

**AGENDA ITEM 34**

Discuss and take appropriate action on hiring a part time person for records management purposes for District Clerks office to be paid out of countywide Records Management Funds. (Approximately \$3,800.00)

Moved: **Commissioner Boatright**

Seconded: **Judge Doerfler**

Motion: To approve the hiring of a part time person for records management purposes for District Clerks office to be paid out of countywide Records Management Funds. (Approximately \$3,800.00)

Vote: 4 – 0. **Commissioner Hays was absent from the dais.**

**AGENDA ITEM 35**

Consider revisions to county personnel Policy Manual.

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To approve the revisions to the county personnel Policy Manual.

Vote: 5 - 0

<Attachment>

*approved 5-13-03  
John C. Dwyer*

**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. If I do not understand any part of the manual, I will contact my supervisor or the HR Department for clarification. 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 Human Resources 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 Human Resources Department, 512/943-1533.

## 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: Recruitment 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 Annex; and the Round Rock Office of the Texas ~~Employment~~ Workforce 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 Annex. (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~~ generally have a closing date, and all application materials must be received by the Human Resources Department by that date. Some positions may be posted as "Open till filled." 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 ~~Human Resources Department~~ County Auditor.
- 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 except seasonal and temporary employees must complete the following two steps: (1) report to ~~the Human Resources Department and the~~ County Auditor 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~~ Human Resources 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 Human Resources Department within 30 days of their hire date or lose their opportunity for benefits.

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 Human Resources Department of any demotions within three working days and then submit a Payroll Action Sheet to the County Judge.

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. Signing a reprimand or warning document does not mean that the employee necessarily agrees with the content of the document, only that the employee has received and understood the document. An employee's refusal to sign a reprimand or any other performance document is an act of insubordination that can result in immediate dismissal from employment.

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 Human Resources Department~~ County Auditor shall maintain copies of payroll information and the ~~Benefits~~ Human Resources Department shall maintain copies of benefit information. Employee medical records should be kept in separate, confidential files.

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~~ Regular 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~~ funding 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~~ review conducted by the Human Resources Department. The authority to assign groups and steps rests with the Commissioners' Court.
- c. The position classification 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 on the regular pay plan.
- 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: Peace Officer Tenure System (POTS)

a. The POTS establishes the compensation rate for employees designated by the Commissioners Court as part of the Peace Officer Tenure System (POTS). The POTS may be eliminated at any time, and the compensation rate may be reduced, frozen, or adjusted at any time, by action of the Commissioners Court.

b. Eligibility-- The Commissioners Court shall designate the peace officer and corrections officer position types that are eligible to participate in POTS. Only employees who are peace officers or corrections officers actively involved in a law enforcement activity and whose job qualifications require state peace officer or state corrections officer certification may be eligible to participate in POTS.

c. A Peace Officer Pay Scale (POPS) is established by the Commissioners Court. The scale correlates years of service with official rank within an office or department. Awarding Increments on the POPS plan are not automatic; the Commissioners Court may "freeze" progression to higher increments, depending on the availability of funds.

d. Determination of Years of Service

1. Years of Service under POTS are based solely on continuous service as a regular employee in an approved POTS position within a single office or department. For example, service with the Sheriff's Office does not count toward service with a Constable.

2. All personnel newly hired from outside Williamson County for positions subject to POTS start at year 0 (step 1) on POPS.

e. Promotions for employees in positions subject to POTS are based on years of service determined in compliance with paragraph (d) and on the assessment of an employee's performance.

f. Longevity Pay

1. Each commissioned peace officer in the Sheriff's Office shall be provided longevity pay of not less than \$5 a month for each year of service in the office in addition to the applicable salary rate.

2. Commissioned peace officers in the Sheriff's Office are eligible to accrue longevity pay at the rate of \$5 per month for each year of service (up to a maximum of 25 years) after the first year anniversary of their certification as a peace officer.

