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WEBB COUNTY PERSONNEL POLICIES

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WEBB COUNTY PERSONNEL POLICIES

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1.0 INTRODUCTION

1.01 WEBB COUNTY

Webb County's governmental organization is established by the Constitution of the State of Texas and by State Statutes. Its operations are governed by state and federal law and by actions of the Commissioners Court.

The Commissioners Court consists of four County Commissioners, each elected by the voters of a Commissioner's precinct, and the County Judge, elected by all of the voters of the County. The Commissioners Court is the primary policy-making body of the County.

County operations are conducted through departments each administered by an Elected Official or appointed Department Head. As used herein, "Department Head" shall be construed to include Elected Officials where appropriate.

1.02 AUTHORITY

These policies are established by the Commissioners Court of Webb County and replace all previously approved policies. They are applicable in their entirety to all departments under the direct authority of Commissioners Court. Further, these policies are applicable to all County employees to the extent that Commissioners Court has authority over the subject matter of any particular policy including, but not limited to, issues of pay, leave, employee benefits, and fiscal matters.

Certain of these personnel policies may be contingent upon available funds in each County department's budget and in the general Webb County Operating Budget as well as any other funding sources.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

Each Department Head, elected or appointed, is responsible for the administration of the personnel policies within their department and may issue detailed departmental operating procedures to implement these adopted policies as long as they are consistent with these policies.

1.04 PURPOSE

Subject to the Webb County Civil Service Rules and Regulations, these policies set forth the primary rules governing employment with Webb County. The policies contained herein inform employees of the benefits and obligations of employment with the County. They have been prepared and adopted in order to promote consistent, equitable, and effective practices which will result in high quality public service by both employees and supervisors. These policies may be revised at any time without notice to employees. The policies contained in this manual do not constitute any type of employment agreement with Webb County.

1.05 APPLICABILITY OF PERSONNEL POLICIES

The personnel policies apply equally to all employees and officials of the County unless a class of employees is specifically exempted. In cases where federal law or regulation supersedes local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply. Elected officials are personally exempt from the personnel policies but must abide by the personnel policies in the administration of their Departments.

1.06 DISTRIBUTION OF PERSONNEL POLICIES

Complete copies of the Personnel Policies manual will be maintained by the County Clerk's Office as an official record of the Commissioners Court. Furthermore, copies of the current manual with all revisions will be maintained by the Human Resources Division of the Webb County Administrative Services Department which shall make copies of this manual available to employees upon request and shall ensure that his/her employees are notified of this availability. A copy of the manual will be placed on Webb County's website.

Each new employee will be provided with a copy of the manual and shall acknowledge receipt of the manual in writing.

1.07 COMMUNICATION

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions to their immediate supervisors or Department Heads.

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL

Webb County is an organization supported by public funds. Webb County officials, Department Heads and employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintain a good moral conduct, and to do their part in maintaining good relationships with the public, with other governmental employees and officials, with their supervisors, and with fellow employees.

2.02 TIMELINESS

Employees are to be punctual in maintaining work hours, keeping appointments and meeting schedules for completion of work.

2.03 OUTSIDE EMPLOYMENT

An employee who engages in employment outside the County must notify his or her Department Head. Such employee must also provide notification for any change of outside job. Outside employment is prohibited and is cause for disciplinary action if it:

1. is inconsistent or incompatible with employment with the County;
2. results in tardiness, absenteeism, or refusal to work overtime when deemed necessary by the Department Head; or
3. adversely affect the employee's job performance.

County-issued uniforms or apparel, other than that issued for law enforcement personnel, may not be used in the outside employment activities. County-issued uniforms or apparel may not be worn while engaging in political activities.

2.04 CONFLICT OF INTEREST

An employee may not:

1. solicit, accept, or agree to accept a financial benefit, directly or indirectly, other than from the County, that might reasonably tend to influence his or her performance of duties for the County, or that he or she knows or should know is offered with intent to influence the employee's performance;

2. accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of job duties;

3. accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County;

4. make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County; or

5. solicit, accept, or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

2.05 POLITICAL ACTIVITY

Employees of Webb County are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

A County employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office. The wearing of buttons or display of other advertising on the employee during working hours is prohibited.

2. Directly or indirectly coerce, attempt to coerce, command, or advise, during work hours, a state or county official or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purpose.

3. The raising of funds on County property for any political candidate is strictly prohibited. This prohibition does not apply to property that is leased or rented for a fee for the purpose of staging a fundraiser or other private event.

A county employee, other than an Elected Official, may not be a candidate for elective office in a partisan election in those circumstances where this would create a conflict of interest or incompatible situation. A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected

2.06 NATURAL DISASTERS AND EMERGENCIES

Employees of Webb County may be required to work during any natural disaster or emergency. These emergencies may require separation from family members for extended periods and each employee is encouraged to provide for his or her family accordingly. Refusal to work during such emergencies may result in disciplinary action, up to and including termination. This is a formal condition of employment with Webb County. The determination of which positions or natural disaster and the designation of personnel who shall be required to work during such emergencies shall be made by each Department Head and is incorporated in Webb County's Emergency Operations Plan.

2.07 USE OF COUNTY-OWNED VEHICLES

Webb County employees who are authorized to drive County-owned vehicles must observe the following rules:

1. County-owned vehicles may not be used for any purpose other than official County business. Any employee or official who uses a County-owned vehicle to travel between his/her home and worksite or for other personal purposes are subject to applicable Internal Revenue Service Rules.

2. County-owned vehicles may not be used to transport non-County employees except in the course of official business.

3. County-owned vehicles are not to be driven by anyone other than the Webb County employee who is authorized to do so.

4. Webb County employees who are authorized to drive County-owned vehicles are required to have in his or her possession the appropriate driver's license, to comply with all applicable state and federal laws and regulations, and to maintain clean driving records to assure insurability under the County's automobile liability coverage.

2.08 TRAVEL FOR COUNTY BUSINESS

The County reimburses employees for travel in a private vehicle used for County business. Further information may be obtained in the County's General Order.

2.09 COMPUTER USE POLICY

Purpose of Policy

Internet, email, and instant messaging services are provided by Webb County to enable its employees to better serve the public. The County recognizes that these services facilitate the flow of information and are valuable tools in discharging its responsibilities.

