

AGENDA ITEM # 8March 3, 1998\*

Discuss and take appropriate action concerning lease agreement with Cedar Park Chamber.

No action taken on agenda item at this time and will be on March 10, 1998 agenda.

AGENDA ITEM # 9March 3, 1998\*

Consider authorizing, advertising and setting date to receive bids for Fire Ant Poison.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To advertise 10:30 a.m. on March 31, 1998 to receive bids for Fire Ant Poison with the auditors office to handle the advertising.

Vote: Motion carried 4 - 0

AGENDA ITEM # 10March 3, 1998\*

Consider amending section 3.(H) of the non-emergency curfew resolution approved July 2, 1996.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To approve amending section 3.(H) of the non-emergency curfew resolution approved July 2, 1996, (Recorded in Volume 81 Page 841) reference to section 2F be changed to 2D.

Vote: Motion carried 4 - 0

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AGENDA ITEM # 35July 2, 1996

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Discuss and take appropriate action on juvenile curfew.

Moved: Commissioner Heiligenstein

Seconded: Judge Doerfler

Motion: To approve juvenile curfew for Williamson County.

Vote: Motion carried 5 - 0

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THE STATE OF TEXAS

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§ KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON

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On this the 2nd day of July 1996, the Commissioners Court of Williamson County, Texas, met in duly called Regular Meeting at the Courthouse in Georgetown, Texas, with the following members present:

John C. Doerfler, County Judge,  
Mike Heiligenstein, Commissioner Precinct One,  
Greg Boatright, Commissioner Precinct Two,  
David Hays, Commissioner Precinct Three, and  
Jerry Mehevec, Commissioner Precinct Four:

and at said meeting, among other business, the Court considered the following:

**RESOLUTION****I.**

**RESOLUTION OF THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, TO PROVIDE FOR THE PUBLIC SAFETY AND PURSUANT TO SECTION 351.903, TEXAS LOCAL GOVERNMENT CODE, THE FOLLOWING RESOLUTION, WAS ADOPTED ESTABLISHING:**

**NON-EMERGENCY CURFEWS****Section**

1. Definitions
2. Offenses
3. Defenses
4. Enforcement procedure
5. Penalty

**SECTION 1. DEFINITIONS**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them as indicated.

**CURFEW AREA** means all unincorporated areas all located within Williamson County, Texas.

**DIRECT ROUTE** means the shortest path of travel through public places to reach the destination without detours or additional stops at any other destinations along the way.

**EMERGENCY** means an unforeseen circumstance to include but not be limited to fire, natural disaster, an automobile accident or obtaining immediate medical care for another

person.

**ESTABLISHMENT** means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

**GUARDIAN** means any person, public or private agency to whom custody of a minor has been given by a court order.

**MINOR** means any person under 17 years of age.

**OPERATOR** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The terms include the members or partners of an association or partnership and the officers of a corporation.

**PARENT** means a parent who is the natural or adoptive parent of any person. As used herein, parent shall also include a court-appointed guardian or other person 21 years of age or older, authorized by the parent, by a court order or by the court-appointed guardian to have the care and custody of a person.

**PUBLIC PLACE** means any street, alley, highway, sidewalk, playground, park, plaza or place used or open to members of the public or any public building, place of business, amusement or entertainment.

**RELIGIOUS ACTIVITY** means any function or event sponsored by a religious organization that has received tax exemption under Section 501(C)(3) of U.S.C.

## **SECTION 2. OFFENSES.**

(A) It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or upon any public place in the Curfew Area between the hours of 12:01 a.m. and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

(B) It shall be unlawful for any minor to remain, walk, run, idle, wander, stroll, or aimlessly drive or ride about in or upon any public place or be on the premises of any establishment in Curfew Area between the hours of 1:00 a.m. and 6:00 a.m. of Saturday or Sunday.

(C) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of this chapter.

(D) The owner, operator, or any employee of an establishment located in the county commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

**SECTION 3. DEFENSES**

It is a defense to prosecution under Section 2. of this chapter that:

- (A) The minor is accompanied by his or her parent or spouse;
- (B) The minor is on an errand authorized by his or her parent or spouse, or one made necessary by an emergency;
- (C) The minor is moving by a direct route through a curfew area or to his or her home in a curfew area;
- (D) The minor is in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through a curfew area is the most direct route;
- (E) The presence of the minor is connected with or required with respect to a religious activity, governmental activity, educational activity or a business, trade, profession or occupation in which said minor is lawfully engaged;
- (F) The minor is on the sidewalk of the place where such minor resides or on the sidewalk of either next-door neighbor not communicating an objection as to the presence of the minor to the police officer; or
- (G) The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
- (H) It is a defense to prosecution under 21A that the owner, operator, or employee of an establishment promptly notified the Police Department that the minor was present on the premises of the establishment during curfew hours and refused to leave after being requested to do so by the owner, operator, or employee.

**SECTION 4. ENFORCEMENT PROCEDURE.**

All enforcement procedures adopted by the Sheriff's Department shall be in compliance with the provisions of the Texas Family Code.

**SECTION 5. PENALTY.**

- (A) Any minor violating the provisions of this chapter shall be guilty of a Class "C" misdemeanor.
- (B) Any other person violating this chapter shall be guilty of a Class "C" misdemeanor, which shall be punishable by a fine of not less than \$50 nor more than \$500.

## II.

This resolution shall become effective immediately from and after its approval.

## III.

The foregoing Resolution was duly moved by Commissioner Heiligenste and seconded by Judge Doerfler, and was then adopted by a vote of 5 Voting for and 0 Voting against. County Judge John C. Doerfler was duly authorized to sign said Resolution as the act and deed of Commissioner's Court of Williamson County and of Williamson County.

John C. Doerfler 7-2-96  
JOHN C. DOERFLER, County Judge

ATTEST:

Elaine Bizzell  
ELAINE BIZZELL, County Clerk

AGENDA ITEM # 11

March 3, 1998

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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*  
65

## Budget Order

2

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;

67

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## Budget Order

4

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.

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.

## Budget Order

6

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.

70

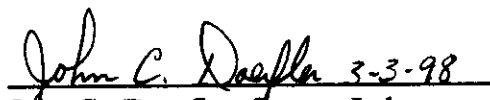
17. An Employee Assistance Program (EAP) is available to Williamson County Employees and their eligible dependents. The EAP may be used for individual, confidential treatment of work-related problems or personal problems. It may also be utilized, at the supervisor's discretion, as treatment for various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

*jud*

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

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\* 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.

*jed*

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

Budget Order  
10

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 # 12

March 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

< Clerk copy here >

# **WILLIAMSON COUNTY**

## **POLICY MANUAL**

*approved 3-3-98*  
*John C. Daefler*

# WILLIAMSON COUNTY POLICY MANUAL

## TABLE OF CONTENTS

TOPIC/SECTION	PAGE
<b>Receipt and Acknowledgment</b>	1
<b>Notice to Employees</b>	2
<b>Role of Human Resources, Benefits, Treasurer</b>	2
<b>Employment, Promotion, and Discipline</b>	3
Equal Employment Statement	3
Employment Procedures	3
Salaries and Appointments	5
Promotions and Transfers	6
Discipline, Warnings, Dismissal	7
Employment Records	9
<b>Pay Plan and Policies</b>	10
Payroll Week, Pay Plan, and Work Hours	10
Longevity Pay	11
Overtime	11
Reporting of Time Worked, Leave, Etc.	11
<b>Personal Conduct</b>	13
Use of County-Owned Property and Vehicles	13
Dealing with the Public	13
Drug Free Workplace	13
Sexual Harassment	16
Workplace Violence Policy	17

<b>TABLE OF CONTENTS, CONTINUED</b>	<b>PAGE</b>
Smoke Free Workplace	19
Outside Employment	19
Departmental Codes of Conduct	19
Retaliation Prohibited	19
Termination and Exit Interviews	20
Serious Diseases and Disabilities	20
<b>Grievance Procedures</b>	21
Grievance Procedures—Applicability	21
Scope of Complaint Procedures	21
Informal Resolution of Grievances	21
Time Limits for Filing Grievances	22
Complaint Resolution Procedures	22
Departmental Grievance Procedures	23
Grievance System for Elected Officials	23
<b>Leave and Travel Policies</b>	24
Notification of Absences	24
Reporting Responsibility	24
Vacation Leave	24
Sick Leave	25
Holidays	26
Floating Holiday	26
Emergency Leave	26
Family and Medical Leave	27

<b>TABLE OF CONTENTS, CONTINUED</b>	<b>PAGE</b>
Military Leave	28
Jury Duty and Court Appearances	28
Leave Without Pay	28
Workers' Compensation	29
Travel Policies	29
<b>Retirement, Health Insurance, Other Benefits</b>	<b>31</b>
Retirement	31
Health Benefits Summary	32
Pre-Existing Conditions	34
Preferred Provider Networks	35
Hospital Pre-Certification Requirements	35
Dental Benefits	36
Prescription Drug Plan	36
Medical and Dental Claims Procedures	36
Flexible Benefits Plan	37
Electing and Changing Benefit Choices	38
Filing Flex Account Claims	39
Health Plan Interface Option	39
Post-Natal Care, Group Life, Voluntary Life	40
Disability, Employee Assistance Plan, Wellness Plan	41

**Appendix A—Public Servants, Bribery, Honoraria, and Gifts**

**Williamson County Policy Manual-Receipt and Acknowledgement**

I have received a copy of the Williamson County Policy Manual (hereinafter "Manual"). I understand that the manual contains policies and rules that apply to me. I will abide by the policies and procedures as they exist and as they may be altered, deleted, or amended at any time.

I agree to read the manual, to understand its contents, and to remain current with it during my employment with the County. I understand that this manual in no way constitutes a guarantee or contract of employment, that I am an at-will employee, and that my employment can be terminated at any time, with or without cause or notice, at the will of the County, and that I may resign at any time.

I understand that this manual remains the property of the County, and I will relinquish this copy to the Employee Benefits Department upon my termination of employment.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Social Security Number

**TO ALL COVERED EMPLOYEES AND ELECTED OFFICIALS:**

The purpose of this manual is to describe the personnel, payroll, leave, and benefits policies of Williamson County (hereinafter referred to as "County") so that supervisors and employees will be able to work together with as much cooperation and as little confusion as possible. Nothing in the manual constitutes a contract or guarantees employment. Policies may be altered, deleted, or amended at any time by action of the Commissioners' Court. Unenforceable provisions of this policy, as imposed by applicable law, regulations, or judicial decisions, shall be deemed to be deleted. Any revisions to County policies that are made will be sent to each official and department for distribution to individual employees.

