extent possible, the main body of this Order and the two Appendices are to be construed together and given full effect. To the extent of any conflict, Appendix One takes precedence over the main body, and Appendix Two takes precedence over both the main body and Appendix One.

1. Salaries for County and Precinct Officials are set as follows:

a) Judge of the County Court	\$59,193.75 per year
b) Judge of the County Court at Law #1	\$80,000.00 per year
c) Judge of the County Court at Law #2	\$80,000.00 per year
d) County Attorney	\$65,113.13 per year
e) County Sheriff	\$59,193.75 per year
f) County Clerk	\$48,431.25 per year
g) County Tax Assessor/Collector	\$48,431.25 per year
h) District Clerk	\$48,431.25 per year
i) County Treasurer	\$42,377.25 per year
j) Each County Commissioner	\$48,431.25 per year
k) Each Justice of the Peace	\$38,745.00 per year
l) Each Constable	\$35,513.18 per year

approved 3-3-98
John C. Daugherty
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2. The number of employee positions established and authorized for each official and/or department, and the maximum allowable salary for each position is reflected in the minutes of the Commissioners Court meetings. No County or Precinct Official or Department Head is required to pay the maximum salary allowed; the actual salary to be paid to each employee is to be decided by the employing officials or department head, and is to be certified by the County Judge's office before the last day of the pay period. The County Judge's office will forward all approved payroll information sheets to the Payroll Dept.

3. The expense allowance for all officials and all employees is as follows:

a) Any County official or employee who is required to use his/her personal automobile while on official County business may be entitled to receive mileage at the Internal Revenue Service allowable deduction for mileage, upon submitting the required documentation to the County Auditor.

b) The Sheriff, each Constable, all criminal investigators, EMS Director, the Maintenance Supervisor, the Agricultural Extension Agent, and the mental transport officer are to be provided with a County vehicle.

c) All officials, their employees, and the employees of other departments may be entitled to full reimbursement for lodging expenses when traveling out of the County, beyond a 50 mile radius of Williamson County on official County business, if said travel is approved by the employing official or department head and the required documentation is submitted to the County Auditor.

d) All officials, their employees, or the employees of other departments may be entitled to reimbursement for any meals eaten when traveling out of the County on official County business, if said travel is approved by the employing official or department head, and the required documentation is submitted to the County Auditor. The maximum meal reimbursement is limited to \$28.00 per day including tax and 15% on gratuities. No reimbursement shall be made for alcoholic beverages. Receipts are required for all reimbursement requests.

e) For any official, their employee, or the employees of other departments to receive expense allowances under c), d), or e) above, the funds to be used to pay the reimbursement must have been appropriated by the Commissioners Court prior to the expenses being incurred.

f) Transfer of funds out of the following line items will not be allowed:
1) Salaries; 2) Fringe Benefits; 3) Training; 4) Vehicle Deductible.
Transfer of funds into the above line items may be allowed.

g) Incurred costs of personal calls made on portable telephone or vehicle-mounted telephones owned by the County shall be reimbursed to the County upon receipt of the telephone bill.

4. The use of County equipment or vehicles for personal use is prohibited by law, but because of the need for specific officials and specific employees to respond to emergencies at night or on weekends, the following officials and employees are authorized to take a County vehicle to their

home at night, even though this involves the use of a County vehicle for travel to and from their home each day:

- a) County Sheriff;
- b) each County Commissioner;
- c) each Constable and Deputy Constable;
- d) all Sheriff's deputies, and Sheriff's and prosecutor's investigators;
- e) Unified Road Superintendent;
- f) any road and bridge employees designated by the Unified Road Superintendent and approved by the Commissioners Court;
- g) County Maintenance Supervisor and one maintenance employee for the Cedar Park facilities designated by the Supervisor and approved by the Commissioners Court;
- h) EMS Director;
- i) Mental Health Transport Officer;

5. All officials, their employees, department heads and their employees shall be paid every other Friday, for the two-week pay period ending the previous Thursday prior to the payday. If the pay day falls on a holiday, payday shall be the last working day prior to the holiday.