The regulations and restrictions contained in this policy are intended to achieve the following goals:

1. To ensure that computer services are used for appropriate County purposes;
2. To wisely use limited resources, including but not limited to internet bandwidth and storage space on the County server as well as individual computers;
3. To avoid streaming video or audio clips or other such downloads that use excessive resources and adversely affect legitimate uses of the internet; and
4. To avoid the introduction of viruses, worms, and other destructive forces by music downloads or other means.

Monitoring of Computer Usage

All computer equipment, including without limitation, hardware, software, media, files, and information generated or stored by such equipment, is the property of Webb County. Webb County, its Management Information System ("MIS") Department, or any person acting on their behalf may monitor and/or review any information or data generated by or stored on such computer equipment at any time without notice to you. **Neither Webb County nor the M.I.S. Department is required to notify you if and when your computer equipment or usage is being monitored. THERE IS NO EXPECTATION OF PRIVACY IN THE USE OF COMPUTER EQUIPMENT OWNED, LEASED OR OPERATED BY WEBB COUNTY.**

The MIS Department bears responsibility for the proper functioning of the County's computer equipment and related systems. It is, therefore, authorized to remove any offensive, inappropriate or extraneous information from the County's computer server or from individual computers without notice to, or permission from, the person who placed it on the server or computer.

Monitoring of E-Mail

E-mail is an important asset and critical component of Webb County's communication system. The e-mail system is provided by the County for employees to facilitate their performance of office work, and the contents are the property of Webb County. Although Webb County does not routinely monitor e-mail, it reserves the right to view, retrieve, retain, and/or delete any e-mails, instant messages, or other such communications.

Efficient Usage

Efficient use of the e-mail system requires that messages be concise and directed to individuals with an interest or need to know. General notices relevant to Webb County business may be sent to such individuals or work groups.

Personal Use

Usage of email, instant messaging, internet or other such communication for personal purposes shall be of an extremely limited nature consistent with the "Purpose of Policy" as set forth hereinabove, the work that employee must perform during the course of the day, and break times allowed to employees.

Employees are specifically prohibited from mass mailing of messages for personal gain (e.g. "for sale," "for rent," "looking to buy," etc.), chain letters, jokes or other such "junk mail." Employees are prohibited from downloading music, video, or any other content not directly related to county business. Employees are prohibited from listening to Internet Radio. Employees are prohibited from conducting transactions on auction websites such as E-Bay or from posting messages on online bulletin boards. Employees shall not engage in any conduct with the equipment that would encourage or invite the receipt of advertising or other such messages, mass e-mails, or pop-up ads.

As with other usage of County computer equipment, **personal e-mails, instant messaging, internet and other such communications may be monitored, reviewed and retained by the County. Employees should assume that such activities are being monitored and should not consider them to be private.**

Misuse of E-Mail or the Internet

Misuse of e-mail or the internet can result in disciplinary action against the offending employee up to and including termination of employment. Such misuses include, but are not limited to, the following:

- Transmission of obscene, profane or offensive material over any County communication system, including computer equipment.
- Downloading, viewing, creating, or transmitting erotic or pornographic materials.
- Downloading music, video, or any other content that is not directly related to County business.
- Playing games, paying bills, on-line banking, or on-line shopping that is not directly related to County business.
- Listening to radio stations via the internet.
- Creating or transmitting messages, jokes, or other communications that violate applicable anti-harassment policies or that create an intimidating or hostile work environment.
- Use of County equipment to set up or conduct any type of business or to participate in chain letters.
- Transmission of any confidential information to unauthorized sources as prohibited by the Texas Public Information Act or other State or Federal laws or regulations.
- Use of equipment in a manner that violates copyright or trademark laws or regulations.
- Unauthorized use of another person's password or accessing a mailbox or any other records without appropriate authorization.

- Broadcasting unsolicited personal views on social, political, religious or other non-business related matters.
- Solicitation to buy or sell goods.
-

Non-Authorized Use is Prohibited

Use of County-owned computer equipment is limited to Webb County employees, the Webb County MIS Department, authorized vendors, or other users duly authorized by Webb County.
No computer configurations or software installations should be performed by anyone without the recommendation of the Webb County M.I.S. Department.

Security

Employees and authorized users are responsible for maintaining the security of their computers, accounts and passwords. They must take precautions to prevent unauthorized access to their mailbox and other information by logging off or locking the computer when their PC's or terminals are unattended. Care must also be exercised to prevent disclosure of passwords to anyone other than Webb County Administration, Webb County MIS, and persons authorized to service the computer equipment. Due care must be taken to protect the confidentiality and security of county records and other information not to be disclosed pursuant to the Texas Public Information Act. All passwords required to access computer systems, programs, e-mail or files must be registered with an employee's Department Head.

Enforcement

The MIS Department has the authority to implement any restrictions and/or configurations necessary to enforce or prevent any violation of this policy. In addition, the M.I.S. Department has the authority to delete any data or to uninstall any software that violates this policy or that adversely affects the County's computer system. Although it is expected that each County department will ensure that this Computer Policy is followed, the MIS Department is authorized to limit or terminate computer services to any employee or department that violates any provision of this policy.

Violation of Computer Policy

All employees are required to familiarize themselves with the contents of this policy. Violations will not be tolerated and will be grounds for disciplinary action up to and including termination of employment depending upon the circumstances of the offense and the effect on Webb County or its employees. Any questions regarding this policy should be directed to the Webb County Attorney's Office or the Webb County M.I.S. Director.

3.00 EMPLOYMENT STANDARDS AND PRACTICES

3.01 EQUAL OPPORTUNITY

Webb County is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, disability, or veteran's status, as required by state and federal laws. The

County's commitment extends to all employment related decisions as well as to terms and conditions of employment. In addition to the foregoing, no person shall on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in the administration of or in connection with, any program or activity of Webb County regardless of funding source. This policy is not to be construed to prohibit the County from establishing bona fide occupational qualifications that relate to abilities required to perform a job under circumstances allowed by law.

3.02 SEXUAL HARASSMENT

Webb County strictly prohibits any conduct which constitutes sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and any other conduct of a sexual nature (including sexually explicit language, jokes, etc.) when:

1. The employee must submit to the offensive conduct as an explicit or implicit condition of employment;

2. The employee rejects advances and risks losing a job, promotion, privileges, or benefits; whereas, the employee who submits gains favors and advantages;

3. The employee's job performance is interfered with as a result of the offensive behavior, or the work atmosphere becomes hostile or intimidating; or

4. A hostile work environment is created for the victim of the sexual harassment.

It is the responsibility of Webb County management and staff to create an atmosphere free of sexual harassment. It is the responsibility of each employee to respect the rights of fellow employees. For purposes of interpretation and application of this policy, the following forms of sexual harassment are set forth:

1. overt physical: the employee is subjected to actual touching or objectionable conduct.