Questions about County policy should be directed to the persons listed below, according to their areas of policy responsibility:

Human Resources Director  
512/930-3339

Hiring, promotion, EEO plans  
and compliance, countywide policies,  
grievances, position classification,  
group and step plan, unemployment  
claim appeals, training, discipline,  
dismissals

County Treasurer  
512/930-4424

Payroll, overtime, sick leave,  
holidays, vacation leave, comp time,  
retirement plan, deferred comp plan,  
exit interviews for payroll and  
retirement

Benefits Administrator  
512/930-3360

Medical, dental, and life insurance,  
disability issues, wellness plan,  
family leave, employee assistance  
plan, workers comp, drug testing,  
flex plan administration, exit  
interviews for health/flex benefits

## CHAPTER I

## EMPLOYMENT, PROMOTION, AND DISCIPLINE

Section 1: Equal Employment Opportunity

- a. The policy of the County is to provide equal employment opportunity and to recruit, hire, and promote without discriminating on the basis of race, color, gender, religion, age, national origin, or disability.
- b. Questions concerning equal employment opportunity should be directed to the Human Resources Director.

Section 2: Employment Procedures

a. Officials and department heads are requested to notify the Human Resources Department when a vacancy for a regular, full-time position occurs. Formal recruitment may also be used to fill part-time positions. The Human Resources Department will use a current job description as the basis for drafting a vacancy notice and any advertisements that are authorized. Officials and department heads would then have three options for filling the position:

1. Applications from the general public--In this case, the vacancy notice would be posted in the following locations: the office or department in which the vacancy has occurred; the Human Resources Department in the main courthouse; the Justice Center; the Taylor Annex; the Round Rock Annex; Cedar Park City Hall; the Anderson Mill Satellite Office; and the Round Rock Office of the Texas Employment Commission. The vacancy notice may be distributed to each County department and mailed to other recruitment sources, as appropriate for the position.

2. Applications from any County employee--In this case, the vacancy would be posted in the following locations: the office or department in which the vacancy has occurred; the Human Resources Department in the main courthouse; the Justice Center; the Taylor Annex; the Round Rock Annex; Cedar Park City Hall; and the Anderson Mill Satellite Office. (Each County department shall also receive a copy of the announcement.)

3. Applications from within the department or office--In this case, the vacancy notice shall be posted only in the department or office in which the vacancy has occurred.

- b. If option "1" or "2" is selected, official County applications from all persons, including departmental applicants, shall be submitted to the Human Resources Department. If option "3" is



chosen, departmental applicants who are regular, full-time employees shall submit a letter of interest or request for promotion directly to the appropriate hiring authority. Part-time and temporary employees are subject to restrictions contained in Section 5.c. of the Manual.

c. Applications submitted through the Human Resources Department will only be accepted for positions that are currently vacant and posted.

d. If recruitment is through the Human Resources Department, a county application must be submitted for each position for which an applicant may apply. Applicants may submit additional materials such as resumes, letters of recommendation, transcripts, etc., but photographs shall not be accepted in the application process.

e. Positions posted in the Human Resources Department shall have a closing date, and all application materials must be received by the Human Resources Department by that date. For positions filled solely from within a County department, the appropriate hiring authorities shall likewise receive letters of interest or requests for promotion by a posted closing date. Jobs posted in the Human Resources Department shall be open for applications for at least five working days (ten days or more are recommended), and the Human Resources Department should be contacted by 5 p.m. Tuesday of the week prior to the week in which the position is to be opened. Positions posted for the general public normally open on a Monday and close on a Friday.

f. As soon as possible after the closing date, the Human Resources Department will forward all timely and complete applications to the appropriate office or department. The Human Resources Department is available to provide advice and assistance with screening, interviewing, and hiring. The department will work with officials and department heads to develop written interview questionnaires and other materials relevant to the selection process.

g. The final decision to hire remains with the elected official or department head in the department or office in which the opening has occurred. Hiring authorities are encouraged to work with the Human Resources Department to ensure that the process is conducted in the best interests of the County and its potential employees.

h. At the conclusion of the selection process, all applications originally submitted through the Human Resources Department should be retained in the department responsible for the selection.

i. Positions may be filled by using applications previously received by the Human Resources Department for the same or similar position if the applications were received no later than 180 days prior to the position's current vacancy.

### Section 3: Salaries and Appointments

a. The number of employee positions established and authorized for each official and/or department, and the maximum allowable salary for each position, are determined by the Commissioners' Court. 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 official or department head, (not to exceed the amount allowed under County policy), 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 County Treasurer.

b. With regard to the appointment, confirmation of the appointment of, or voting for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated with public funds or fees of office, County officials shall conform to the nepotism prohibitions contained in Chapter 573 of the Texas Government Code.

c. All new employees must complete the following two steps: (1) report to the County Treasurer's Office to complete necessary payroll forms and provide documentation pursuant to the requirements of the Immigration Reform and Control Act and (2) attend an orientation meeting, normally held each Thursday by the Benefits Department. New employees may combine these two procedures if they attend the orientation meeting during their first three days of employment. New employees shall return benefit enrollment forms to the Benefits Department within 30 days of their hire date.

d. Failure to provide accurate and complete information on the County application form or any official employment record may result in dismissal from county employment.

### Section 4: Introductory and Probationary Periods

a. Officials and department heads may establish periods of special scrutiny or close supervision at the outset of employment. Such periods, regardless of the terms used to describe them, do not alter the employment at will status of employees, either during the terms of the periods or upon their completion.

b. Probationary status may be assigned to an employee who has been promoted or disciplined. The completion of such a probationary period does not alter the employment at will status of the employee.

### Section 5: Promotions and Transfers

a. A promotion is the movement of an employee into a new position with a higher salary. The County encourages the promotion of well-qualified persons when it is feasible to do so. Any vacancy that would result in a salary increase for any employee within the office or department in which the vacancy has occurred should be posted in the office or department.

b. Departmental applicants should submit a letter of interest or request for promotion to the appropriate supervisor in order to be considered for positions posted within the department only. If a position is posted to the general public through the Human Resources Department, then County and departmental applicants, as well as members of the general public, shall submit a regular County application to the Human Resources Department.

c. Part-time and temporary employees, and in some cases volunteers, may be considered as departmental applicants. This practice may be utilized so long as there is no adverse effect on the county's recruitment efforts.

d. A lateral transfer is a move by an employee into a different position with the same pay. Lateral transfers within a department do not require posting.

### Section 6: Demotions and Reassignments

a. A department head or elected official may demote an employee when, as determined by the department head or official, the employee has been unable to perform his or her duties in a manner consistent with the efficient operation of the department.

b. A demotion shall include a reduction in pay. Elected officials or department heads should document the actions associated with the demotion and discuss the matter with the Human Resources Director prior to taking final action.

c. The elected official or department head must notify the County Treasurer's payroll office of any demotions within three working days.

d. Employees may be reassigned to duties in a lower pay group or step for purposes unrelated to job performance in the current position. Employees who desire a reassignment should submit a written request to the department head or elected official in writing.

Section 7: Discipline

a. Discipline may include both corrective action and more conclusive measures, including dismissal from employment.

b. Employees may be disciplined for misconduct which includes, but is not limited to, the following:

1. Incompetence in the performance of duties;
2. Inefficiency;
3. Insubordination;
4. Dishonesty;
5. Intemperance;
6. Immorality;
7. Violation of rules contained in this Manual, the rules and regulations of the Commissioners' Court, or of the office or department, or of any law;
8. The conviction of a criminal offense involving moral turpitude. For the purpose of this section, the word "convicted" shall mean a finding of guilt by either a judge or a jury without regard to the subsequent disposition of the case by suspension of sentence, probation, or otherwise, and shall also include a suspension of finding of guilt by a judge in a deferred adjudication probation. For the purpose of this section, the phrase "moral turpitude" shall mean an act of baseness, vileness, or depravity, or any act done with deception, or through corrupt motive, or as defined by state law and/or judicial decisions made under state law.
9. Damage to public property or waste of public supplies through negligence or willful misconduct;
10. Conduct unbecoming an officer or employee of the County;
11. Failure to report to work for one working day without notification to his or her supervisor;
12. Misuse of sick leave privileges;
13. Serious or consistent negligence in the performance of duties;
14. Serious or consistent failure to meet the written standards of job performance;
15. Lying or concealing a material fact concerning a matter under investigation; or for the purpose of obtaining personal benefit; or relating to service to the public;
16. Violent or disruptive behavior;
17. Unauthorized use of public property;
18. Negligence of duty;
19. Violation of a safety procedure;
20. Making a false statement or misrepresenting a material fact in the employee application materials, or on other work records;
21. Other actions detrimental to operations or to the

- public;
22. Seriously or consistently endangering the health or safety of employees or the public;
  23. Possessing or using controlled substances, as defined by Texas law, marijuana, or drug paraphernalia on County property or any place designated as a work site where the County is conducting business or providing services;
  24. Coming to work, or being at work, or remaining at work under the influence of alcoholic beverages or controlled substances, as defined by Texas law, or of marijuana;
  25. Any other misconduct, as determined by the employee's actions.

c. The following disciplinary procedure is available for use by supervisory personnel (see also paragraph "d" below):

1. If informal counseling or suggestions have not produced appropriate results, the supervisor may give the employee an oral warning which explains the misconduct, outlines a solution, and states the consequences if improvement does not occur. Supervisors may prepare a memo for the record and retain it in their files.
2. If misconduct continues after the oral warning, the supervisor may issue a written reprimand to the employee and focus again on the nature of the misconduct, the solution, and the consequences if improvement does not occur. In addition, the employee may be placed on probation for a specified period. The reprimand should be signed by both the employee and the supervisor, and each should retain a copy.
3. If a written reprimand does not produce the desired improvement, additional written reprimands may be issued or other actions, such as paid or unpaid suspension, or dismissal, may be necessary. If an employee is suspended, the terms of the suspension should be set forth in writing and signed by the employee and the supervisor.

d. There is no requirement that the disciplinary actions listed in subsection "c" be implemented prior to dismissal or other action or that they be implemented in any particular order. County employees work "at will", which means that the employment relationship is terminable at any time, with or without cause or notice, by either the employee or the County, and nothing in this section is intended to affect the at will status of any County employee.

e. Unless prior authority has been granted, dismissal shall occur only with the approval of the elected official, department head, or other hiring authority.

f. Employees may use available grievance procedures if they disagree with the implementation of a disciplinary action.

Section 8: Employment Records

a. Applications, recruitment notices, EEO information, and other materials related to the application process should be retained by the department in which the vacancy occurred, for at least two calendar years after the termination of an employee.

b. Documents related to disciplinary actions should be on file in the office or department in which the disciplined employee is or has been employed. They should be retained during the tenure of the employee and for at least two years following the employee's termination.

c. Documents related to performance evaluations should be on file in the office or department in which the employee works, and should be retained during the tenure of the employee and for at least two years following the employee's termination.

d. The County Treasurer's Office shall maintain copies of payroll information and the Benefits Department shall maintain copies of benefit information.

## CHAPTER II PAY PLAN AND POLICIES

### Section 1: Payroll Week and Work Hours

a. The official payroll week for most county departments is Friday through Thursday. Most employees work from 8 a.m. to 5 p.m. weekdays. The schedules of some departments may vary according to their work requirements and pertinent regulations.

b. Break periods other than meal times may be granted as work permits but should be limited to fifteen minutes, once in the first half of the work shift and once in the second half. Special assigned hours and any break or meal times are subject to supervisory control and discretion and may be adjusted so long as the required work total is met.