6. All employees of officials or employees in any other department, including any department head appointed by the Commissioners Court, shall be paid longevity pay above their regular salary set by the employing official or department head. Longevity pay is related solely to length of total service with the county. Longevity pay shall begin with the pay period following the completion of five years employment and shall increase on the pay period following each additional five years of employment, to a maximum of twenty five (25) years. Longevity pay shall be paid twenty-six (26) times per year. Longevity pay shall be paid as follows:

\$25 per month (\$11.54 per pay period) after completing five years of employment
\$50 per month (\$23.08 per pay period) after completing ten years of employment
\$75 per month (\$34.62 per pay period) after completing fifteen years of employment
\$100 per month (\$46.16 per pay period) after completing twenty years of employment
\$125 per month (\$57.70 per pay period) after completing twenty-five years of employment.

One hundred twenty-five dollars (\$125.00) per month shall be the maximum allowable longevity.

7. The established holiday schedule for paid holidays for the 1997-98 budget year is as follows:

Veterans Day	Tuesday, November 11, 1997;
Thanksgiving	Thursday, November 27, 1997 Friday, November 28, 1997;
Christmas Holidays	Wednesday, December 24, 1997, Thursday, December 25, 1997, Friday, December 26, 1997;
New Years Day	Thursday, January 1, 1998;
Martin Luther King Day	Monday, January 19, 1998;
Good Friday	Friday, April 10, 1998;

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Memorial Day
Independence Day
Labor Day

Monday, May 25, 1998;
Friday, July 3, 1998;
Monday, September 7, 1998.

Employees scheduled to work on a paid holiday will be allowed alternative leave as provided in the Appendices.

8. The employees of elected officials and employees of department heads will accrue vacation hours as follows:

0-5 years of employment will accrue 3.08 vacation hours per pay period. After completing five years of employment, four hours vacation will be accrued per pay period, and after ten years employment, five hours vacation will be accrued per pay period.

a) Vacation will be accrued on the payroll system. Employees may carry-over vacation balances as follows:

0-5 years- 80 Hours Vacation Accrued
5-10 years- 120 Hours Vacation Accrued
10 + years- 160 Hours Vacation Accrued

If an employee reaches maximum accrual, no further vacation will be accrued until the employee has taken vacation hours.

Employees on shift work may take vacation one shift at a time instead of consecutively, with the approval of their department head.

b) No vacation may be "sold" or "bought." However, to encourage employees to give advance notice of their separation, employees who leave county employment will be paid for their accrued untaken vacation as of the date of termination.

c) Part-time employees working 40 hours or more per pay period, may accrue vacation on a pro-rated basis. Example: 40 hours per pay period accrues 1.54 hours vacation. No seasonal or temporary employees may accrue any vacation hours.

9. Any elected official's employees and department heads and employees shall accrue thirteen (13) days of sick leave per fiscal year. Sick leave may be used to care for immediate family as defined in the Family and Medical Leave Act policy adopted by Commissioners Court.

a) Sick leave will accrue at the rate of four (4) hours per pay period. Sick leave hours will be accrued on the payroll system. Paid sick leave is cumulative up to sixty days (480 hours).

b) No sick leave may be "sold" or "bought."

c) Sick leave may only be used for sickness or for paid leave under the Family and Medical Leave Act; it is not an alternate form of vacation or personal leave. Sick leave may not be converted to another form of leave to avoid entering unpaid leave status.

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d) The Family and Medical Leave Act policy adopted by Commissioners Court will be the official guideline for serious illness of employee, maternity leave, adoption, foster care placement, or the serious illness of an employee's child, spouse or parent.

e) Part-time employees, working 40 hours or more per pay period, may accrue sick leave on a pro-rated basis. Example: 40 hours per pay period accrues 2 hours sick leave. No seasonal or temporary employees may accrue any sick leave.