2. overt non-physical: the employee is approached with the suggestion of sexual relations, along with stated or suggested adverse job consequences that would result from rejection of the advances.

3. subtle: the employee is approached in a more subtle manner, with the suggestion that "friendly" employees will have more opportunities for advancement.

An employee who believes he or she is a victim of sexual harassment on the job must immediately report the matter to his or her immediate supervisor or Department Head and to the Director of Administrative Services. Webb County has the duty to promptly investigate the allegation in a fair and unbiased manner. Immediate steps shall be taken to ensure that the victim is not exposed to further harassment. If the investigation reveals that sexual harassment has occurred, Webb County will take remedial measures to protect the victim in the long term and shall impose appropriate disciplinary action against the perpetrator up to, and including, termination of employment.

3.03 PHYSICAL STANDARDS

Webb County is committed to equal employment opportunity and will reasonably accommodate job applicants and employees with disabilities. All Webb County employees are expected to be able to perform their job duties as required by their job description.

Employees whose positions pose some special risk of injury or public safety risk are required to have a post-offer physical examination. This requirement will be specified in the employee's job description. Examples of these positions include but are not limited to the following positions: deputy sheriff, heavy equipment operators, and positions with lifting or driving requirements.

The post-offer physical examinations will be conducted by a physician of the County's choice and at the County's expense.

Where it is deemed necessary, and in the best interest of the County, a Department Head may require a current employee to take a physical examination to determine if the employee meets the physical requirements of the job.

3.04 EMPLOYMENT OF RELATIVES

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County. The hiring of employees shall not violate the nepotism laws contained in Texas Government Code, §§ 573.041 and 573.044. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the Commissioners Court, to a County official who appoints him or her to the position, or to any employee who would directly supervise his or her job performance.

In the event that two current county employees become related in a manner prohibited by this section, the two parties will be given a reasonable time (not to exceed 120 days) for one or the other to secure another position, either within the County in another department, or outside County government. If the two parties cannot decide which of them will forfeit his or her job, the party with the least seniority will be terminated.

4.00 RECRUITMENT AND SELECTION

4.01 GENERAL POLICY

Each Department Head, elected or appointed, is responsible for the selection and tenure of his or her employees within the budget and numerical limits set by the Commissioners Court. Personnel budgets and authorized numbers of positions are established by the County budget and salary schedules, and amendments thereto, as approved by the Commissioners Court. The Civil Service Rules and Regulations governing recruitment and selection of employees must be followed for all civil service positions.

4.02 VACANCIES

All civil service positions must be filled in accordance with the Webb County Civil Service Rules and Regulations. Employee vacancies in county departments are filled on the basis of merit, whether by promotion from within or by initial appointment. Selections of the persons best matched to fill the vacancies are made only on the basis of occupational qualifications and job related factors such as skill, knowledge, education, experience, and ability to perform the specific job. Department Heads and Elected Officials must inform and receive approval of the Commissioners Court prior to the filling of any vacancy by a person from outside that department. An elected official or department head may not fill a vacancy caused by the discharge of a civil service employee until that person's appeal, if any, to the Webb County Civil Service Commission is decided in favor of the department and becomes final.

4.03 QUALIFICATIONS

Each Department Head determines the method of selection to be used in filling a vacancy in accordance with the Civil Service Rules and Regulations as well as all applicable State and Federal laws and regulations.

4.04 PUBLIC ANNOUNCEMENTS

Public announcements of employment vacancies for both civil service and non-civil service positions are to be posted and disseminated by the Human Resources Division of the Administrative Services Department in the manner required by the Webb County Civil Service Rules and Regulations.

Additionally, for any position paying $40,000 or more per year in a department under the direct authority of the Commissioners Court, a notice of vacancy shall be prepared by Human Resources that contains the job title, a description of duties, necessary qualifications, and any other appropriate information about the position. The notice shall be published at least once in a newspaper of general circulation in Webb County.

4.05 APPLICATION FOR EMPLOYMENT

Civil Service positions will be filled in accordance with the procedures established by the Webb County Civil Service Rules and Regulations.

Any department that wishes to fill a vacancy must provide Human Resources with a Job Announcement Request and must have a job description on file with Human Resources before a position can be posted. Each applicant for a given position must submit to Human Resources a completed job application and any other required documentation.

Each applicant for county employment must submit a written application and other pertinent information regarding training and experience. The Department Head shall make appropriate inquiries to verify experience, character, and suitability of any applicant. Such inquiries shall be in accordance with all applicable State and Federal laws and regulations.

4.06 CONSIDERATION OF CURRENT EMPLOYEES

Current County employees shall be permitted to apply for positions for which they believe they are qualified.

4.07 DISQUALIFICATION

An applicant is disqualified from employment by the County if he or she does not meet the minimum qualifications for performance of the duties of the position involved; knowingly has made a false statement on the application form; has committed fraud during the selection process; or is not legally permitted to hold the position.

An employee may be terminated if it is later discovered that he or she knowingly committed any of the acts in the preceding paragraph.

4.08 EMPLOYMENT AT WILL

A position with Webb County does not constitute a contractual relationship for a specific length of time of employment. **Other than civil service positions, employment with Webb County is "at will"**, that is, either the employee or the employer can sever the employment relationship at any time without notice, for any legal reason or for no reason at all. For all non-civil service employees, employment-at-will supersedes all other policies contained in the Webb County Personnel Policies Manual.

4.09 HIRING PROCESS FOR DEPARTMENT HEADS

In addition to all other hiring criteria required by these policies, applicants seeking employment as a department head shall submit to a criminal background check and a Texas Driver's License check as arranged by the Administrative Services Department. After the Commissioners Court has completed its initial review and/or interview process, the finalists for the position will be required to submit to a drug and alcohol screening as arranged by the Administrative Services Department. The results of all of these reports may be used as part of the screening process to determine eligibility and suitability for employment. Each applicant/finalist will be required to pay a fee to the Administrative Services Department for the cost of administering each of these checks/screenings.