### Section 2: Pay Periods

All County officials and employees shall be paid every other Friday, for the two week work period ending the Thursday of the week before payday. If the scheduled payday falls on a holiday, paychecks will be issued on the last working day preceding the holiday.

### Section 3: Pay Plan

a. The Commissioners' Court, under statutory budgetary procedures, shall approve the number and salary of all regular salaried positions, and part-time and temporary positions allocated to each department.

b. Most county employees have been assigned a pay group and step range based on a market survey and job analysis of each position. The analysis includes a review of the knowledge, skills, and abilities required in the position; education and training; level of discretion and judgment; initiative and ingenuity; workload; supervisory responsibility; financial responsibility; level and frequency of outside contacts; physical demands; responsibility for equipment and property; working conditions; and labor market influences. The authority to assign groups and steps rests with the Commissioners' Court.

c. The job analysis is designed to assess the nature of a position and not to evaluate the individual in the position. But once a position has been classified, advancement to higher steps is dependent on certain job-related factors, including, but not limited to, individual performance.

d. Merit raises, if any, should be based on an evaluation of the individual's performance and other job-related factors. The amount received by individual employees may vary according to supervisory evaluations. The Human Resources Department has forms and instructional materials that may be of assistance in evaluating employees.

e. Cost of living increases, if any, would provide equal percentage increases to all employees.

f. The Commissioners' Court has sole authority to determine the availability of funds for cost of living increases or merit raises, if any, that may be granted. In some cases, the Court may approve a combination of cost of living increases and merit raises.

#### Section 4: Longevity Pay

a. 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 continuous service with the county. Longevity pay shall begin with the pay period following the completion of five years of employment and shall increase on the pay period following the each additional five years of employment, to a maximum of twenty-five years. Longevity pay shall be paid 26 times per year.

b. Longevity pay shall be \$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 (\$46.16 per pay period) after completing twenty years of employment; and \$125 per month (\$57.70 per pay period) after completing twenty-five years of employment. The maximum longevity pay allowed shall be \$125 per month.

#### Section 5: Overtime

The County will comply with Fair Labor Standards Act ("FLSA"). Inquiries about the FLSA should be directed to the County Treasurer.

#### Section 6: Reporting Responsibility

a. Each official or department head shall be responsible for the accurate reporting of all time worked by each employee and of all holidays, vacation leave, sick leave, jury service, and other



leave.

b. Such reports shall be made to the County Treasurer's Office on such forms and at such times as may be prescribed by that office.

### CHAPTER III PERSONAL CONDUCT

#### Section 1: Use of County-owned Property and Vehicles

a. Reasonable care should always be exercised in the use of Williamson County property and vehicles to minimize damage or waste. Intentional or negligent damage of county-owned property may be grounds for disciplinary action, up to and including dismissal from employment.

b. 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 homes at night: (a) County Sheriff (b) each County Commissioner (c) each Constable and Deputy Constable (d) all Sheriff's deputies and investigators (e) the Unified Road Superintendent (f) any road and bridge crew employees designated by the Unified Road Superintendent and approved by the Commissioners' Court (g) the County Maintenance Supervisor (h) the EMS Director and (i) the Mental Health Transport Officer.

c. 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.

#### Section 2: Dealing with the Public

a. Officials and employees are public servants, with a responsibility to the public to provide timely, courteous, and efficient service.

b. All officials and employees are expected to conduct themselves in a way that will earn public respect and bring credit to the county and its operations.

#### Section 3: Drug Free Workplace

a. The objective of this policy is to develop a drug and alcohol-free workplace which will help ensure a safe and productive workplace for County employees. Use and misuse of alcohol and drugs can and does impair the ability of an employee to perform his or her duties and may endanger the employee, a co-worker, or the public, as well as property. The County seeks to prevent the use, abuse, or misuse of drugs and alcohol by employees in any way which impairs their ability to perform their job duties.

b. This policy applies to all full-time and part-time County employees except for those in the Road and Bridge, EMS, and Sheriff's Departments who are covered by special policies requiring

pre-employment, random, or post-accident drug testing. A complete copy of those policies is available in the Employee Benefits Department.

c. Alcoholism and other drug addictions may be responsive to proper treatment, which may be an option as long as the employee cooperates with the County.

d. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance on County premises is prohibited.

e. Being under the influence of alcohol or illegal drugs on County premises is prohibited. The unauthorized use or possession of prescription drugs not prescribed to the employee or prescriptions taken other than in accordance with the prescribed directions of a physician is prohibited on County premises.

f. Employees who violate this policy are subject to appropriate disciplinary action, including but not limited to immediate dismissal from employment.

g. General Policy Provisions--Any of the following actions constitutes a violation of the policy and may subject any employee to disciplinary action including but not limited to immediate dismissal:

1. Using, selling, purchasing, transferring, possessing, manufacturing, or storing any illegal drug or drug paraphernalia, or attempting or assisting another person to do so, while in the course of employment or engaged in a County sponsored activity, on County premises, or at other designated sites for work or County sponsored activity, or in property owned, leased, or rented by the County, or on official business for the County.

2. Working or reporting to work, conducting county business or being on county premises or in a county-owned, leased, or rented vehicle while under the influence of an illegal drug, alcohol, or in a condition impaired by an illegal drug or alcohol.

h. Preventative Acts:

1. Employees taking controlled substances prescribed by their physicians shall advise their department heads of the possible side effects of such medication regarding their job performance and physical/mental capabilities. This information shall be kept confidential and shall be communicated to the department head as soon as possible.

2. Any employee involved in a work-related accident where

there is reasonable suspicion that alcohol or drugs may have been a contributing factor will be subject to an accident investigation, which may include drug testing or testing for alcohol or drug abuse.

3. Other testing may be conducted if there is a reasonable, individualized suspicion of alcohol or illegal drug use.

i. Employee Assistance:

1. Any employee who has an alcohol or drug problem should contact the Benefits Administrator to obtain information on a possible leave of absence. Employees must explore options which minimize their time off from work, and the County reserves the right to require periodic reports and/or testing as to the employee's progress and/or successful completion of the program if a leave is granted. The time off will be without pay. Employees should refer to the Third Party Administrator of Williamson County Health Benefits Program to determine whether the cost of the program they are entering will be covered under Williamson County Health Benefits Insurance. Any expenses that are incurred and are not eligible for reimbursement under the Williamson County Health Benefits Program will be the sole responsibility of the employee.

2. An employee will not be disciplined because he or she requests to participate, or participates, in a rehabilitation program. Participation within a program does not alter the at-will relationship that the County maintains with all its employees or the County's rights to discipline or dismiss the employee independently of the employee's request for accommodation.

3. The County may require medical or other professional verification of an employee's ability to return to work following participation in a treatment program. (See also Section 3.h.3.)

j. Coordination with Law Enforcement Agencies--The sale, use, purchase, transfer, or possession of an illegal drug or drug paraphernalia is a violation of the law. The County will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials. Any search and seizure will be conducted by the contacted law enforcement agency. The County will cooperate fully in the prosecution and/or conviction of any violation of the law.

k. Reservation of Rights--The County reserves the right to interpret, suspend, cancel, or dispute, with or without notice, all or any part of this policy, or procedures, or benefits discussed herein. Although adherence to the policy is considered a condition

of continued employment, nothing in this policy alters an employee's at-will status and shall not constitute or be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the County retains the right to dismiss any employee at any time, for any or no reason, with or without notice.

1. Other Laws and Regulations--The provisions of this policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state, or local laws, regulations, or judicial decisions. Unenforceable provisions of this policy, as imposed by applicable law, shall be deemed to be deleted.

#### Section 4: Sexual Harassment

a. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

b. Examples of unwelcome conduct that may constitute sexual harassment include:

1. Touching, advances, or propositions;
2. Verbal abuse of a sexual nature;
3. Graphic or suggestive comments about an individual's dress or body;
4. Sexually degrading words to describe an individual;
5. The display in the workplace of sexually suggestive objects or pictures, including nude photographs.

c. The County strongly condemns sexual harassment in any county office or department. Each official, department head, supervisor, and employee has the responsibility to maintain a work environment free of such harassment and to report or complain about it as soon as possible. This responsibility includes dealing with sexual harassment that involves a non-county employee on county premises. Officials and employees involved in a sexual harassment situation are required to cooperate in any investigation that occurs.

d. Employees who believe they have been sexually harassed should follow the procedures set forth in Chapter IV of this manual, with the clear understanding, however, that they can come directly to the Human Resources Director if circumstances within the employee's department or other factors prohibit a reasonable attempt at an informal resolution of the problem or otherwise preclude the use of a grievance system. Prompt reporting is very important, but if a sexual harassment complaint is made past the time limits of any grievance system, the Human Resources Director may take other appropriate action. Confidentiality will be maintained to the extent possible, and participants in any investigation will be instructed not to discuss the subject. If a complaint is presented, retaliation against the employee is prohibited.

e. Sanctions against offending officials, department heads, supervisors, and employees may include, but are not limited to, consultation with superiors, reprimands, transfers, suspensions, demotions, dismissals, or referrals to appropriate enforcement agencies or officials.

#### Section 5: Workplace Violence Policy

a. The County has a policy of "Zero Tolerance" toward workplace violence, meaning that no violent acts, threats, or suggestions of violence will be tolerated. Possession of firearms or other weapons by unauthorized persons on County premises will result in immediate dismissal or prosecution. This policy applies to employees and non-employees alike. Having a weapons permit does not in itself entitle a person to possess a weapon on County premises. Law enforcement officers on official business with the County and judicial officers authorized to carry weapons may do so on County premises. Weapons include but are not limited to the following:

1. firearms (e.g., pistols, rifles, shotguns);
2. explosives;
3. knives with blades longer than four inches;
4. brass knuckles, clubs, and blackjacks;
5. other instruments, tools, or devices whose possession may present a threat to County security (e.g., ice picks, razors, etc.)

These and other items may be subject to confiscation or temporary retention by County security personnel.

b. Employees who violate this policy shall be subject to immediate dismissal from employment, as well as possible criminal prosecution, if warranted. Members of the general public exhibiting violent or threatening behavior will be subject to legal action.

c. Officials, department heads, supervisors, and other employees shall report any violent acts, threats, or suggestions of violence as soon as they occur. Comments made allegedly "in jest" should be reported and reviewed.

d. Direct threats, violent actions, or reports of weapons on county premises should be reported at once in the following manner, according to the place of occurrence:

1. Main Courthouse-call sheriff at ext. 3111 or 3172;
2. Courthouse Annex-call bailiff at ext. 4325 or sheriff at ext. 3111 or 3172;
3. Other County Buildings-call 911.