Any part-time employee working for the County at least 1250 hours for one or more years will be included within the Family and Medical Leave Act policy adopted by the Commissioners Court.

10. Any official or department head may grant paid emergency leave up to two (2) days per fiscal year in addition to vacation or paid sick leave. Emergency leave may be granted for any of the following: Funerals of relatives or close friends, auto accidents, or emergency repairs of home or autos. Emergency Leave is non-cumulative and may not be "sold" or "bought."

Any official or department head may also grant one (1) floating holiday per fiscal year to an employee for personal or business reasons. The floating holiday may be used for any reason other than sick or recreational. The floating holiday is non-accumulative and may not be "sold" or "bought."

11. Each official or department head shall grant paid County and District jury duty leave to any employee.

12. a. Under the Family and Medical Leave Act (FMLA) policy all employees will be required to use all accrued sick, vacation and earned compensatory time to have paid leave under FMLA. When employees have exhausted all forms of paid leave, they shall be placed on unpaid leave as provided in the FMLA policy. However, if employees on leave are receiving workers' compensation, they will receive that as their sole compensation and will neither receive county pay nor expend previously accrued leave.

b. At the end of the twelve (12) weeks for FMLA, or for reasons other than FMLA, employees may be placed on unpaid leave if the department head can discharge the responsibilities of their office without the presence of the employee. However, employees may not be placed on unpaid leave unless they have previously exhausted their accrued paid leave in all categories applicable to their situation.

c. As long as an employee is on FMLA leave or leave without pay, the employing official or department head may not hire another regular, full-time employee to fill that position, unless expressly authorized to do so by the Commissioners Court. Requests for intermittent leave will be strictly scrutinized to assure both compliance with FMLA and minimum disruption to the workplace.

d. While on unpaid FMLA leave, or any other form of unpaid leave, the employee shall not accrue any vacation or sick leave hours.

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13. All eligible County and Precinct officials, employees and retirees will have the opportunity to enroll in one of the health benefit plans under the Self-Funded Williamson County Benefits Programs or the Scott and White HMO plan. All employee health premium rates will be paid on a pretax basis through payroll deduction. The employee health premium rates will be determined each year by the Williamson County Benefits Committee and approved by the Commissioners' Court. The County will fund the balance of the total health premium that is over and above the portion paid by the employee. County and Precinct officials, employees and retirees may also cover their eligible dependents under the same health benefit plan that they elect. The appropriate additional premium for dependent coverage will also be deducted through payroll on a pretax basis. The eligible retiree will be provided health benefits for a specified premium rate, again, with the County funding the balance of the total health premium. The retiree may also cover their eligible dependents for an additional specified premium rate. A retiree is defined as someone who is receiving lifetime monthly TCDRS pension benefit payments. The County will stop insurance coverage on the retiree when a) the retiree reaches age sixty five (65) or becomes eligible for Medicare, whichever occurs first; b) the retiree qualifies for other health insurance coverage; or c) the retiree fails to submit the required set premium. Anyone that retired before April 1, 1994 will have health insurance coverage until age seventy (70). A committee composed of the County Judge, one County Commissioner, and two department heads will serve as trustees of the Williamson County Benefits Program. This committee will act in compliance with the Texas Local Govt. Code, Chapter 172., sec. 172.001-172.015, Texas Political Subdivisions Uniform Group Benefits Program.

14. All officials, their employees and employees of other departments that work over (18) hours per week, per year, are required to participate in the Texas County and District Retirement System. The County Treasurer shall deduct the required amount from the employee's salary and the County shall make the required County contribution. The Commissioner's Court has appointed the County Treasurer as custodian of the County Retirement System. Temporary workers may be exempted from participation as provided by Retirement System regulations.