3. Commissioned peace officers in the Sheriff's Office are not eligible to receive longevity pay under this section and Williamson County longevity pay. As of October 1, 2003, currently employed commissioned peace officers in the Sheriff's Office will receive the greater of longevity pay under this section or Williamson County longevity pay. Other officers participating in the POTS may receive regular county longevity pay or the same longevity pay as commissioned peace officers in the Sheriff's Office, as determined by the Commissioners' Court.

Section 4-5: ~~Longevity Pay~~ Regular Longevity Pay

a. 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 with the pay period following each additional five years of employment, to a maximum of 25 years.

Temporary and seasonal employment shall not contribute to longevity, and part-time employment after October 1, 1998, shall be credited on a pro-rated basis. However, part-time employees who are regularly scheduled for less than 20 hours per week shall not earn any longevity credit.

b. Longevity pay shall be paid 26 times per year, as follows:  
\$12 per pay period after completing five years of employment;  
\$24 per pay period after completing 10 years of employment;  
\$36 per pay period after completing 15 years of employment;  
\$48 per pay period after completing 20 years of employment;  
\$60 per pay period after completing 25 years of employment.

The maximum longevity per pay period shall be \$60.

#### Section 5 6: Overtime

~~The County will comply with the Fair Labor Standards Act ("FLSA"). Inquiries about the FLSA should be directed to the County Attorney or the Human Resources Director.~~

a. If an employee is in an exempt position, the employee is not eligible for official overtime or compensatory time. Exempt positions are usually professional or executive positions. Examples are attorneys, engineers, department heads, and some supervisors.

b. If an employee is in a non-exempt position, the employee is eligible for compensatory time at the rate of 1.5 hours for every hour worked over the normal total for the work period. This usually, but not always, means that if the employee works more than 40 hours in a one-week work period, the employee would incur compensatory time. This compensatory time could be taken off in the next work period or, with the approval of the supervisor or department head, at a later time. Compensatory time for non-exempt employees is officially recorded and is subject to accrual. Only hours actually worked are included in the determination of overtime. Sick leave, vacation leave, holidays, and other absences from the work place do not count towards the accrual of overtime. Non-exempt employees include clerical support personnel, road and bridge crew members, and equipment operators.

c. Law enforcement and corrections officers employed in the Sheriff's Office who work an 85-hour work period may be paid their salary for the first 80 hours worked in a work period plus their regular pay ("straight time") for additional hours up to 85 hours worked; after 85 hours these employees may be paid at a rate of 1.5 times their regular hourly rate, although the County Judge and Commissioners' Court may at their discretion limit or suspend paid overtime compensation and instead provide compensatory time at the rate of 1.5 times the overtime hours worked in excess of 85 hours in a work period and may limit or suspend the "straight time" compensation (above) as well.

d. Non-exempt emergency medical personnel, juvenile detention and academy officers, communications dispatchers, and deputy constables are not eligible to earn compensatory time in place of overtime pay. Because in most cases their salaries are not subject to reduction if they work fewer hours, however, these employees are not paid time-and-a-half for their overtime hours. They will be compensated with additional pay for all overtime hours worked at an hourly rate equal to their guaranteed salary for the work period divided by the number of hours that they actually worked during the period, except that emergency medical personnel will be compensated for overtime at the same hourly rate as for their first 40 hours per week.

Section 6 7: 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 ~~Human Resources Department~~ County Auditor on such forms and at such times as may be prescribed by that department.

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 some officials and 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. However, County vehicles cannot be taken routinely to homes out of the County.

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 that will help ensure a safe and productive work environment 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 that 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~~ Human Resources 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.

12

- 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, 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~~ Health and Safety Specialist in the Human Resources Department to obtain information on a possible leave of absence or referral to the Employee Assistance Program (EAP). Employees must explore options that 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~~ the Health Plans Administrator in the Human Resources Department 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.

l. 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: Safe and Respectful Workplace Policy

A. It is the policy of Williamson County to promote a safe and respectful environment for its employees. The County will work with officials, department heads, and their employees to maintain a work environment that is free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

B. Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately.