Actual injuries must be reported immediately to 911.

e. Indirect threats or other potentially violent behavior, including "jokes" with hints of violence, shall be reported to the official or department head, who then shall contact the County Attorney at ext. 3130 or the Human Resources Director at ext. 3338. When in doubt as to whether a situation justifies calling for immediate law enforcement assistance, employees should go ahead and contact the sheriff or 911 as appropriate.

f. Examples of violent or potentially violent behavior include but are not limited to the following:

1. Carrying weapons on county premises;
2. Physical assault of any person on county premises;
3. Comments or suggestions involving threats or intimidation;
4. Telephone threats or harassment.

g. Dismissals associated with this policy shall be implemented in the presence of a law enforcement officer, if done in person. Employees dismissed for violation of this policy shall remove their personal belongings and return keys or other County property immediately following the dismissals. Such employees shall complete the exit interview requirements of Section 10 by mail or phone.

h. Employees dismissed in accordance with this policy shall be barred from county premises and shall receive a notice in writing to this effect. The notice shall be given to the employee in the presence of a law enforcement officer, if given in person.

i. The notice barring the employee from county premises shall also state that future communications from the employee shall be directed only to the Human Resources Director at 930-3338.

j. Employees with questions about this policy may contact the

Human Resources Director at ext. 3338 or the County Attorney at ext. 3130.

#### Section 6: Smoke-Free Work Place

a. In conjunction with an organization-wide Wellness Program, the County has adopted a policy prohibiting smoking within County buildings or offices.

b. Smoking includes but is not limited to the lighting of a tobacco product; the holding or carrying of a lighted pipe, cigar, or cigarette, or any other lighted smoking equipment or device; or the inhaling or exhaling of smoke from a tobacco product.

c. This policy applies to all County employees, regardless of position, and includes temporary and part-time employees.

d. Employees who violate this policy shall be subject to disciplinary action.

e. The complete Smoke-Free Work Place policy adopted by the Commissioners' Court remains the official policy in this area, and nothing in this section can supersede the Court's policy. A copy of the policy is available in the Employee Benefits Department.

#### Section 7: Outside Employment

Employees may be employed in any capacity in a business, trade, occupation, or profession, at any time other than hours they are working for the county, as long as such employment does not violate state laws concerning abuse of office or employment, does not interfere with their normal duties, and does not constitute a breach of ethics or conflict of interest.

#### Section 8: Departmental Codes of Conduct

Nothing in these policies prohibits the establishment of other codes or standards of conduct by individual departments or officials.

#### Section 9: Retaliation Prohibited by State Law

A state or local governmental body may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports a violation of the law to an appropriate law enforcement authority, if the report is made in good faith.



Section 10: Termination and Exit Interviews

a. *County Treasurer*--It shall be the responsibility of each departing employee, whether or not the departure is voluntary, to meet with the appropriate representative of the County Treasurer's Office to complete forms and submit keys and other materials or information required by the county. The County Treasurer will also provide the departing employee with information about retirement and deferred comp plans, as applicable, and payment of accrued leave, if any. The departing employee shall inform the Treasurer or her representative of the employee's computer user identification or password and any other computer-related information considered important by the county.

b. *Benefits Administrator*--The departing employee must also meet with a representative of the Benefits Administrator to discuss insurance issues and the possible extension of benefits. County Policy Manuals must also be returned to the Employee Benefits Department.

c. Employees terminated for a violation of the Section 5 Workplace Violence Policy shall contact the County Treasurer and Benefits Administrator by phone or mail.

Section 11: Serious Diseases or Disabilities

a. Employees with serious diseases or disabilities are encouraged to notify their supervisors and the Benefits Administrator (930-3360) when adverse health conditions may affect their ability to perform their jobs, pose a threat to other employees or to the public, or require possible accommodation by the County.

b. A doctor's certification may be necessary to determine an employee's eligibility for continued employment or to determine what type of accommodation may be appropriate.

c. Access to medical information and records will be restricted according to practical and legal requirements.

d. Employees who have concerns about working with other employees who have serious illnesses or disabilities should bring those concerns to the attention of their supervisors or contact the Benefits Administrator.

e. Related decisions may be based on prevailing laws and/or regulations and on reasonable medical judgments as to the nature, duration, and severity of any risks and/or the probability of harm or disease transmission.

f. Discrimination against employees or applicants because of physical or mental disabilities is prohibited by the Americans with Disabilities Act and/or Chapter 21 of the Texas Labor Code.

## CHAPTER IV GRIEVANCE PROCEDURES

### Section 1: Applicability

a. Sections 2-5 below apply to all employees in departments under the direction of persons appointed by the Commissioners' Court.

b. Sections 2-5 may also apply to persons in other departments funded through the Commissioners' Court if a complaint is presented on grounds listed in Section 2.a.3. Responses to complaints under Section 2.a.3. are not limited to the provisions of this chapter, and the County Attorney, Human Resources Director, Benefits Administrator or other appropriate persons may respond according to the circumstances of a particular situation.

### Section 2: Scope of Complaint Procedures

a. A complaint may be filed by employees on one or more of the following grounds:

1. Improper application of rules, regulations, and procedures;
2. Unfair treatment, including but not limited to coercion, restraint, harassment, or retaliation;
3. Illegal discrimination based on race, religion, color, creed, sex, age, national origin, or disability;
4. Improper disciplinary action;
5. Improper application of benefits;
6. Improper working conditions;
7. Improper dismissal.

### Section 3: Informal Resolution

If possible, an employee should pursue an informal resolution of the complaint before filing a formal grievance. An employee is encouraged to resolve the complaint through all levels of departmental management as quickly as possible. After this effort is exhausted, the Human Resources Director may attempt a resolution of the problem or a formal complaint or other appropriate action should be initiated.

#### Section 4: Time Limits for Filing

a. Complaints must be promptly filed. To be considered, a termination complaint must be filed, in writing, with the Human Resources Director within five working days of the dismissal, exclusive of county holidays, unless it is beyond the reasonable control of the employee to do so. All other complaints must be filed within 10 working days of the incident giving rise to the complaint.

b. If the employee fails to meet the time limits for filing, the employee will be ineligible to use the grievance procedures, unless these policies provide for other means.

#### Section 5: Complaint Resolution Procedures

a. Within five working days of a termination and within 10 working days of other occurrences, a written complaint shall be submitted in person to the Human Resources Director. Attempts at informal resolution within the department or office should already have occurred. The Human Resources Director may also attempt an informal resolution at this or at any other point in the process, and the time for filing a grievance would be extended by whatever amount of time may be involved in pursuing such an informal resolution.

b. Grievances should be directly related to the grounds specified in Section 2 of this chapter.

c. If the Human Resources Director determines that the scope and timeliness of the complaint have met the requirements of Sections 2 and 4, the Human Resources Director shall set a hearing date, arrange for committee members to serve, and forward written notice to all involved parties and to the County Judge within 10 working days of receipt of the written complaint.

d. A committee of three persons, none of whom may be from the department of the grievant, will consider grievances of non-elected personnel. The committee will base its findings on documents, evidence, and statements presented at the hearing.

e. In most cases, personnel actions associated with the complaint should be suspended pending completion of the complaint procedure. Where termination is involved, the employee's position should not be filled by another person, except on an interim basis, pending resolution of the complaint.

f. Each party shall be allowed to present documents, evidence, and statements, including statements of witnesses, at the hearing. An employee may represent himself or be represented by a fellow

employee, attorney, or one person from an organization of his choice. Attendance will be limited to the committee, the grievant, management affected, County Judge, County Attorney or his representative, Human Resources Director, and the individual representative, if any, of the grievant. All others, such as witnesses, will be called and dismissed following their presentations. All those present will be permitted to ask or respond to questions, but only committee members will have a vote.

g. Loud and abusive language will not be allowed and will be grounds for removal from the hearing, dismissal of the grievance, and/or disciplinary action, up to and including dismissal from employment.

h. Within five working days of the conclusion of the hearing, the committee will prepare a recommendation for the Commissioners' Court. All committee deliberations, decisions, and hearing materials will remain confidential, to the maximum extent possible.

i. Within 10 working days of its receipt of the committee report, the Commissioners' Court shall conduct a review and require the Human Resources Director to inform the parties of any decision, additional hearings, or further reviews that may be involved.

#### Section 6: Departmental Grievance Procedures

a. Each department not covered by the preceding sections should establish a grievance procedure. Employees in those departments should contact their supervisors or department heads for information about departmental procedure. Employees in those departments may also request that the Human Resources Director assist them in determining departmental procedures.

#### Section 7: Grievance System for Elected Officials

a. Grievances by elected officials will be dealt with according to the appropriate provisions of the Texas Local Government Code.

## CHAPTER V LEAVE AND TRAVEL POLICIES

### Section 1: Notification of Absences

a. Regular attendance is important to the overall operation of a department or office. If for any reason an employee is unable to report for work, he or she shall notify the immediate supervisor on the morning of the same day, unless extraordinary circumstances make notification impossible. If the supervisor is unavailable, then someone else in the office shall be notified. Notification does not necessarily excuse the absence. Failure to provide proper notification may result in suspension or other disciplinary action, up to and including dismissal.

b. Employees who are absent from work for three consecutive days without giving proper notice will be considered as having voluntarily quit.

### Section 2: Reporting Responsibility

a. Each official or department head shall be responsible for the accurate reporting of all time worked by each employee and of all holidays, vacation leave, sick leave, jury service, and other leave.

b. Such reports shall be made to the County Treasurer on such forms and at such times as may be prescribed by that office.

### Section 3: Vacation Leave

a. Department heads, their regular employees, and the regular employees of elected officials accrue vacation leave. The length of the vacation will be determined by the amount of continuous service the employee has had with the County. Temporary employees are not eligible for paid vacation.

b. Vacation time is accrued beginning with the employee's first day of employment, at the following full-time rates:

1. 0-5 years	3.08 hrs/pay period	max of 80 hrs
2. 5-10 years	4.00 hrs/pay period	max of 120 hrs
3. 10+ years	5.00 hrs/pay period	max of 160 hrs

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

d. Vacation accrual will continue only as long as the employee is on paid leave; once the employee has expended all paid leave (vacation, sick leave, comp time), accrual will cease until the employee returns to work.

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

f. No vacation leave may be "sold" or "bought."

g. 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 of vacation. No seasonal or temporary employees may accrue any vacation hours.

h. Vacation leave can only be taken with the prior approval of the official, department head, or supervisor, as appropriate.

i. Except when leaving employment with the County, employees cannot receive payment in lieu of vacation time and cannot "purchase" vacation time. Vacation paid upon termination shall be computed at the rate of pay earned at the date of termination of employment.

#### Section 4: Sick Leave

a. Department heads, their regular employees, and the regular employees of elected officials accrue 13 days of sick leave per fiscal year. Temporary employees are not eligible for sick leave.

b. Sick leave will be accrued at the rate of four hours per pay period, to a maximum of 60 days (480 hours).

c. Part-time employees, working 40 hours or more per pay period, may accrue sick leave on a pro-rated basis.

d. No sick leave may be "sold" or "bought."

e. Eligible employees may use sick leave only for the following reasons, and, if possible, subject to prior approval of the official, department head, or supervisor, as appropriate:

1. illness or injury of the employee;
2. medical and dental appointments of the employee;
3. serious injury or illness of the employee's parent, spouse, or child, including medical/dental appointments;
4. birth or adoption of an employee's child;

5. foster care placement;
6. severely inclement weather when the employee is unable to get to work but County departments remain open.

f. Employees may be required to provide certification from a health professional that an absence was necessary and/or that the employee is fit to return to work. The County may also request additional medical opinions to verify leave or fitness for work. Employees may continue to be paid from their sick leave during any delays in returning to work that may occur.

g. No payment will be made for unused sick leave, nor may unused sick leave be converted to any other leave.