15. In compliance with the Texas Workers' Compensation Insurance Act, all Williamson County employees are provided Workers' Compensation coverage. The County's coverage is provided through the Texas Association of Counties Workers' Compensation Claims Fund. More information about Workers Compensation rights may be obtained from the Texas Workers Compensation Commission, or by calling (512) 448-7900, or by contacting the Williamson County Employee Benefits Department. The Williamson County Employee Benefits Department will report all injuries to the Third Party Administrator for the Texas Association of Counties Workers' Compensation Claims Fund as they are reported. Claims for lost time are forwarded to the Texas Workers' Compensation Commission by the Third Party Administrator.

16. In compliance with the Texas Department of Transportation's regulations for drug and alcohol testing, Williamson County employees or potential employees who possess CDL licenses and operate County owned equipment or vehicles are subject to pre-employment, random, and post-accident testing. Potential employees of the Williamson County Sheriff's Department are subject to pre-employment testing.

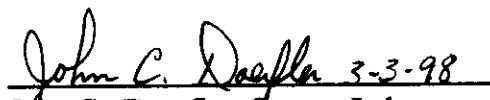
17. An Employee Assistance Program (EAP) is available to Williamson County Employees and their eligible dependents. The EAP may be used for individual, confidential treatment of work-related problems or personal problems. It may also be utilized, at the supervisor's discretion, as treatment for various work-related personnel problems.

18. Williamson County will comply with all Fair Labor Standards Act Rules and Regulations. Employee records will be maintained for a minimum of four (4) years as mandated by the Act. Williamson County will also comply with the American With Disabilities Act and the Family and Medical Leave Act.

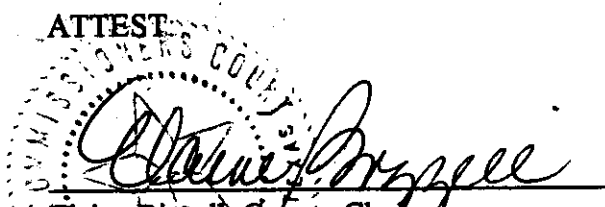
19. All references to "officials" includes District, County and Precinct officials and any other officials for which the Commissioners Court has the authority to adopt a budget, and any official, employee, or agency that receives County funds.

WHEREUPON MOTION MADE AND SECONDED, the ORDER ADOPTING THE AMENDED 1998 WILLIAMSON COUNTY BUDGET was passed on a vote of ____ for, ____ against. This ORDER being adopted, the County Judge is authorized to sign the ORDER and the County Clerk is instructed to record the ORDER and the Budget in the official minutes of the Commissioners Court.

Approved and signed this 3rd day of March, 1998.


John C. Doerfler, County Judge

ATTEST


Elaine Bizzell, County Clerk

Appendix One

Under Federal law, there is generally a legal entitlement to compensatory time only if a nonexempt employee actually works more than 40 hours during a 7-day work period. The following rules regarding overtime represent an effort to go over and beyond the minimum requirements in the interest of fairness. They are to apply only to nonelected county or precinct employees who are not subject to the guaranteed salary with fluctuating hours plan. The examples are designed as general illustrations of the principles involved, as well as of the sort of situations that the clarifications are intended to address.

Definitions: "Nonexempt employees" include all county and precinct employees who are subject to the overtime regulations of the Federal Fair Labor Standards Act. "Authorized paid leave" includes holidays, sick leave, vacation, compensatory time taken, personal leave, military leave, jury duty, and all similar forms of compensation allowed by the annual budget order.

1. Nonexempt employees may only work on a county holiday or outside normal working hours at the express direction of their supervisor or with the express permission of their department head or designee. Additional hours worked without such authorization will not be compensated, except to the limited extent required by Federal law.

* It is the responsibility of the department head to enforce this policy and to prevent the filing of claims for unauthorized compensation.

Example 1: An employee is sick on Monday, then gets permission to work 8 extra hours later in the week; under the policies described below, the employee will not be charged with any expenditure of sick leave.

Example 2: Another employee is sick the same day, then works 8 extra hours without permission; the employee is charged with 8 hours sick leave and accrues no compensatory time.