C. Examples of such behavior include **but are not limited to** the following:

1. Carrying unauthorized weapons on county premises;
2. Physical assault of any person on county premises;
3. Oral or written statements, gestures, or expressions that communicate  
a direct or indirect threat of physical harm or harassment;

D. Employees who violate this policy will be subject to removal from the premises or immediate disciplinary action, possibly including dismissal from employment, as well as criminal prosecution, if warranted. Members of the general public exhibiting violent or threatening behavior will be subject to removal or legal action, as appropriate.

E. Officials, department heads, supervisors, and other employees must report any violent, harassing, intimidating, or other disruptive behavior, or the presence of weapons, at once. Recognizing early signs of workplace violence is extremely important in preventing it.

F. **Direct threats, violent actions, or reports of weapons on county premises** must be reported at once by calling 911, or in the following manner,

according to the place of occurrence:

Main Courthouse-call Joe Pondrom at 943-1641 or 943-1601 x 7015;  
Courthouse Annex-call security desk at 943-1294 or sheriff at 943-1300;  
Other County Buildings-call 911.

Actual injuries must be reported immediately to 911.

G. Indirect threats or other potentially violent behavior, including "jokes" with hints of violence, should be reported to the official or department head, who then should contact the County Attorney at 943-1111 or the Human Resources Director at 943-1627. 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.

H. Dismissals and other disciplinary action associated with this policy may be implemented in the presence of a law enforcement officer. Employees dismissed or suspended in violation of this policy may be required to remove their personal belongings and return keys or other county property immediately following the disciplinary action.

I. Employees dismissed or suspended in accordance with this policy may be barred from county premises and should receive a notice in writing to this effect. The notice should be given to the employee in the presence of a law enforcement officer.

J. The notice barring the employee from county premises should also state that future communications from the employee must be directed only to the Human Resources Director at 943-1627.

Employees with questions about this policy may contact the Human Resources Director at 943-1627 or the County Attorney at 943-1111.

#### 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~~ Human Resources 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. It shall be the responsibility of each departing employee, whether or not the departure is voluntary, to ~~meet with the appropriate representative of the Human Resources Department~~ to complete forms and submit keys and other materials or information required by the county. The Human Resources Department will also provide the departing employee with information about retirement and deferred comp plans, as applicable, and refer the employee to the County Auditor for questions concerning payment of accrued leave, if any. The departing employee shall inform the ~~Human Resources~~ Information Technology Department of the employee's computer user identification or password and any other computer-related information considered important by the county.

b. The departing employee must also discuss insurance issues and the possible extension of benefits. County Policy Manuals must also be returned to the Human Resources Department.

c. Employees terminated for a violation of the Section 5 Safe and Respectful Workplace policy shall contact the Human Resources Department by phone or mail.

Section 11: Serious Diseases or Disabilities

a. Employees with serious ~~diseases~~ health conditions or disabilities are encouraged to notify their supervisors and the Human Resources Department 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 Human Resources Department.

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, 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. After reviewing the complaint, the Human Resources Director may 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 County Judge. All committee deliberations, decisions, and hearing materials will remain confidential, to the maximum extent possible.
- i. Within 10 working days of receipt of the committee report, the County Judge 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 ~~Human Resources Department~~ County Auditor on such forms and at such times as may be prescribed by that department.

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." However, to encourage employees to give advance notice of their separation, employees who leave county employment will be paid for their accrued unused vacation as of the date of termination.
- g. Part-time employees who are not temporary or seasonal may accrue vacation

~~on a pro-rated basis at a rate set by the Commissioners' Court. However, part-time employees who are regularly scheduled for less than 20 hours per week shall not accrue any vacation. Example: 40 hours per pay period accrues 1.54 hours of vacation, but 39 regularly scheduled hours does not accrue vacation leave. 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 who are not temporary or seasonal may accrue sick leave ~~on a pro-rated basis at a rate set by the Commissioners' Court. However, part-time employees who are regularly scheduled for less than 20 hours per week shall not accrue any sick leave.~~

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;

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; Good Friday; 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 recreation.