#### Section 5: Holidays

a. Holidays for each fiscal year are established by the Commissioners' Court. Past holidays have included Columbus Day; Veterans Day; two days for Thanksgiving; two to three days for Christmas; New Year's Day; Martin Luther King Day; Memorial Day; Independence Day; and Labor Day. Holidays are subject to change.

b. Employees scheduled to work on a paid holiday will be allowed to take off an alternate day, subject to approval of the employing official or department head.

#### Section 6: Floating Holiday

Eligible employees may receive one "floating" holiday per fiscal year, with prior approval of the elected official or department head. The floating holiday may be used for personal or business reasons unrelated to illness or vacation.

#### Section 7: Emergency Leave

a. Eligible employees may receive up to two days of paid emergency leave per fiscal year, with approval of the elected official or department head. Emergency leave may be granted for any of the following reasons: funerals of relatives or close friends; auto accidents; and emergency repairs to home or auto. Emergency leave does not carry over from one year to the next and cannot be bought or sold. Temporary employees are not eligible for emergency leave.

b. No payment will be made for unused emergency leave, nor may it be converted to any other leave.

Section 8: Family and Medical Leave Act (FMLA)

a. FMLA leave shall only be granted to those employees qualified for FMLA leave for the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, or daughter has a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

b. In accordance with the FMLA, an employee, having been employed for at least 12 months by the County and for at least 1250 hours of service with the County during the previous 12 months, shall be eligible for up to a total of 12 work weeks of leave. The 12 work week period shall be determined pursuant to the FMLA.

c. At the outset of FMLA leave, the employee shall be required to use accumulated vacation, sick leave, and comp time. Upon the exhaustion of accumulated leave, additional FMLA leave shall be without pay unless the individual's position and work schedule qualify him or her for guaranteed salary. However, the employee should consider that if 12 consecutive weeks of FMLA leave are taken, the employee may not be eligible for additional leave.

d. While an employee is on FMLA leave, the County will continue to pay its share of insurance premium costs. If the employee is purchasing other coverage over and above what is provided by the County, the employee is still responsible for those premiums.

e. If an employee's need for leave is foreseeable, the employee must provide the elected official or department head, and the Benefits Department, advance notice in writing not less than 30 days prior to the beginning of leave. In other situations, the employee must provide as much advance notice as possible.

f. To be eligible for FMLA leave for a serious health condition and to provide written notification of the need for leave, an employee shall provide a medical certification completed by his or her doctor. Eligible employees will be responsible for any costs associated with this certification. Forms are located in the back of the County's official FMLA Policy; they are also available in the Employee Benefits Department.

g. To be eligible for FMLA leave for either the birth of a son or daughter of the employee and in order to care for such son or daughter, or for the placement of a son or daughter with the



employee for adoption or foster care, an employee should provide written notification of the need for leave.

h. Nothing in this or any other section of this manual can supersede any provision of the actual FMLA policy passed by the Commissioners' Court.

#### Section 9: Military Leave

a. A full time salaried employee who is a member of the National Guard or military reserve will be granted up to 15 days per year for active duty, without loss of pay or accrued vacation leave.

b. If an employee wishes to take authorized military leave, the employee must furnish his or her supervisor with copies of military orders or other appropriate verification.

c. Employees on military leave for extended periods will be treated according to the provisions of the Veterans' Reemployment Rights Act.

d. Military leave for routine drills and meetings will be granted. The employee must furnish his or her supervisor with copies of military orders or other appropriate verification. This leave will be unpaid leave for all County employees, except for those employees who are paid the Guaranteed Fluctuating Hourly Rate of Compensation, which includes the employees within the Sheriff's Department, EMS Department, and the Juvenile Detention Facility.

#### Section 10: Jury Duty and Court Appearances

a. Any elected official or department head shall grant paid County and District Court jury duty leave to any employee. The employee shall be required to present documentation of service and will be allowed to retain any compensation for this service.

b. While not actually engaged in jury duty (e.g., on call) employees are expected to be at work. Similarly, if an employee is dismissed early enough to travel to the job site and work for at least two hours, the employee must do so. Questions should be directed to the employee's supervisor.

#### Section 11: Leave Without Pay

a. In cases other than Family and Medical Leave, any official or department head may grant leave without pay to any employee so long as the official or department head can discharge the responsibilities of the office or department without the presence of the employee. As long as the employee is on leave without pay,

the employing official or department head may not hire another regular, full-time employee to fill the position, unless expressly authorized to do so by the Commissioners' Court.

b. Vacation and sick leave accrual will continue only as long as the employee is on paid leave; once the employee has expended all paid leave, accrual will cease until the employee returns to work.

c. Employees who are on leave without pay should contact the Employee Benefits Department for details concerning continued health insurance coverage during their leave without pay.

#### Section 12: Workers' Compensation

a. The County carries insurance to cover approved costs for work-incurred injury or illness. Workers comp benefits, if approved, help pay for the employee's medical treatment, if any, and part of any income that may be lost. Specific benefits are prescribed by law, depending on the circumstances of each case.

b. To assist in obtaining coverage, employees shall report all work-related accidents to the appropriate supervisor immediately. The supervisor must then notify the Benefits Administrator as soon as possible.

c. More information about workers' compensation rights may be obtained from the Texas Workers' Compensation Commission, or by calling 1-800-752-6301, or by contacting the Benefits Administrator at 512/930-3360. The Benefits Administrator will report all injuries to the Texas Workers' Compensation Commission.

#### Section 13: Travel Policies

a. Any County official or employee who is required to use his or her personal automobile while on official County business may be entitled to receive mileage reimbursement, upon submitting the required documentation to the County Auditor.

b. Officials, department heads, and employees 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 the travel is approved by the appropriate official or department head and the required documentation is submitted to the County Auditor.

c. Officials, department heads, and employees may be entitled to reimbursement for any meals eaten when traveling out of the county on official county business, if the travel is approved by the appropriate official or department head and the required documentation is submitted to the County Auditor. The maximum meal

reimbursement is limited to \$28 per day, including tax and 15% for gratuities, and does not include alcoholic beverages. Receipts are required for all reimbursement requests.

d. For officials, department heads, or employees to receive reimbursements, the funds must have been appropriated by the Commissioners' Court prior to the expense being incurred.

CHAPTER VI  
RETIREMENT, HEALTH INSURANCE, AND OTHER BENEFITS

Section 1: Retirement

- a. All officials, their employees, and employees of other departments who are expected to work more than 18 hours per week/per year, are required to participate in the Texas County and District Retirement System (TCDRS). The County Treasurer's Office has information handbooks available for employees, and that office should be contacted at 512/930-4424 for questions concerning retirement.
- b. Retirement deductions are withheld from employee's paychecks at the rate determined by the Commissioners' Court. The County provides matching funds according to actuarial projections.
- c. Members are vested after eight years of credited service. However, if a member has four years of credited service and meets the "Rule of 75", he or she may also meet vesting requirements. (The Rule of 75 is met when the member's age plus accumulated years of credited service equal 75.) The member is not required to be employed by the County at the time he or she meets the Rule of 75 in order to receive vested or full service retirement benefits.
- d. For the purposes of this section, the word "vesting" is defined as being eligible to receive matching funds once the member begins to receive full service retirement benefits, and the term "full service retirement benefits" are defined as monthly annuity payments. These payments include a 250% match of County contributions to the member's accumulated funds.
- e. If a member's retirement funds are withdrawn in a lump sum at any time, the member will only receive the funds that they have contributed, plus any interest accrued. They will not receive any matching funds from the County.
- f. Members are eligible for full service retirement benefits if:
1. they have accumulated at least eight years of credited service and have attained the age of at least 60 or more; or
  2. their age plus accumulated years of credited service equals 75; or
  3. they have 30 years of credited service.
- g. No federal income taxes have been or will be withheld from that portion of the employee's salary deducted for retirement contributions made after January 1, 1986.
- h. Members who are vested but who leave employment before qualifying for service retirement benefits may leave their contributions in the system until they become eligible for

benefits. Their contributions will continue to draw interest until they qualify for benefits.

i. Members who are not vested but who have at least four years of credited service when they leave employment may leave their deposits with the system for as long as they wish. Their deposits will continue to earn interest, and membership will be retained. However, vesting and eligibility for monthly benefits will depend on meeting the "Rule of 75", as noted above.

j. Members who leave employment and who have less than four years of credited service may leave their deposits with the system for a period of 60 months from the date of the last deposit. At the end of the 60-month period, membership will cease, all previously earned credited service will be lost, and no further interest will be credited, unless the person has returned to TCDRS covered employment.

k. Retirement funds are not available for loans for any reason and may not be withdrawn prior to the employee's termination from employment with the County.

l. Deferred Compensation Plan (IRC Section 457)—In addition to TSDRS pre-tax retirement deductions, employees may defer current income taxes on a portion of their earnings and allocate these deferrals to a variety of investment options, including mutual funds. Information concerning this plan is available in the County Treasurer's Office.

## Section 2: Health Benefits Summary

a. The County strives to offer a competitive package of health benefit programs for its eligible employees. The goal is to offer a package that will attract and retain employees. The existence of the employee benefits and plans, in and of themselves, does not signify that an employee will be employed for the requisite time necessary to qualify for them. What follows is only a brief description of the medical benefits available to County employees.

b. All qualifying elected officials, department heads, their employees, and qualifying retirees are eligible for health benefits coverage under the Self Funded Williamson County Benefits Program or the Scott and White HMO Plan. A contribution for health insurance for each employee and participating retiree will be funded by the County at the set amount determined by the Commissioners' Court.

c. Qualifying employees are eligible for benefits 60 days from their hire date. Their elections for insurance coverage take effect on the 1st day of the month following their eligibility date.

d. There are two basic medical options under the Self Funded Williamson County Benefits Program: Plan A, under which the employee makes a copayment for office visits and prescriptions and the provider files a claim for the remainder of those costs, and Plan B, under which the employee pays for those services and then files a claim to recover some or all of the costs. Other services under both plans may require that the employee pay all costs and then file a claim. Plan B coverage is not as comprehensive as Plan A coverage. Complete details about both plans are available in the Employee Benefits Department.

e. Both Plan A and Plan B allow participants to utilize in-network or out-of-network providers and facilities. Out-of-network coverage is not as comprehensive as in-network coverage.

f. The Scott and White Health Plan offers a Health Maintenance Organization (HMO) option to County Employees. Under the HMO, participants select a primary-care physician from the Scott and White listing, and they utilize Scott and White clinics, pharmacies, and hospital facilities. Complete details about the Scott and White HMO plan are available in the Employee Benefits Department.

g. Qualifying persons will be provided health insurance benefits at a set premium rate dependent upon the level of coverage selected by the employee during benefits enrollment procedures. Dependents must meet plan requirements in order to be eligible for coverage. NOTE: Please see Section 10 below ("Electing and Changing Benefit Choices") for more information on enrollment procedures.