2. Sick leave, holiday time, personal leave, vacation, and other authorized paid leave shall be charged against an employee only to the extent that the employee actually works less than 40 hours during a 7-day work period. This policy shall be administered so as to preserve accrued sick leave as the highest priority, with the other categories following in the order set out above.

Example 3: an employee takes personal leave all day Monday, but works 6 extra hours (with permission) before Thursday; the employee is only charged for 2 hours leave, not 8.

Example 4: an employee takes a Friday vacation day, is called out on an icestorm emergency for ten hours on Sunday, and has the flu on Tuesday; the employee is charged with no sick leave and only 6 hours of vacation leave.

3. Whenever possible, an employee who works on a holiday with permission is to be given another day off within the same 14-day pay period. County holiday hours which the department head determines cannot be taken during that pay period shall be converted hour-for-hour to flat compensatory time.
4. In the event that a nonexempt employee is required or requested to work outside his or her normal working hours or on a county holiday, the employee shall be entitled to compensatory time at the rate of time-and-a-half only to the extent that hours actually worked exceed 40 during the 7-day work period. The employee shall be entitled to compensatory time at a flat rate to the extent that the sum of hours worked (or 40, whichever is less), plus authorized paid leave taken after the adjustments described in Paragraph 2, exceeds 40 hours during the work period.

Example 5: a deputy clerk takes holiday leave on Monday, then works from 5 until 10 PM at a jury trial on Wednesday; she has worked less than 40 hours, so she has earned no time-and-a-half, but the sum of 37 hours worked plus 8 hours paid leave is 45, so she gets 5 hours of flat-rate compensatory time. [If the Monday leave had been emergency leave instead, no compensatory time would be earned, but the employee would only expend 3 hours of her accrued emergency leave.]

Example 6: a road and bridge employee takes a Friday holiday, but then is called out for 10 hours on Sunday to cope with a flood; the employee has worked 42 hours, so he is entitled to just 3 hours of time-and-a-half compensatory time, but the sum of 40 plus the paid leave is 48, so he gets 8 hours of additional flat-rate compensatory time, for a total of 11 hours.

5. Although employees who are exempt or not subject to the Fair Labor Standards Act never

* The county is required to credit time-and-a-half for hours actually worked beyond 40 in a 7-day work period, to the extent that the employer "suffered" the extra hours to be worked.

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have any federally-guaranteed right to overtime compensation, a department head may allow such employees flexible hours, even if this occasionally results in full pay for a week in which the employee works less than 40 hours, so long as the average work week of the employee exceeds 40 hours (including authorized paid leave).

Example 7: a felony prosecutor puts in 60 hours during a jury trial week, and the DA lets her take 2 days off a few weeks later; she gets no extra compensation for the long week, but (at the discretion of the DA) the short week is not charged against her accrued paid leave.

6. Department heads are responsible for controlling overtime so as to avoid creating an excess liability for the county. The Commissioners Court is not required to amend the budget or approve line-item transfers to allow for the payment of unnecessary overtime compensation, or for hiring additional employees required to keep an office open while the regular employees are taking their compensatory time. Employees are encouraged to take any accrued compensatory time as soon as they possibly can, rather than allowing it to accumulate.

Example 8: five employees, each with 80 hours of accrued compensatory time, quit a department at once; the department head may have to do without any replacements for 10 employee-weeks or risk running out of salary money before the end of the year.

7. The Texas Constitution absolutely forbids counties from making a gift. Therefore, Williamson County cannot pay an employee any compensation that is not authorized in its budget. The allowances for authorized paid leave in the budget order are the exclusive forms of paid leave provided by the county to its employees. The county cannot legally pay someone for unworked hours that do not fall under one of these categories, or that exceed the maximum amount allowed. The department head may grant employees unpaid leave if they have exhausted their paid leave, but may not agree to make any payments not authorized by Commissioners Court. Except as otherwise provided in this Budget Order, the Treasurer and Auditor will reject any departmental request to pay an employee who has not actually worked 40 hours during a 7-day work period and is not entitled to authorized paid leave.
8. The Williamson County Budget Order for 1997-98 is hereby amended to the extent necessary to implement these clarifications.