#### 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 and seasonal 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 (not consecutively) by the County and for at least 1250 hours of service with the County during the previous 12 months prior to the beginning of the leave, shall be eligible for up to a total of 12 work weeks of job and insurance protection leave. The 12-work week period shall be determined by the Human Resources Department pursuant to the FMLA. Either the employee or, in their absence, the office or department of the employee, is responsible for reporting to the Human Resources Department any sick leave absence of more than three days so that FMLA notification requirements can be met in a timely manner.

c. Under the FMLA policy, all employees will have to use all accrued sick, vacation, and earned compensatory time (includes holiday time for some departments) to have paid leave under while on FMLA. Offices and departments are responsible for submitting a payroll action sheet to the County Auditor and Human Resources Department when an employee has used all accrued leave and needs to be placed on unpaid FMLA leave. At the end of the 12 weeks for FMLA or for reasons other than FMLA, employees may be placed on unpaid leave if the department head or official can discharge the responsibilities of the office or department without the presence of the employee.

d. ~~As long as the employee is on FMLA 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. Employees should be aware that if 12 consecutive weeks of FMLA leave are taken, the employee is not entitled additional leave, though it may be granted at the discretion of the official or department head. After an employee has used all FMLA leave, the county is not required to hold the position for the employee.~~

e. ~~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. Employees returning to work following their own serious health conditions under FMLA must provide written certification from their health care physician or practitioner certifying that they can perform the functions of their position with or without restrictions. If there are restrictions placed on the employee and if the office or department can abide by these restrictions, then the employee may return to work for the time being. Employees will then be required to provide a final certification notice from their health care physician or practitioner certifying the point at which the restrictions are no longer necessary and the employee can return to full duty. If employees do not provide such certification, then their return to work may be delayed until it is provided.~~

f. ~~Employees should be aware that if twelve consecutive weeks or 480 hours of FMLA are taken in a twelve-month period, the employee is not entitled to additional FMLA leave. Officials and department heads should contact the Human Resources Director or Health and Safety Specialist when employees run out of FMLA leave and are unable to return to work.~~

g. ~~When an employee is on FMLA leave (paid or unpaid), 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 responsible for those premiums.~~

e. h. ~~If an employee's need for leave is foreseeable, the employee must provide the elected official or department head, and the Benefits Human Resources 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. If FMLA leave is granted after the date the employee has lost time from work due to a qualifying medical situation, the Human Resources Department can begin designation of FMLA leave not more than three working days prior to the notice.~~

f. i. ~~To be eligible for FMLA leave for a serious health condition of either the employee or employee's immediate family, and to provide written notification of the need for leave, an employee shall provide a medical certification completed by his or her doctor the attending health care physician or practitioner. 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, which will be distributed as requests for FMLA are received; they are also available in the Human Resources Department.~~

g. j. ~~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. k. ~~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 of military leave per year for active duty authorized military training or 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~~ should contact the Human Resources Department or the County Auditor.
- 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 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.~~ leave without pay is strongly discouraged and may commence only after consultation with the County Attorney, Human Resources Director, and County Judge.
- 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 Human Resources 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.~~ The County provides workers' compensation insurance coverage for all

paid full-time, part-time, temporary, and seasonal employees to cover medical and indemnity costs incurred due to workplace accidents or incidents while an employee is furthering the business of the County.

b. ~~To assist in obtaining coverage, employees shall report all work-related accidents to the appropriate supervisor immediately. The supervisor must then notify the Human Resources Department as soon as possible. To assist in the timely filing of workers' compensation claims, employees shall report all work-related injuries or illnesses, caused by accident or incident, to the appropriate supervisor immediately. Once notified by an employee, the employee's office or department is responsible for submitting written notification to the Human Resources Department within five working days, utilizing the prescribed form, TWCC-1, "Employer's First Report of Injury."~~

c. Supplemental documentation to be attached to TWCC-1 form, or in some cases, forwarded after submitting the form to the Human Resources Department, should include accident investigation reports, medical reports showing off work and on work status, and police reports if claims involve accidents or incidents while an employee is driving either a county-owned vehicle or a personal vehicle in furtherance of business of the county.