h. Eligible retirees will also be provided health insurance benefits at a set premium rate equal to the County employee's rate. Eligible retirees may also cover their dependents at a set premium rate equal to the County employee's rate.

i. For the purposes of this section, the word "retiree" is defined as someone who is receiving lifetime monthly Texas County and District Retirement System benefit payments and who retired directly from active employment with the County. The County will stop insurance coverage on the retiree and dependent when one of the following occurs:

1. the retiree reaches age 65;
2. the retiree qualifies for other health insurance coverage including Medicare;
3. the retiree fails to submit the required set premium rate.

j. COBRA coverage will be offered to retiree dependents who lose coverage due to the retiree's loss of eligibility.

k. Eligible employees on any type of paid leave will continue to

have health premiums deducted from their paychecks.

l. Employees who go on leave of absence without pay will be offered COBRA in order to continue their insurance. The plan administrator will send the employee and dependents COBRA notification for the applicable insurance coverage. The County may discontinue an employee's health care COBRA coverage if the employee's required premium is more than 30 days late.

m. An employee on unpaid FMLA leave will be allowed to choose whether to retain his or her health care coverage. Upon the employee's return to paid status, the coverage will be reinstated on the same terms as were in effect prior to the leave, without any new qualifying period.

n. The County may recover its share of the health care premiums paid for the employee's insurance during unpaid FMLA leave, if the employee fails to return to work for a reason other than (1) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to FMLA leave, or (2) other circumstances that are beyond the control of the employee. An employee will be allowed to prepay insurance as a convenience to the employee.

o. An employee's group medical insurance coverage may be continued if an employee terminates employment under circumstances described by federal law. The Plan Administrator will provide eligible employees and dependents with a detailed explanation of this possible option upon termination.

### Section 3: Pre-Existing Conditions

a. The Self Funded Williamson County Benefits Program has a pre-existing conditions clause that is explained in paragraph b. The Scott and White HMO plan does not have a pre-existing conditions clause.

b. A pre-existing condition is defined as any abnormal physical or mental condition, active or inactive, for which an employee or dependent was treated by a physician during the six-month period immediately preceding the effective date of coverage. This includes all deformities, ailments, or prior injuries which may thereafter become aggravated by subsequent injury. This also includes pregnancy and pregnancy related conditions.

c. No benefits will be provided for treatment of a pre-existing condition (as defined above) for which:

1. medical expenses were incurred;
2. medical treatment was recommended;
3. medical treatment was received;

- 4. drugs were prescribed; or
  - 5. a physician was consulted prior to a covered person's effective date of coverage under the Plan.
- d. This will cease to apply when a covered person has completed twelve consecutive months of coverage under the Plan. This exclusion will not apply to any covered person who was covered under the prior plan.

#### Section 4: Preferred Provider Networks

- a. The two current provider networks for the Self Funded Williamson County Benefits Program are the Williamson County Partners in Practice of Georgetown and the HealthSmart Preferred Care network. The doctors associated with these networks offer discounted rates for services provided to Plan A or Plan B participants. The Partners in Practice providers tend to be associated with Georgetown Hospital, while the HealthSmart providers can be associated with one of the Austin Area Hospitals: Columbia Hospitals (St. David's, Austin Diagnostic Medical Center, and Round Rock Hospital), the Seton Hospitals, or the Brackenridge Hospitals. The Employee Benefits Department has a complete list of network providers.
- b. Plan A participants pay a copayment for office visits provided by an in-network provider, and the doctor's office then files a claim with the insurance company for the remainder of the costs. The participant may then have to pay an additional amount if the insurer does not pay the full bill. Plan B participants must pay for services at the time they are rendered and then file a medical claim themselves with HealthSmart, who then forwards the claim to Ted L. Parker and Associates for final processing.
- c. Under either Plan A or Plan B, the employee can make an appointment with a specialist without having to obtain a prior referral from the employee's regular physician. The Benefits Department has a complete list of network providers.
- d. Scott and White Health Plan providers are those physicians who are specifically employed by the Health Plan. Referrals to a specialist must be made by the participant's primary care physician.

#### Section 5: Hospital Pre-certification Requirements

- a. Hospitalization as a result of non-emergency procedures (tests, treatment, or surgery) requires prior authorization from HealthSmart Preferred Care, Inc.
- b. Hospitalization as a result of emergency procedures (accidents,



acute illnesses) requires the employee to notify HealthSmart Preferred Care, Inc., within 48 hours of admission.

c. The Scott and White Health Plan does not require the participant to provide pre-certification information. Participants should, however, notify the Health Plan in cases that involve emergency hospital admission.

#### Section 6: Dental Benefits

a. The County offers two basic dental options: Plan 1 and Plan 2. Plan 1 coverage is less comprehensive than Plan 2 coverage. Complete details about both plans and their providers are available in the Employee Benefits Department.

b. A Select Dental network of dentists provides discounted services to plan participants. However, the employee can use any dentist of his or her choice, in or out of network, with no difference in coverage provided for dental care.

c. The only advantage of using a Select Dental network provider rather than another dentist is that the network dentist has agreed to discount costs; this should mean that the portion of the bill that the employee is responsible for should be less than it would be if an out of network provider is used.

#### Section 7: Prescription Drug Plan

a. Medical Plan A participants are eligible to use the ProVantage Prescription Drug Card at designated pharmacies. These network pharmacies accept the prescription drug card and any copayments required under the plan.

b. Medical Plan B participants can go to any pharmacy and then file their own claim directly with ProVantage. Claim forms are available from the Benefits Department.

c. Scott and White Health Plan participants should utilize the Scott and White provider pharmacies for the initial prescription purchase. Refills are purchased only from a Scott and White Clinic Pharmacy or through mail order.

#### Section 8: Regular Medical and Dental Claims Procedures

a. Medical or dental claims (except prescription claims) under the Williamson County plans should be sent to HealthSmart Preferred Care, Inc., P.O. Box 53010, Lubbock, TX 79453 (1-800-687-0500).

b. For verification of benefits or for inquiries concerning a

specific claim payment, please contact Ted L. Parker & Associates, Inc., 1-800-658-9777.

c. Plan A claims for out of network pharmacy services only and all Plan B prescription claims should be sent along with receipts to Provantage, Inc., P.O. Box 846, Brookfield, WI 53008-0846. 414/784-4600.

d. Scott and White Health Plan participants do not have to file claims for medical expenses. The claims are filed by the plan providers.

#### Section 9: Flexible Benefits Plan

a. The County has a flexible benefits plan that allows eligible employees to select among one or more non-taxable benefits according to Section 125 of the Internal Revenue Code. The plan enables eligible employees to pay premium deductions for health benefits on a pre-tax basis. It also allows employees to set aside pre-tax funds for payment of out-of-pocket medical and/or dependent care expenses. Claims for out-of-pocket expenses are submitted to the flex administrator for reimbursement from the pre-tax funds that employees have set aside into their flex accounts.

b. The employee must complete a new enrollment form each year during the annual open enrollment period whether or not the employee wishes to participate in the flex plan. The elections made during each annual open enrollment period are effective the following January 1 and will continue through December 31 of the same year.

c. The Pre-tax Medical/Dental Plan enables employees to have medical and dental premiums paid with pre-tax dollars. The Benefits Department has figures that demonstrate the potential increase in an employee's net income that may result from enrollment in this plan.

d. Flexible Spending Accounts also have the potential to allow the employee to save on income taxes and increase take-home pay. Employees can save taxes on eligible health care and dependent care expenses. The Benefits Department has detailed information concerning these accounts.

1. The Medical Reimbursement Plan enables the employee to pay allowable health care expenses not covered by the County medical and dental plans, or by a spouse's plan, with tax-free dollars.
2. The Dependent Care Assistance Plan allows employees to use pre-tax dollars to pay dependent care expenses for children or other eligible dependents so that the employee and spouse can work. NOTE: The employee cannot pay dependent

care expenses through this account and take a tax credit on his or her federal income tax return for the same expenses.

e. Participation in the Medical Reimbursement Plan or the Dependent Care Assistance Plan is strictly voluntary. Employees may contribute to one or both accounts.

f. The two accounts work separately. Employees cannot transfer money between the accounts and cannot use funds in one account to pay for expenses related to the other account.

g. Employees who participate in one or both accounts contribute "tax-free" money from their pay to their accounts. The money is tax-free because the County deducts it from the employee's pay before income taxes and Social Security taxes are withheld. As employees incur eligible health care or dependent care expenses during the year, they pay the expense and then submit a claim to the Flex Plan Administrator for reimbursement from the employee's account.

h. "Use it or lose it"—In return for allowing the deposit of tax-free dollars into an employee's flexible spending account, the IRS requires that the employee use all of the money in the account each year. If the employee fails to use all of the money, the employee will forfeit any money left in the account at the end of the year.

#### Section 10: Electing and Changing Benefit Choices

a. The Benefits Department offers an "open enrollment" period each year, usually in November. The benefit choices made by an employee during open enrollment remain in effect for the entire year, beginning on January 1.

b. The Internal Revenue Service does not allow changes in elections during the year simply because an employee changes his or her mind or does not use the benefits already elected. The only exception is that if the employee participates in an HMO and the cost of the employee's health care coverage increases significantly during the year, the employee may elect another medical plan option with similar coverage.

c. Employees may change their level of coverage (i.e., employee only, employee plus spouse, etc.) only if they have a change in family status. NOTE: Employees cannot change the amount they contribute to the Medical Reimbursement Plan Account during the year for any reason. See Section 9 above. Examples of family status change are listed below:

1. marriage, divorce, or legal separation;
2. the addition of a child through birth or adoption;
3. the death of a spouse;

4. the death of a child, or a child is no longer an eligible dependent under the terms of the specific benefit plan;
5. the spouse begins or ends employment;
6. the spouse switches from full-time to part-time employment (or vice versa);
7. the spouse takes an unpaid leave of absence;
8. the employee or spouse returns from an unpaid leave of absence;
9. the employee or spouse has a significant change in eligibility for the spouse's employer's group health coverage attributable to the spouse's employment; or
10. the employee meets the requirements under a Qualified Medical Child Support Order (QMCSO).

d. The employee must notify the Benefits Department of a change in family status within 31 days from the date of the event. Additionally, the employee may be required to provide proof of the status change. Otherwise, the employee may not be allowed to change his or her coverage. To be approved, the new benefit election must be consistent with the change in family status.

e. Participation in the Flexible Benefits Plan ends if any of the following events occur:

1. the employee is no longer employed by the County;
2. the employee is no longer eligible due to a change in employment status or becomes ineligible under the terms of the plan;
3. the employee stops paying his or her share of the cost of the benefits while on an unpaid leave of absence; or
4. the plan ends.