5.00 TYPES OF EMPLOYMENT

5.01 CATEGORIES

There are four categories of employment with Webb County:

1. Regular Full-time: A regular full-time employee is employed to hold an authorized position that involves, on the average, at least forty (40) hours per week.
   Employees who are hired into positions that are expected to require at least 30 hours per week, will be treated as full time, subject to measurements described below.*

2. Regular Part-time: A regular part-time employee is employed to hold an authorized position that involves, on the average, fewer than forty (40) hours per week, but no less than nineteen (19) hours per week.
For employees who are not expected to work at least 30 hours per week, including employees whose hours are not known when they are hired, Webb County will use a measurement period of twelve months.*

3. Temporary: A temporary employee is an employee hired to complete a specific project within a specified period of time. Temporary employees may work full time or part time. Temporary employees do not receive employee benefits.

4. JJAEP Employees: Employees of the Juvenile Justice Alternative Education Program. These employees may be either exempt employees as defined by the Fair Labor Standards Act (e.g. teachers and certain professionals) or non-exempt employees (generally the employees paid on an hourly basis).

There is no tenure or permanent lifetime employment or appointment for Webb County employees. All employees are subject to periodic performance review and evaluation in accordance with the Personnel Policies Manual and the Civil Service Rules and Regulations, if applicable.

*Note: For purposes of health care coverage "full-time" means 30 hours per week. An employee's "full-time" status, including calculating the number of hours worked, will be made in accordance with regulations issued by the federal government under the Affordable Care Act.

Approved January 1, 2015

5.02 NEW EMPLOYEES

At the discretion of the Department Head, the salary of a new employee may be set at a rate of up to ten percent (10%) less than the budgeted amount during the first ninety (90) days of employment while the employee demonstrates his or her abilities on the job.

If at any time, the Department Head decides, that a non-civil service employee is not suited for the job or that the employee's continued employment may not be in the best interest of the County, the Department Head may terminate the employee's employment. Termination of civil service employees must be in accordance with the Webb County Civil Service Rules and Regulations.

There is no tenure or permanent lifetime employment or appointment with Webb County.

5.03 ASSIGNED STAFF

Staff who are assigned to the County for supervision but who are directly paid by another government or private organization are not County employees. Benefits are as specified in the individual's contract for services. As a condition of their assignment, they are governed by all terms of these policies not in conflict with their contract for services.

5.04 EMPLOYEE RESPONSIBILITIES AND PERSONAL CONDUCT

Webb County is a public tax-supported organization. Employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintain good relationships with the public, with other governmental employees and officials, with their supervisors, and with fellow employees.

Employees are to be punctual in maintaining work hours, keeping appointments and meeting schedules for completion of work. Regular attendance is important to the overall operation of the department. If for any reason an employee is unable to report for work, he or she shall notify his or her supervisor or Elected official or Department Head immediately or prior to the start of the workday.

Each employee's personal appearance and conduct represents Webb County to the public and to other County employees. It is important that each employee try to make the best possible impression at all times by setting high standards in appearance and conduct.

5.05 EMPLOYEE CONDUCT VIOLATIONS

Each Elected Official or Department Head shall be responsible for maintaining a proper work environment and to enforce discipline on violations.

In order to assure understanding of the seriousness of proper conduct by County employees, a list of violations follows. Possible violations are not limited to this list and committing any violation will be grounds for disciplinary action, ranging from reprimand to immediate dismissal.

Offenses related to Leave

1. Excessive absences, such as taking more time off than the paid leave specified in the Webb County Personnel Policies Manual unless that leave is permitted by federal or state law.
2. Excessive tardiness. Absent a departmental policy to the contrary, an employee who is more than fifteen (15) minutes late is considered to be tardy. Excessive tardiness is being tardy more than three (3) times in any thirty day period.
3. Failure to provide notice of absence.
4. Misuse of leave.
5. Unauthorized absence – absence from duty that is not authorized or for which a request for leave has been denied.
6. Exhaustion of leave in excess of the allowable maximum period authorized by federal, state, county or local laws and rules.
7. Falsification of time sheets or payroll records.
8. Clocking in or out for another employee.
9. Arranging for someone to clock in or out for an employee.

Offenses related to Job Performance

10. Insubordination – unwillingness or refusal to follow orders of a supervisor or higher level of authority.
11. Failure to perform job duties.
12. Failure to meet productivity goals or needs of the department.
13. Poor job performance.
14. Failure to accept a transfer, either lateral or to a non-civil service position.
15. Failure to report to different duty location as required by a supervisor or department head.
16. Failing to accept a new assignment or failure to perform the duties of that assignment.
17. Dishonesty – behavior characterized by a lack of truth, honesty, or trustworthiness.
18. Conduct or actions that seriously impair the employee's job effectiveness.

Offenses related to Job Qualifications

19. Fraud or misrepresentation regarding qualifications or references during the selection process discovered after employment. If the employee is not qualified or not suitable for the position, the Commission may direct the removal of the employee on the basis of intentional fraud or misrepresentation.
20. Failure to obtain and/or maintain any position qualifications, license or certifications required by the employee's position description.
21. Failure to satisfactorily complete, obtain or maintain the required physical and/or psychological fitness for duty tests.
22. Failure to submit requested documentation to Human Resources concerning a medical condition of the employee which may present a contradiction to continued employment.

Misconduct in the Workplace

23. Violation of job safety rules or regulations.
24. Fighting or otherwise disrupting relations between employees.
25. Endangering the safety of others through negligent or willful acts including, but not limited to horseplay, misuse of County motor vehicles, etc.
26. Sabotage.
27. Physical or verbal abuse of fellow employees, supervisors, subordinates, or the public.
28. Use of foul or abusive language in the workplace.
29. Discourtesy to the public.
30. Sexual harassment.
31. Wearing revealing, distracting, or other attire inappropriate to the workplace of the employee.
32. Sexual activity in the workplace and any inappropriate displays of affection in the workplace.
33. Immoral conduct or indecency.
34. Sleeping on the job.
35. Being in possession and/or under the influence of intoxicating beverages or substances or illegal, controlled substances while on duty.
36. Violation of any statute, Civil Service Rule or Regulation, or departmental policy.