d. Workers' compensation benefits, if approved, may include reasonable medical costs and income benefits to replace lost wages, as well as other benefits that the employee may be eligible to receive during the course of a claim.

e. An employee who begins losing time due to a workplace injury will be required to use accrued leave for the first seven days of lost time. Beginning on the eighth day, the employee's office or department must list the employee's lost time as "workers' comp."

f. Law enforcement employees, as regulated by the Texas Constitution, and employees with guaranteed salary payroll status who are injured on the job may be eligible to receive their regular pay while they are off work. Employees in these categories should contact the Health and Safety Specialist in the Human Resources Department.

g. In order for lost time to be counted as workers' comp leave, employees must submit medical documentation from their treating workers' comp doctor certifying that an absence is the result of a workplace injury.

h. Employees losing time from work due to a work-related illness or injury defined as a serious health condition under the Family and Medical Leave Act (FMLA) may, if qualified, be placed on FMLA leave to run concurrently with the workers' compensation lost time. (See Section 8 of this chapter for further information regarding FMLA.)

i. 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 Human Resources Department at 512/943-1533. ~~The Human Resources Department 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**

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 Auditor has information handbooks available for employees, and that office should be contacted at 512/943-1500 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 TCERS 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 Human Resources Department.~~

#### 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 a participating HMO, if any. 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 co-payment 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 Human Resources 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. If there is an HMO provider, participants select a primary care physician from the HMO listing, and they utilize the HMO's clinics, pharmacies, and hospital facilities. Complete details about any available HMO plan are available in the Human Resources 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.~~

~~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. Any participating HMO plan may 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 doctors associated with these networks offer discounted rates for services provided to Plan A or Plan B participants. The Human Resources Department has a complete list of network providers.~~

~~b. Plan A participants pay a co-payment 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 the third party administrator.~~

~~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 Human Resources Department has a complete list of network providers.~~

~~d. HMO providers, if any, are those physicians who are specifically employed by the HMO. Typically, 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 the third party administrator. Call Human Resources for information if necessary.~~

~~b. Hospitalization as a result of emergency procedures (accidents, acute illnesses) requires the employee to notify the third party administrator within 48 hours of admission.~~

~~c. A participating HMO may not require the participant to provide pre-certification information. Participants should, however, notify the HMO 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 Human Resources 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 network pharmacies but must pay any co-payments required under the plan.~~
- b. ~~Medical Plan B participants can go to any pharmacy and then file their own claim directly with the Pharmacy Benefits Manager (PBM). Contact the Human Resources Department for the name, address, and phone number of the PBM. Claim forms are available from the Human Resources Department.~~
- c. ~~HMO participants use provider pharmacies for the initial prescription purchase. Refills are purchased only from the HMO designated 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 Benefit Planners, P.O. Box 690450, San Antonio, TX 78269-0450. Phone: 1.800.292.5306. Email address is service@benplan.com.~~
- b. ~~For verification of benefits or for inquiries concerning a specific claim payment, please contact Benefit Planners.~~
- c. ~~Claims for prescriptions must be submitted to the Pharmacy Benefit Manager for the County. Please contact Human Resources for this address and phone number.~~
- d. ~~HMO participants typically do not have to file claims for medical expenses. The claims are filed by the plan providers, if any.~~

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 in order to participate in the flexible spending accounts. 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 Human Resources 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 (QMCSSO).~~

~~d. The employee must notify the Human Resources 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 Human Resources Department. All claims should be directed to:~~

~~The Flex Administrator  
Benefit Planners  
P.O. Box 690450  
San Antonio, TX 78269-0450  
1.800.292.5386~~

#### 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 that 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 assume 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

**APPENDIX B-ELECTRONIC SYSTEMS USE POLICY****Section I: Introduction**

- a. All County electronic systems (ES) are County property provided for the conduct of County business. Examples of ES are electronic mail (e-mail), voice mail, and Internet access software.
- b. County officials and employees should be aware that ES communications or records may be subject to examination or review for legal or work-related purposes.