#### Section 11: Filing Flex Account Claims

a. Claims must total at least \$25 before being submitted, except at the end of the calendar year.

b. Claim forms are available in the Benefits Department. All claims should be directed to:

The Flex Administrator  
 Ted L. Parker and Associates, Inc.  
 P.O. Box 53070  
 Lubbock, TX 79453  
 (806) 795-5523  
 1-800-658-9777

#### Section 12: Health Plan Interface Option

a. For employees who are covered by the County Health Benefits

Plan A or Plan B and who also participate in the Medical Reimbursement Plan, the Flex Administrator will "interface", or coordinate, claims from both areas. Under this procedure, all deductibles and coinsurance amounts for the employee's health plan will automatically be processed as medical expenses under the employee's Medical Reimbursement Plan.

b. If the employee is reimbursed for an expense by both the Medical Reimbursement Plan and another health or benefit plan, the employee must repay the Medical Reimbursement Plan. Employees must notify the Flex Administrator at once if they receive a reimbursement which does not qualify under the terms of the Flexible Benefits Plan.

### Section 13: Other Benefits

a. **Baby Steps Program**—Sponsored by the Williamson County & Cities Health District, this program is available to County employees and family members who participate in the County health insurance program. The Health District will send a nurse to visit the mother and child within the first few days after their return home. The nurse will weigh the baby, answer questions, and provide information about postpartum recovery, baby care, breast feeding, birth control, and community services. The service is confidential.

b. **Group Life Insurance**—This plan is available to regular employees who work at least 30 hours per week. There is no charge for this coverage, but an enrollment form must be completed. Coverage is available for employees and their legal dependents. Coverage is also available to retirees who are enrolled in one of the medical plans. Dependents of retirees are not covered.

c. **Voluntary Life Insurance**—This plan is available to active employees who work at least 20 hours per week. Premiums are paid through payroll deduction. Detailed information about this plan is available in the Benefits Department.

1. Employees are eligible to purchase life insurance in multiples of \$10,000, to a maximum of \$100,000 or 400% of the employee's annual earnings, whichever is greater.
2. Spouses are eligible to purchase life insurance in multiples of \$10,000, not to exceed 100% of the employee's elected amount.
3. Children are eligible for options of \$2,000, \$5,000, and \$10,000, up to age 21, or 25 if a full-time student. These amounts are guarantee issue.

4. Guarantee issue is \$50,000 for employees and \$10,000 for spouses, with evidence of insurability required for higher amounts.
5. Employees must sign up during the initial enrollment period or provide evidence of insurability as approved by Standard Insurance in order to obtain coverage at a later date.

d. **Voluntary Long Term Disability Plan**—This plan is available to all active employees regularly working at least 20 hours per week. Premiums are paid through payroll deduction. The Benefits Department has complete information about this plan.

1. All benefits are guarantee issue during the first 31 days of employment. Evidence of insurability will be required for all amounts for members enrolling after the 31-day eligibility period.
2. Coverage applies both on and off the job; however, benefits will be offset by Workers Compensation. The employee is always guaranteed a benefit of at least \$100 a month.
3. A return to work incentive for partially disabled members is included.
4. A lump sum survivor's benefit, equal to three times the long term disability benefit is included.
5. Rates are guaranteed for two years; some pre-existing exclusions apply.

e. **Employee Assistance Program (EAP)**—The EAP was established to allow employees and their families to receive counseling services for a variety of situations. These services are provided at no cost to the employee or their families. Arrangements for services can be made by calling Central Texas Mental Health Associates at (512)930-0884. All services provided are strictly confidential.

f. **"Commit To Be Fit" Wellness Program**—Participants in the Wellness Program take part in a variety of health-related activities. These include annual exams, educational classes, and exercise activities. Participants can receive up to \$300 annually for completion of Wellness Program activities. To be eligible, an employee must be enrolled in one of the three medical plans.

## APPENDIX A—PUBLIC SERVANTS, BRIBERY, HONORARIA, GIFTS

Public Servant, Section 1.07(a) (41), Texas Penal Code

"Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties:

- (A) an officer, employee, or agent of government;
- (B) a juror or grand juror;
- (C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; or
- (D) an attorney at law or notary public when participating in the performance of a government function; or
- (E) a candidate for nomination or election to public office;
- (F) a person who is performing a governmental function under a claim of right although he is not legally qualified to do so.

"Benefit" Defined, Section 1.07(a) (7), Texas Penal Code

"Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Bribery--Section 36.02, Texas Penal Code

- (a) A person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:
  - (1) any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official, or voter;
  - (2) any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;
  - (3) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official; or
  - (4) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was

offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual inferences in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this subdivision.

(b) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.

(c) It is no defense to prosecution under this section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:

- (1) the decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or
- (2) the public servant ceases to be a public servant.

(d) It is an exception to the application of Subdivisions (1), (2), and (3) of Subsection (a) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.

(e) An offense under this section is a felony of the second degree.

**Acceptance of Honorarium-Section 36.07, Texas Penal Code**

(a) A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

(b) This section does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event.

(c) An offense under this section is a Class A misdemeanor.



Gift to Public Servant by Person Subject to his Jurisdiction,  
Section 36.08, Texas Penal Code

(a) A public servant in an agency performing regulatory functions or conducting inspections or investigations commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be subject to regulation, inspection, or investigation by the public servant or his agency.

(b) A public servant in an agency having custody of prisoners commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be in his custody or the custody of his agency.

(c) A public servant in an agency carrying on civil or criminal litigation on behalf of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person against whom the public servant knows litigation is pending or contemplated by the public servant or his agency.

(d) A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

(e) A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of a tribunal's decision, commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any matter before the servant or tribunal.

(f) and (g) not included in this Appendix

(h) An offense under this section is a Class A misdemeanor.

(i) A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Section 36.10, Texas Penal Code [Exceptions to 36.08]

(a) Sections 36.08 (Gift to Public Servant) and 36.09\* (Offering Gift to Public Servant) do not apply to:

- (1) a fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;
- (2) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or
- (3) a benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
  - (A) the benefit and the source of any benefit in excess of \$50 is reported in the statement;
  - (B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
- (4) a political contribution as defined by Title 15, Election Code;
- (5) not included in this Appendix;
- (6) an item with a value of less than \$50, excluding cash or a negotiable instrument as described in Section 3.104, Business and Commerce Code; or
- (7) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity.

(b) Section 36.08 (Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

\*Section 36.09 not included in this Appendix

*approved 3-3-98  
John C. Daefler*

## APPENDIX A-PUBLIC SERVANTS, BRIBERY, HONORARIA, GIFTS

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- (A) an officer, employee, or agent of government;
- (B) a juror or grand juror;
- (C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; or
- (D) an attorney at law or notary public when participating in the performance of a government function; or
- (E) a candidate for nomination or election to public office;
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  - (2) any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;
  - (3) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official; or
  - (4) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was

offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual inferences in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this subdivision.

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(b) This section does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event.

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*fel*

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- (b) A public servant in an agency having custody of prisoners commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be in his custody or the custody of his agency.
- (c) A public servant in an agency carrying on civil or criminal litigation on behalf of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person against whom the public servant knows litigation is pending or contemplated by the public servant or his agency.
- (d) A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.
- (e) A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of a tribunal's decision, commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any matter before the servant or tribunal.
- (f) and (g) not included in this Appendix
- (h) An offense under this section is a Class A misdemeanor.
- (i) A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

*Joe*

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- (2) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or
- (3) a benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
  - (A) the benefit and the source of any benefit in excess of \$50 is reported in the statement;
  - (B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
- (4) a political contribution as defined by Title 15, Election Code;
- (5) not included in this Appendix;
- (6) an item with a value of less than \$50, excluding cash or a negotiable instrument as described in Section 3.104, Business and Commerce Code; or
- (7) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity.

(b) Section 36.08 (Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

\*Section 36.09 not included in this Appendix

JCD  
approved 3-3-98  
John C. Daugherty

Discuss and take any appropriate action on request from Greater Leander Chamber of Commerce for economic development funds.

Ann Kelm with the Greater Leander Chamber of Commerce addressed the court requesting help with economic development funds stating the chamber has increased almost 100% over the last year due to natural growth and has become active with the City of Cedar Park and the City of Leander.

Commissioner Boatright commented the county budgets \$40,000.00 for economic development and these funds were not allocated last year.

Agenda item tabled until March 10, 1998 meeting.

## AGENDA ITEM # 14

March 3, 1998

\*

Consider approving application for Local Law Enforcement Block Grant through Sheriff's Department.

Moved: Judge Doerfler

Seconded: Commissioner Mehevec

Motion: To approve application for Local Law Enforcement Block Grant through Sheriff's Department for equipment purchases.

Vote: Motion carried 4 - 0

< Clerk copy here >

## LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM

VOL 0096 PAGE 540

## LOCAL APPLICATION FORM

16.592

E184

D

County of Williamson

H

A

JOHN

DOERFLER

512-930-4456

512-930-3262

John C. Doerfler

3-3-98

WILLIAMSON

GEORGETOWN

TX

78626

A

RICHARD

ELLIOTT

CHIEF DEPUTY

512-943-1300

512-943-1444

746000978

10

DOJ

47,936

4794

MI

47,936

Your signature represents your legal binding acceptance of the terms of this application and your statement of the veracity of the representations made in this application. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the three attached forms: 1) Assurances; 2) Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements; and 3) Certification Regarding Public Safety Officer Health Benefits.

130

## RECORDERS MEMORANDUM

All or parts of the text on this page was not clearly legible for satisfactory recordation.



**Bureau of Justice Assistance  
Local Law Enforcement Block  
Grants Program**

**Overview Of Program**

The Appropriations Act (Public Law 104-208) authorizes the Director of the Bureau Of Justice Assistance (BJA) to make funds available to units of local government under the Local Law Enforcement Block Grants (LLEBG) Program (also referred to as Block Grants Program or Block Grant) for the purpose of reducing crime and improving public safety.

**Program Purpose Areas**

**LLEBG Program funds may be used for one or more of the following seven purpose areas:**

**Purpose Area 1:**

**Law enforcement support for:**

Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.

Procuring equipment, technology, and other material directly related to basic law enforcement functions.

**Purpose Area 2:**

**Enhancing security measures:**

In and around schools; and  
In and around schools; and In and around any other facility or location that the unit local government considers a special risk for incidents of crime.

**Purpose Area 3:**

**Establishing or supporting drug courts.**

Continuing judicial supervision over offenders who are substance abusers but not violent offenders.

Integrating administration of other sanctions and services.

**Purpose Area 4:**

**Enhancing the adjudication of cases involving violent offenders, including cases involving violent juvenile offenders,**

VOL 0096 PAGE 542

**Purpose Area 5:**

Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government.

**Purpose Area 6:**

Establishing crime prevention programs involving cooperation between community residents and law enforcement personnel to control, detect, or investigate crime or the prosecution of criminals.

**Purpose Area 7:**

Defraying the cost of indemnification insurance for law enforcement officers.

**Prohibition on Use of Funds**

Units of local government may not expend funds provided under the Local Law Enforcement Block Grants Program to purchase, lease, rent, or acquire any of the following:

- Tanks or armored vehicles
- Fixed-wing aircraft
- Limousines
- Real estate
- Yachts
- Consultants
- Vehicles not primarily used for law enforcement

Federal Funds may not be used to supplant State or local funds, but instead must be used to increase the amount of funds that would be available otherwise from State and local sources. Funds cannot be used for new construction. However, cost incurred in the renovation of facilities are allowed when specifically approved by BJA and the Office of the Comptroller. These costs may not exceed 10 percent of the total Federal funds utilized in a given purpose area.