Appendix Two

The following clarifications and amendments to the 1997-98 Budget Order apply only to nonelected county employees who are subject to the guaranteed salary with fluctuating hours plan ("the plan").

1. The departments and employees who are subject to the plan have been designated by prior action of Commissioners' Court.
2. The definitions in Appendix One shall also apply to this Appendix. Insofar as possible, the provisions of Appendix One relating to the calculation of accrued and expended leave shall also apply to the exempt and nonexempt employees subject to the plan.
3.
 - a. Except as provided below, the "work period" for purposes of calculations under the Fair Labor Standards Act shall be a 7-day week. Generally, nonexempt employees may only work 40.00 hours during a week without incurring an overtime obligation for the county.
 - b. Employees who are trained peace or corrections officers primarily involved in law enforcement or corrections activities shall have a 14-day "work period" for purposes of

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calculations under the Fair Labor Standards Act. Nonexempt employees in these categories may work 85.00 hours during a work period without incurring an overtime obligation.

- c. Only hours actually worked count toward the overtime limit for nonexempt employees. Holidays, vacation, and other forms of paid leave do not contribute to the total number of hours worked in a work period. Appendix One describes the principles to be used in calculating the leave expended during a work period when a holiday or paid leave occurs. Provisions relating to a "40-hour work week" in Appendix One shall be extended in appropriately modified form to those employees who may work up to 85 hours in a two-week work period.
4. a. Nonexempt employees who are subject to the plan are not eligible to earn compensatory time or "bonus time" in place of overtime pay. They must be paid additional cash compensation for their overtime as each pay period occurs. Because their salary is not subject to reduction if they work fewer hours, however, these employees are not paid time-and-a-half for their overtime hours.
- b. They shall be compensated with additional pay for all overtime hours at an hourly rate equal to one-half their guaranteed salary for the work period divided by the number of hours that they actually worked during the period.
5. The salary provided for a nonexempt employee under the plan is not subject to reduction because the employee worked fewer than 40 or 85 hours (as the case might be) during the work period. Salary may not be "docked" for absences, although an employee who wilfully misses work is subject to disciplinary action. This might include unpaid disciplinary suspension or termination.
6. However, payment of a salary is **not** guaranteed if the employee does not work at all during the work period. An employee under the plan who performs no work during a given period will not be paid, except to the extent of any accrued leave that the employee has previously earned. Unpaid leave, under the Family and Medical Leave Act (FMLA) or otherwise, is regulated by the same rules that apply to employees who are not subject to the plan.
7. Employees subject to the plan accrue vacation, sick leave, and personal leave, and are entitled to leave under the FMLA, on the same basis as any other employee. Similarly, when the employee is absent from work, the absence is charged against accrued leave on the same basis as any other employee. The only difference is that the salary of an employee subject to the plan may not be reduced for absences—even if the employee has no accrued leave—in any work period during which the employee performed any work.
8. Whenever possible, an employee subject to the plan who works on a holiday with permission is to be given another day off within the same 14-day pay period. County holiday hours which the department head determines cannot be taken during that pay period shall be converted hour-for-hour into additional vacation time.
9. The Williamson County Budget Order for 1997-98 is hereby amended to the extent necessary to implement these clarifications. The changes made by these amendments, including the limitations on payment to employees subject to the plan who do not have adequate accrued leave, shall go into effect at the beginning of each employee's first work period following the adoption of this Amended Order.

AGENDA ITEM # 12March 3, 1998*Consider approving County Policy Manual.

John Willingham addressed the court concerning changes with the Williamson County Policy Manual on Public Servants, Bribery, Honoraria and Gifts.

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To approve County Policy Manual as presented.

Vote: Motion carried 4 - 0

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