37. Violation of any duly adopted County policy such as the Policy for Drug, Alcohol, and Other Prohibited Substances; the Motor Vehicle Use Policy, and the Computer Use Policy.
38. Failure to report an on-the-job injury or illness immediately or promptly thereafter (in the event it cannot be reported immediately).
39. Knowingly creating or submitting false and/or slanderous reports and/or gossip regarding fellow employees, supervisors, subordinates, or the public.
40. Conduct which is detrimental to or has an adverse effect on the department or the County.
41. Solicitation or acceptance, directly or indirectly, of any gift, favor, entertainment, loan or other thing which has monetary value in exchange for some action or forbearance by the employee in the employee's official duties for the County.
42. Accepting gifts from contractors, vendors or other persons who are employed by persons/entities who are dealing with or attempting to deal with the County. This rule does not apply to promotional or other items of little pecuniary value.
43. Theft.
44. Misusing or allowing the misuse of County property, directly or indirectly.
45. Use of County property, time, equipment, material or supplies for personal gain, for political purposes, or for other activities not related to County business.
46. Release of confidential information or misuse of information obtained through employment with the County.
47. Allowing the use of a County vehicle or other property by a non-County employee except in cases of emergency or for repairs.
48. Gambling or betting while on County time.
49. Forcing or coercing co-workers or subordinates to donate to an office fund or to a collection.
50. Failure to provide the employee's department with current contact information such as home address and telephone number.

Conduct that Affects the County

51. Outside employment that conflicts with the employee's County employment.
52. Failure to notify the department head of any outside employment.
53. Performing outside employment on County time.
54. Use of County sick leave to allow the employee to engage in outside employment.
55. Receipt of additional compensation from any source other than the County for work performed for the County.
56. Having any financial interest that would conflict with or influence the performance of duties for the County.
57. Any activity that would give the appearance of impropriety to the manner in which County business is conducted.
58. Conviction of a crime of moral turpitude as described in these rules. A crime of "moral turpitude" is one that involves dishonesty, fraud, deceit, misrepresentation, deliberate violence, or that reflects adversely on a person's honesty, trustworthiness, or fitness to act as a County employee.
59. Conviction of any felony or a Class A or B misdemeanor that reasonably could be expected to call the employee's trustworthiness into question.
60. Violating any rules of professional conduct applicable to a particular employee.

6.00 WORK SCHEDULE AND TIME REPORTING

6.01 ADMINISTRATIVE WORKWEEK

The normal work schedule for County employees is from 8:00 a.m. to 5:00 p.m. Monday through Friday, with a one (1) hour unpaid lunch break, for a total of forty (40) hours per week. Law enforcement personnel, fire personnel, EMS personnel, and certain employees of the Juvenile Probation Department may have different schedules in accordance with the needs of their respective departments. Other departments may require their employees to work varying schedules depending upon the needs of those departments.

All Webb County hourly employees shall now be required to electronically register their work attendance on a daily basis, utilizing Day Prix, Bio Metric, and/or any other electronic approved method. Employees must report punctually for duty at their place of work; work their established schedule as determined by their department; take a one hour unpaid meal break; and, at the discretion of the Elected Official or Department Head, take no more than two fifteen-minute paid rest breaks, one in the morning and one in the afternoon. Employees will be required to clock in and out for rest breaks at the discretion of the Elected Official or Department head, but will not be deducted time. Time clocks will use a rounding system based upon fifteen-minute increments such that an employee who clocks in no later than 8 minutes past the beginning of the quarter hour will be deemed to have worked that quarter hour. An employee who clocks in more than 8 minutes past the quarter hour will not be credited with working that quarter hour

Based upon the staffing and other needs of the department, a Department Head or Supervisor has the right to set the times for employees' meals and rest breaks.

Approved June 10, 2013
Amended September 24, 2014

6.02 SCHEDULE ADJUSTMENTS BY DEPARTMENT HEADS

Adjustments to the regular hours of operation may be made by a Department Head in order to better serve the public or to meet requirements for continuous services related to the protection of public health and safety or at the direction of the Department Head to meet the needs of the County. JJAEP employees shall work the schedule established by JJAEP and according to the academic calendar adopted by the Juvenile Board.

Offices may remain open during the noon hour, and lunch periods may be staggered according to the requirements of the office and the decisions of the Department Head.

6.03 OFFICIAL CLOSINGS OF COUNTY OFFICES

County offices may be closed at any time during the regular work week only by order of the Commissioners Court or the County Judge for reasons such as bad weather or other extenuating circumstances. Work time lost by employees due to official closings of county offices will not be charged

to paid leave, unless the employee was already on some other type of leave, e.g., annual, sick leave, etc., in which case that particular leave status remains in effect.

6.04 NUMBER OF HOURS WORKED

Department heads may determine the number of hours worked by an employee for the compensation to be received subject to laws governing working hours and subject to the provisions of the County budget and approved salary schedules.

6.05 OVERTIME AND COMPENSATORY TIME

Compensatory Time: Webb County employees who are non-exempt from the provisions of the Fair Labor Standards Act (commonly known as "hourly paid" employees) will earn compensatory time for overtime hours worked. For purposes of computing overtime and/or compensatory time, time away from the job during the work week, such as annual leave, holidays, sick leave, personal days, and other absences, will not be included in a work week.

Accrual of Compensatory Time: Accrual of excessive compensatory time is discouraged. Any accrued compensatory time in excess of the maximum allowable amounts will be paid out to the employee in accordance with the Fair Labor Standards Act and is subject to audit.

Use of Compensatory Time: An employee may request the use of compensatory time in the same manner as annual leave. Additionally, an elected official or department head has the authority to direct an employee to use compensatory time in accordance with the needs of the department and as a means of managing leave balances and/or department's budget.

Non-Exempt / Non-Bargaining Unit personnel: Employees who are non-exempt under the Fair Labor Standards Act (commonly referred to as "hourly paid" employees) will receive compensatory time in lieu of overtime for time worked in excess of forty hours in a workweek, which runs from Friday to the following Thursday. Compensatory time calculated at one and one-half (1-1/2) times the hours worked in excess of forty hours. Employees may receive a cash payment for compensatory time only if there is a line item for that purpose in the department's budget and the County Auditor certifies that funds are available and the Elected Official or Department Head approves such request. When a grant allows overtime pay for hourly paid employees, the County will allow the overtime payment subject to the Grant's provisions.

Bargaining Unit Personnel: Compensatory time for Bargaining Unit Personnel shall be determined by the provisions of their collective bargaining agreement.

Overtime pay for First Responders: Exemptions under the FLSA rules specifically 13(a)(1) as defined by regulation, 29 CFR Part 541 regarding exemptions from the minimum wage and overtime requirements do not apply to first responders as defined under the Department of Labor/ Wage and hour division regardless of rank or pay. However, for workweeks when exempt employees (commonly referred to as "salaried" employees) fall under the definition of "first responders", they will be required to submit a time sheet to their respective department for approval. The County will only permit employees qualified as "first responders" to earn overtime pay but only from grant funds and only when grant funds are available.