**Section II: Confidentiality**

- a. Access to County systems and software is limited to authorized personnel with appropriate passwords. The Information Systems Department will require a list of passwords for use of some County systems.
- b. Officials and employees should not share passwords. If a password has been compromised, the official or employee should change it and notify Information Systems if necessary.
- c. Officials and employees must be aware that information sent out over local networks or the Internet may not be secure and can present liability problems to personnel and the County.

**Section III: User Responsibilities**

- a. Officials and employees must assume responsibility for the content and dissemination of their ES messages. Most County ES communications constitute official records under the Open Records Act and may be available to the public. Officials and employees must be professional and prudent in using ES for sensitive communications.
- b. Abusive, harassing, bigoted, obscene, and profane messages are strictly prohibited. These communications can result in legal liability or other penalties for the individual and the County.
- c. County officials and employees must report any incidents of the sort listed in paragraph b, above, immediately. The incidents should be reported to the County Attorney or the Human Resources Director.
- d. Officials and employees shall not read, view, or listen to other employees' ES communications without a legitimate business need.

**Section IV: Personal Use of Internet**

- a. Internet access is intended for official County business. Abuse of Internet access includes but is not limited to the following:
  - 1. engaging in any unlawful or malicious activity;
  - 2. misrepresenting a personal communication as an official communication;
  - 3. sending a chain letter;
  - 4. sending, receiving, or accessing pornographic materials;
  - 5. using objectionable language;
  - 6. advertising personal items.

b. Proper use of Internet access includes the following:

1. downloading job-related information;
2. sending and receiving job-related e-mail messages and file attachments;
3. making business arrangements;
4. searching job-related databases;
5. using the Internet for occasional, brief personal communications, where those do not violate any other provisions of this section or, in the view of officials and department heads, do not interfere with County business.

Section V: Legal and Disciplinary Action

- a. Electronic Communications that violate the provisions of this section may result in legal action or disciplinary action up to and including dismissal from employment.
- b. Misuse of County ES may also result in revocation of the user's access to e-mail, Internet, or voice mail systems.



**AGENDA ITEM 36**

Consider and approve Work Authorization No. 2 for Malone/Wheeler on CR 276.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Hays**

Motion: To approve Work Authorization No. 2 for Malone/Wheeler on CR 276.

Vote: 5 - 0

<Attachment>

Contract No. \_\_\_\_\_

19 of 29 Pages

**ATTACHMENT A****WORK AUTHORIZATION NO. 2**

This Work Authorization is made pursuant to the terms and conditions of the Agreement entered into by and between Williamson County, Texas, a political subdivision of the State of Texas, (*the "County"*) and Malone/Wheeler, Inc. (the "Engineer").

**Part 1.** The *Engineer* will provide the following engineering services:

Phase Two: PS & E

**Part 2.** The maximum amount payable for services under this Work Authorization without modification is 1,000,000.00.

**Part 3.** Payment to the *Engineer* for the services established under this Work Authorization shall be made in accordance with the Agreement.

**Part 4.** This Work Authorization shall become effective on the date of final acceptance of the parties hereto and shall terminate May 1, 2004, unless extended by a Supplemental Work Authorization.

**Part 5.** This Work Authorization does not waive the parties' responsibilities and obligations provided under the Agreement.

Richard H. Malone

Richard H. Malone, P. E.  
Malone/Wheeler, Inc.

4/29/03

Date

John C. Doerfler

John Doerfler  
Williamson County Judge

5-13-03

Date

OK  
4-29-03