**Eligibility for Program Funds**

Funding under this program is available to units of local government. For the purpose of this program, a unit of local government is a town, township, village, parish, city, county, or recognized governing body that carries out substantial governmental duties or powers. the statute clearly mandates that under this program the primary recipient of the award is the unit of local government, not a component or department of the government.

Consider approving a line item transfer for 26th District Court:

From:	100-436-4999	Miscellaneous	\$155.00
To:	100-436-5750	Furniture & Equipment	155.00

Moved: Judge Doerfler

Seconded: Commissioner Boatright

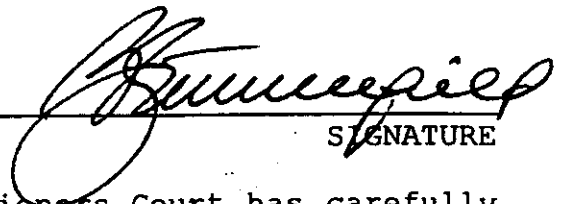
Motion: To approve line item transfer for 26th District Court:

From:	100-436-4999	Miscellaneous	\$155.00
To:	100-436-5750	Furniture & Equipment	155.00

Vote: Motion carried 4 - 0

&lt; Clerk copy here &gt;

## ORDER APPROVING A LINE ITEM TRANSFER FOR

436  
FUND26<sup>th</sup> DIST COURT  
DEPARTMENT  
SIGNATURE

WHEREAS, The Williamson County Commissioners Court has carefully studied the public necessity of transferring funds from one line item to another within the above mentioned department's budget; and WHEREAS, The Williamson County Commissioners Court, due to unforeseeable circumstances, did not appropriate sufficient funds in the proper line items when adopting the current county budget; and

WHEREAS, On the 3rd day of March, 1998, a motion made by Judge Doerfler and duly seconded by Commissioner Boatright the motion carried by a vote of 4 votes for, 0 votes against.

THEREFORE, BE IT ORDERED THAT THE 1997/98 FISCAL YEAR WILLIAMSON COUNTY BUDGET BE AMENDED AND THE FOLLOWING AMOUNT(S) BE TRANSFERRED FROM THE FOLLOWING LINE ITEMS INTO THE NEEDED LINE ITEMS:

FUNDS TO BE REMOVED FROM THE FOLLOWING LINE ITEMS:  
LINE ITEM # DESCRIPTION

AMOUNT

100-436-4999MISCELLANEOUS155.<sup>00</sup>



FUNDS TO BE INCREASED IN THE FOLLOWING LINE ITEMS:  
LINE ITEM # DESCRIPTION

AMOUNT

100-436-5750OFFICE FURNITURE & EQUIPMENT155.<sup>00</sup>

WHEREUPON, A motion made and seconded, the Williamson County Commissioners Court did authorize the County Judge to sign this Order, the County Clerk was instructed to file a copy of this Order with the existing budget, and to forward a copy of this Order to the County Auditor.

ATTEST

  
Elaine Bizzell, County Clerk  
John C. Doerfler, County Judge

AGENDA ITEM # 16March 3, 1998\*

Consider declaring an emergency and approving a budget amendment from cash ending balance to:

100-409-4999	Non Dept. Misc.	\$44,977.00
(Purchase of Drug Task Force Vehicles)		

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To declare an emergency and approve a budget amendment from cash ending balance to:

100-409-4999	Non Dept. Misc.	\$44,977.00
(Purchase of Drug Task Force Vehicles)		

Vote: Motion carried 4 - 0

< Clerk copy here >

AN ORDER DECLARING AN EMERGENCY AND A GRAVE PUBLIC NECESSITY DUE TO UNFORESEEABLE CIRCUMSTANCES AND APPROVING A BUDGET AMENDMENT FOR

100 General Fund - Non Dept  
FUND DEPARTMENT

WHEREAS, THE WILLIAMSON COUNTY COMMISSIONERS COURT HAS CAREFULLY STUDIED THE PUBLIC NECESSITY OF INCREASING THE AUTHORIZED EXPENDITURES DURING THIS FISCAL YEAR; AND

WHEREAS, THE WILLIAMSON COUNTY COMMISSIONERS COURT, DUE TO UNFORESEEABLE CIRCUMSTANCES, DID NOT APPROPRIATE SUFFICIENT FUNDS IN THE CURRENT BUDGET FOR THIS NECESSARY EXPENDITURE; NOW

THEREFORE, BE IT ORDERED BY THE WILLIAMSON COUNTY COMMISSIONERS COURT THAT AN EMERGENCY AND GRAVE PUBLIC NECESSITY DOES EXIST DUE TO UNFORESEEABLE CIRCUMSTANCES.

WHEREAS, ON THE 3rd DAY OF March, 1998, A MOTION MADE BY Judge Doerfler AND SECONDED BY Commissioner Boatright THE MOTION CARRIED BY A VOTE OF 4 FOR, 0 AGAINST.

WHEREAS, THE WILLIAMSON COUNTY COMMISSIONERS COURT HAS DECLARED AN EMERGENCY AND A GRAVE PUBLIC NECESSITY DUE TO UNFORESEEABLE CIRCUMSTANCES IN THE MATTER OF BUDGETING NECESSARY FUNDS FOR THE ABOVE MENTIONED DEPARTMENT; NOW

THEREFORE, BE IT ORDERED THAT THE 1998 FISCAL YEAR WILLIAMSON COUNTY BUDGET BE AMENDED AND FROM THE UNAPPROPRIATED FUNDS IN THE GENERAL FUND, THE FOLLOWING AMOUNTS BE APPROPRIATED FOR THE FOLLOWING LINE ITEMS:

ACCOUNT #	DESCRIPTION	AMOUNT
100-409-4999	Non Dept - Misc	\$ 44,977.00

WHEREUPON, A MOTION DULY MADE AND SECONDED, THE WILLIAMSON COUNTY COMMISSIONERS COURT DID AUTHORIZE THE COUNTY JUDGE TO SIGN THIS ORDER, THE COUNTY CLERK WAS INSTRUCTED TO FILE A COPY OF THIS ORDER WITH THE EXISTING BUDGET, AND TO FORWARD A COPY OF THIS ORDER TO THE COUNTY AUDITOR.

John C. Doerfler 3-3-98  
JOHN C. DOERFLER, COUNTY JUDGE

ATTEST:

Elaine Bizzell  
ELAINE BIZZELL, COUNTY CLERK

*Dying  
ask for vehicles*

AGENDA ITEM # 17March 3, 1998

\*

Consider approving the disposal of the following fixed assets from URS:

(1)	Motorola Car Phone	A104080
(1)	TI Calculator	A106808

Moved: Judge Doerfler

Seconded: Commissioner Mehevec

Motion: To approve the disposal of the following fixed assets from URS:

(1)	Motorola Car Phone	A104080
(1)	TI Calculator	A106808

Vote: Motion carried 4 - 0

&lt; Clerk copy here &gt;

## CHANGE OF FIXED ASSET STATUS

DATE 2-18-98

THE FOLLOWING FIXED ASSET IS TO BE: (Circle One)

TRANSFERRED

SOLD

DISPOSED

## FIXED ASSET

Quantity	Description	Model	Serial #
1	Motorola Car Phone Portable - 1/2 parts missing	City Tag #	A104080
1	TI Calculator Does not work	City Tag #	A106808

FROM (Transferor): \_\_\_\_\_

TO (Transferee): \_\_\_\_\_

The Transferor requests that this fixed asset be removed from the inventory for his/her office and placed in the inventory for the Transferee's office as of the date shown above.

Greg Bergman  
Transferor - Elected Official/Department Head

\_\_\_\_\_  
Transferee - Elected Official/Department Head

approved 3-3-98  
John C. Doyle

*[Signature]*



Consider approving the transfer of the following fixed assets from Sheriff's Department to Constable, Precinct #3:

(1)	Chevy 4-door police unit	A100010
(1)	Light Bar-Jet Sonic	A101553
(1)	Cage - No Identifying Number	

Moved: Judge Doerfler

Seconded: Commissioner Mehevec

Motion: To approve the transfer of the following fixed assets from Sheriff's Department to Constable, Precinct #3:

(1)	Chevy 4-door police unit	A100010
(1)	Light Bar-Jet Sonic	A101553
(1)	Cage - No Identifying Number	

Vote: Motion carried 4 - 0

< Clerk copy here >

VOL 0096 PAGE 550

#18

## CHANGE OF FIXED ASSET STATUS

DATE 2-12-98

THE FOLLOWING FIXED ASSET IS TO BE: (Circle One)

TRANSFERRED

SOLD

DISPOSED

## FIXED ASSET

Quantity	Description	Model	Serial #
1	Cherry 4dr. Police unit Bar Code A100010, CP. 657-474		
	Light bar + cage included but NOT installed		
	Light Bar - Jet Sonic Bar Code A101553		
	Cage has NO <del>BAR</del> BAR code		

All Above stored at Central Mnt.FROM (Transferor): Capt. Stan JasserTO (Transferee): Dennis Jaroszewski

The Transferor requests that this fixed asset be removed from the inventory for his/her office and placed in the inventory for the Transferee's office as of the date shown above.

Capt. Stan Jasser  
Transferor - Elected Official/Department Head

Dennis Jaroszewski  
Transferee - Elected Official/Department Head

approved 3-3-98  
John C. Dwyer

AGENDA ITEM # 19March 3, 1998\*Hear comments from Commissioners.

Commissioner Heiligenstein commented on a meeting with City of Austin on the Lake Creek Water Shed issue going through the environmental board and city planning commission to hear variances related to this project because of trees having to be cut down, the wet lands and any environmental issues concerning the Lake Creek Water Shed.

More work from the engineering firms will be required to go back and present these variances to the two boards. Commissioner Heiligenstein indicated the county was not interested in spending any more money on professional fees. They in turn have agreed to contribute a minimum of \$20,000.00 towards these fees. Two different approaches were presented as to raise the level of detention higher than the 100 year floor or detention plus downstream improvements.

Commissioner Boatright commented on Turner Collie & Braden consultants for TxDot on State Highway 183 have finalized the alignments that 183A will trac. There are five different proposals and within the next 30 days there will be public meetings revealing those routes.

Commissioner Mehevec stated the bridge on County Road 101 is almost complete and WCID is looking at issuing a tax to finish structures or add additional structures.

COMMISSIONERS COURT ADJOURNED AT 11:52 A.M. ON TUESDAY, MARCH 3, 1998.

THE FOREGOING MINUTES in Volume 96 on pages 411 through 552, inclusive had at a Regular Session of Commissioners Court of Williamson County, Texas, having been read are hereby approved this 10th day of March, 1998.

John C. Doerfler, County Judge

ATTEST: Elaine Bizzell, Clerk County Court & Ex-officio Clerk,  
Commissioners Court, Williamson County, Texas

by: Deputy Clerk