Change of Classification: A classification change may be recommended by the elected official/department head but the change will not be official until it is certified as to correctness by the County Attorney AND the head of Human Resources. Compensatory time accrued prior to the official classification change must be taken in the same manner as annual leave but may be paid at the rate of pay for the non-exempt position but only when and only if it is approved by Commissioners Court.

Transfer Employees: An employee who is transferred from one department to another will be allowed to transfer his or her compensatory time, accrued annual leave, sick leave, and personal days only if the new Department Head is in agreement. If there is no such agreement, the employee must use all accumulated compensatory time, accrued leave and personal days prior to the transfer, but the employee's sick leave will be transferred with him/her to the new department. The foregoing shall be a condition of the employee's transfer.

Approved June 10, 2013

7.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

Each Department Head, Elected or appointed, under the Wage and Classification Plan, seeking to change titles and significant job duties for positions approved and budgeted by Commissioners Court, requires Commissioners Court approval prior to item being presented to Civil Service Commission.

Approved February 9, 2015

7.01 WEBB COUNTY GOVERNMENT CLASSIFICATION/ STEP INCREASE POLICY

The county maintains a classification plan, which assigns each class of positions to pay group based on the principle of equity among positons requiring similar levels of responsibility. Classification of jobs is done for the position and not for the person currently filing or being considered for a job. For purposes of classification/pay administration, the definitions are as follows:

1. A job description is a written description of the duties, responsibilities, reporting relationships and requirements for a position.

2. A pay plan is a document the assigns dollar values to each job class, group classes into pay grades, and arrays pay grades on a pay schedule showing salary and wage steps and ranges for each grade.

3. Equity is "one- time" adjustment given to the employee and was included in the initial implementation of the new pay system.

The compensation place developed for the county is based on an internal value system reflected in the classification plan and on a salary survey of comparable organizations to help assure an eternally equitable and competitive pay system.

The pay plan consists of twenty-eight grades and 34 steps. The range is deliberately broad so that problems associated with employees reaching the top of their pay range will be minimized.

I. At Hire Discretionary Steps

On July 28, 2014 the Commissioners Court approved a Step Discretion as follows:

- Department Heads and Elected Officials have the discretion to hire above the minimum entry rate as follows, subject to any probationary periods:

Figure 1

Grade		Steps
5-20	Discretion to Hire up to 5 Steps into the Grade	A,B,C,D,E
21-28	Discretion to Hire up to 10 Steps into the Grade	A,B,C,D,E,F,G,H,I,J

- For Attorneys Only (Public Defender, County Attorney, and District Attorney), the Department Head and Elected Official have the discretion to hire or promote above the minimum entry rate as follows:

Figure 2

Grade	Experience	Steps
22	0-2 years	K-M
	3-4 years	N-P
	5 years or more	Q-S
23	0-2 years	N-P
	3-4 years	Q-S
	5 years or more	T-V
24-26		N-W
27-28		K-M

II. Effective Pay Start Date:

All new hires, promotions, demotions and transfer pay start dates are effective at the beginning of the next pay period following HR approval process and notification.

Note: Failure to adhere to this policy regarding effective start date will delay the employee's Health Benefit coverage for an additional 30 days above the plan waiting period.

III. New Full Time Employees in Civil Service Positions

Elected Officials and Department Heads shall pay at *Step A* mandatory probationary period as stated in the Civil Service Rules & Regulations for the grade which the employee was hired.

Human Resources will notify departments when the probationary period is about to end. At the time, the Elected Official or Department Head will have the option to consider a salary adjustment to place the employee at a higher step within the Elected Official's or Department Head's discretion for that slot as shown in *Figure 1.*

Note: This is NOT subject to the "Salary Review Dates" in section VI.

IV. Promotions

An employee, excluding Attorneys, shall be promoted when:

- The employee moves to a position classified in a higher pay grade and meets the minimum requirements of that position.
- Effective Pay Start Date section.
- Promotions may occur intra/interdepartmental (within and between departments).

At the time an employee is promoted to a previously established position in a classification with a higher pay grade, the step within the pay grade will be based on the higher of:

A. 5% percent above the employee's current grade and step (pre-promotion);*please note that when calculating the amount of the 5% percent pay, IF the proposed salary amount falls between steps on the scale, then the amount of pay will be rounded up to the next higher step on the scale.*

or

B. The entry rate discretionary steps of the new paygrade

Figure 3

Examples of		
Employee's Current Grade/ Step: **12/U**		Salary: $ 40, 408.21
Promotion 5% of current Salary		$ 2,020.41
Salary with 5%		$ 42,428.62
Grade of new position: 16	(Discretionary Steps A-E)	Salary: $40,358.97 (E)
5% being higher, salary falls between these steps:		
	Step I: is $ 42, 415.07	Step J: $42,945.26
Therefore, 5% promotion (with round up, per policy)	New Salary →	**$42,945.26**

V. Transfers:

Transfers can only occur within the same pay grade. A lateral transfer occurs when a full-time employee moves to another position within the same pay grade (whether in the same department or another). An employee who laterally transfers shall be paid the same step he/she received prior to transferring.

VI. Salary adjustments (Current Position, Slot & Grade):

In the case of a re-evaluation of a position(s) based on Changes in Duties or a Re-focused job description, the Elected Official or Department Head may seek to have that salary adjusted subject to the **Salary Review Dates** below. The adjustment may be one step, or multiple steps, but shall never exceed the steps identified in ***Figure 1*** and/or ***Figure 2***. There is no limit to the times a salary may be adjusted as long as it does not exceed the discretionary limit in ***Figure 1*** and/or ***Figure 2***.

Any salary adjustments regarding discretionary steps must first be submitted to Human Resources for review and evaluation prior to Commissioner's Court consideration for approval. The deadline for submission for salary changes are:

- February 1st for April consideration and/or approval

or

- July 1st for Budget consideration and/or approval

VII. Demotion:

A demotion is the movement of an employee from a higher pay grade to a lower pay grade. This occurs when an employee is transferred or accepts a vacant position that is at a lower pay grade from his/her current position. In the case of a vacant position not being available, the Elected Official or Department Head may revert the employees' slot/pay to discretionary entry rates (A-E or A-J).

Approved April 27, 2015
Amended: June 4, 2015, December14, 2015

7.02 PAY PERIOD

Webb County will pay employees biweekly on Friday for the two week period ending the Thursday of the previous week. In the event that a payday falls on a County holiday, wages will be paid on the previous working day. Wages will be direct deposited into an employee's bank account. If the employee has no bank account, a pay card will be issued.

Exempt JJAEP employees shall have the option of receiving their annual salaries paid on a bi-weekly basis spread over the course of the fiscal year rather than being paid only during the academic year. A request to be paid in this manner shall be made in writing by such employee to the Webb County Treasurer's Office.

7.03 PAYROLL DEDUCTIONS

Deductions will be made from each employees pay for the following:

1. Federal Income Taxes;

2. Social Security (FICA); and

3. Employee's contribution to the County and District Retirement System.

In accordance with policies and general procedures approved by the Commissioners Court, and as modified with approval of Commissioners Court, approved deductions from an employee's pay may be authorized by the employee for:

1. Deferred Compensation;

2. Group Health/Medical Insurance for dependents;

3. Credit Union Deposits;

4. United Way or other charitable contributions; or

5. Supplemental policies as authorized by the Commissioners Court.

7.04 PAY PLAN

Each year the Commissioners Court, under statutory budgetary procedures, decides the number of regular and temporary positions allowed to each department and the salary range of each. Requests for additional positions or changes in position salary not granted at budget time must be submitted to and approved by the Commissioners Court.

7.05 LATERAL TRANSFERS

Lateral transfers are movements of an employee between positions at the same or roughly comparable pay rate. Lateral transfers may be made within the same department and are to be made in accordance with the hiring procedures set forth in the Civil Service Rules and Regulations. The lateral transfer of an employee between departments of the County must be approved by the Department Head or Elected Official of the receiving department and, for a civil service position, is subject to the provisions of the Civil Service Rules and Regulations relating to Promotions, Demotions, and Lateral Transfers and to Internal Posting Procedures. Transfer of leave balances and compensatory time shall be handled in the same manner as Transfer Employees as discussed in § 6.05 of this manual.

7.06 DEMOTIONS

A demotion is a change of duty assignment of an employee from a position in one classification to a position in another classification in a lower pay group. Demotions may be made for the purpose of voluntary assumption of a less responsible position, as a disciplinary measure because of unsatisfactory performance in a higher position, or as a result of elimination of the higher positions. Demotion of a civil service employee is governed by the Civil Service Rules and Regulations.

7.07 CALCULATION OF SEPARATION PAY

Upon separation from County employment, employees will be paid for all earned and unused annual leave up to a maximum of 176 hours. Employees also will be paid for all accrued compensatory time. Both

annual leave and compensatory time will be paid at the current rate of pay at the time of the separation. Payment for up to the above-said maximum allowed annual leave and compensatory time will be included in the employee's final paycheck. There is no payment for unused sick leave or personal days. The vacancy created by a separation of employment may be filled as long as money is available in the budget to complete the fiscal year or upon allocation of funds by the Commissioners Court for such purpose.

8.00 SUMMARY OF EMPLOYEE BENEFITS

8.01 MEDICAL

Full-time employees shall receive group health and life insurance coverage on such terms as the County may arrange. Exempt JJAEP employees shall be provided with insurance coverage on the same terms as regular, full-time employees and such insurance coverage will continue through their summer lay-off, if any, and until any such employee resigns, retires, is fired, or his or her employment is otherwise terminated.

Upon termination of Webb County employment, employees currently receiving group insurance may be eligible for continuation of group insurance for a period of time, at their expense, pursuant to Federal law.

8.02 SOCIAL SECURITY AND MEDICARE

All employees of Webb County are subject to withholding of income for Social Security and Medicare as required by federal law.

8.03(a) RETIREMENT PLAN

Webb County participates in the Texas County and District Retirement System ("TCDRS"). Mandatory participation in the Retirement Plan is required by State law for all full-time and part-time County employees except for temporary employees. Participation in the plan includes the County withholding a percentage of the employee's wages and the County making additional deposits on the employee's behalf. An employee who retires/separates from employment with Webb County and meets the requirements of the TCDRS plan may receive retirement benefits from the plan.

Retirees/former employees may be eligible for rehire by the County and may continue to receive retirement benefits if certain conditions are met.

Elected Officials, Department Heads, and Employees must note the following:

1. The Internal Revenue Service requires that a retirement be based upon a bona fide break in service. There can be no prior agreement, arrangement, or understanding that an employee is to be re-hired after he or she retires.

2. TCDRS requires a break in service of at least one full calendar month before a retiree/former employee can be rehired. For example, an employee who retires/ separates

from County on April 15 would not be eligible for rehire until June 1, after the entire month of May had passed.

3. **FAILURE TO COMPLY WITH RELEVANT INTERNAL REVENUE SERVICE REGULATIONS MAY RESULT IN THE LOSS OF "QUALIFIED STATUS" FOR THE COUNTY'S RETIREMENT PLAN.**

4. The loss of "qualified status" can result in the following:

   a. The County could be liable for back taxes, interest and penalties on the employer contributions and employee deposits to TCDRS retroactive to the date the plan was determined to be non-qualified.
   b. The County may have to withhold taxes on TCDRS contributions and deposits going forward.
   c. County employees may be liable for income taxes on the value of their vested benefits even though those benefits are not distributed at that time.
   d. Rehired retirees who did not have a bona fide separation may owe a 10 percent penalty and be required to repay all of their monthly payments to TCDRS.

Retirees and employees who are contemplating retirement should consider the following:

1. Retirees/former employees do not have a right to return to work. There is no explicit or implied preferential status given to retirees when they apply for vacant positions with the County.

2. Employees who are considering retiring/separating from County should take into account the effect retirement may have on their other employee benefits.

3. Drawing a pay check and a retirement check may result in additional income taxes that may reduce the actual value of that income.

4. Retiring/separating from employment and returning to work may reduce future retirement income.

Before a retiree/former employee may be rehired, both the retiree and the hiring department head must sign affidavits to ensure compliance with this policy.

The retiree's/former employee's affidavit must state as follows:

1. At the time of retirement/separation, there was no agreement, arrangement, or commitment that the retiree/former employee would be hired or rehired at a later date by any department or office of Webb County; and

2. A full calendar month elapsed between the date of retirement and the date of rehire.

The hiring department head's affidavit must state as follows:

1. The department head is not aware of any agreement, arrangement, or commitment that the retiree/former employee would be hired or rehired by any department or office of Webb County at a later date following his/her retirement/separation.

2. The position to be filled by the retiree/former employee was open to fair competition, other candidates were considered, and the retiree was deemed to be the best qualified candidate for the job; and

3. A full calendar month elapsed between the date of retirement/separation and the date of rehire.

These affidavits must be signed and notarized, and filed with the Administrative Services Department which will provide copies to the County Treasurer.

Further information regarding the retirement plan may be obtained from the Texas County and District Retirement System or from the Webb County Treasurer.

Approved June 1, 2014

8.03(b) WEBB COUNTY RETIREE EMPLOYEE BENEFITS POLICY

Purpose:

To establish an employee benefit policy for Webb County Employees who are eligible for retirement as per the guidelines of this policy.

I. Eligibility

Current employees who meet one of the following criteria are eligible to participate in this retirement employee benefit program:

1. Must not have already retired from Webb County, employment nor have already been enrolled or received benefits under this plan; or

2. Must be covered as an active employee under the County's employee benefit plan at the time of retirement; or

3. The employee must meet one of the following additional criteria:

    i. Age 60 plus 8 years of Webb County employment, or
    ii. Twenty (20) years of employment with Webb County.

II. Coverage Period

1. The retiree employee benefit program will offer coverage to its eligible retires, as defined above.

2. Coverage will not exceed 5 years pre-Medicare for retirees younger than sixty (60) years of

age Retires sixty (60) years of age and older shall be eligible for coverage until they reach the age of sixty-five (65), and shall also be eligible for the Medicare supplement at age Sixty-five (65).

III. Coverage Payments

1. Payment of monthly cost of coverage shall be made through auto debit to the Retiree's bank account.

2. Failure of any retiree to make timely payments to the County of any required contribution shall act as a termination of the participation in this program.

3. All retirees are required to make their contributions monthly, on or before the first day of each month, via auto debit. If for any reason should the funds not clear by auto debit payment, retiree must make payment with a cashier's check or money order, no later than the 10^{th} of the month.

IV. County Payments

1. The County shall contribute 57% of expected monthly cost to fund the retiree program. Eligible retirees shall contribute 43% of the expect cost subject to annual adjustments. Webb County's employee benefit plan will be the retiree's primary coverage until the retiree attains the age of sixty-five (65) .Once the retiree is Medicare eligible, Medicare will become the primary insurance for the retiree and coverage under the County's health care program will cease.

2. Eligible retiree dependents shall contribute 100% of the maximum cost of the coverage.

3. Supplemental Health Insurance- Upon the retiree becoming Medicare eligible, the County will offer the retiree supplemental health care insurance if the retiree has enrolled in Medicare A and B. The County will pay one hundred dollars ($100.00)
toward the cost of the supplemental insurance and the retiree shall pay the balance of the cost of the supplemental insurance. Retiree must advise Administrative Services Department 60 days prior to Medicare Eligibility, so that, the transition can be done in a timely manner.

4. The retiree shall pay one hundred percent (100%) of the cost of the supplemental insurance for each of the retiree's dependents coverage under the supplemental insurance.

V. Employee Coverage

The type of coverage available to retirees is based on the eligible employee's status at the time of retirement. The retiree will be classified as either:

Medicare eligible- Medicare will be the primary health insurance if the retiree qualifies Medicare Part A and B, County shall offer supplemental health insurance benefits as set out above.

Pre-Medicare eligible- County shall make no payments under age sixty-five (65), and the County Health Insurance is the primary Health Coverage.

VI. Enrollment

1. A county employee, who is eligible for Retiree Health Benefits, must enroll in the Retiree Health Insurance Program within thirty (30) days of his/her retirement from County service. Failure of the employee to enroll within the thirty day enrollment period as specified herein shall be deemed a refusal or waiver by the employee to participate in the program or receive benefits there under.

2. For those eligible for the Medicare Supplement at age (65) sixty five, retiree must advise Administrative Services Department 60 days prior to Medicare Eligibility, so that, the transition can be done in a timely manner.

VII. Reservation of Rights

1. Subject to available funding, Webb County reserves the right, at any time, to change, delete, or add any benefits and/or policies which have been adopted previously while at the same time being in compliance with 175 of the local Government Code, State of Texas.

2. This plan shall be in force and effective January 1, 2014, upon approval by the Webb County Commissioners Court and will be applied to all employees who are employed by Webb County as of December 1st, 2013.

Approved January 1, 2014

Amended April 13, 2015

8.04 WORKERS' COMPENSATION

All Webb County employees, Department Heads, and Elected Officials are covered under a workers compensation policy. The purpose of the insurance is to provide all benefits (e.g., medical costs and lost wage benefits) afforded under the Texas Worker's Compensation Law to any County employee injured on the job who is protected by such law.

8.05 UNEMPLOYMENT INSURANCE

Webb County subscribes to the Texas Unemployment Compensation Insurance Program.

9.00 LEAVE AND HOLIDAYS

9.01 DEFINITIONS

Leave time is time during regular working hours in which an employee does not engage in the performance of job duties. As set forth herein below, leave time may be either paid or unpaid.
Holidays are days designated by the Commissioners Court for County offices to be closed on what would otherwise be regular business days.

9.02 APPROVAL OF LEAVE

All leave taken by County employees must be requested by the employee and approved by the employee's Department Head or Elected Official through the County's Time and Attendance system. The Department Head or Elected Official is responsible for determining that employees are eligible for leave and have adequate leave time to permit the time off as requested by the employee.

If an employee fails to timely submit an appropriate leave request as required by the policies in this manual, the department may make deductions from the employee's available leave balances.

9.03(a) ANNUAL LEAVE

Employees begin to earn annual leave on the last day of the first full calendar month of employment and thereafter on the last day of each full month of employment. This means that employees do not earn annual leave until the last day of each full month of employment. In addition, new employees can use their annual leave or personal day during the first 90 days of employment.

Annual leave is awarded according to the following schedule:

Years of Service	Hours earned monthly	Working days earned annually
Less than 5 years	8 hours	12 working days
Less than 10 years	9 hours	13.5 working days
Less than 15 years	10 hours	15 working days
Less than 20 years	11 hours	16.5 working days
Less than 25 years	12 hours	18 working days
Less than 30 years	13 hours	19.5 working days
Thirty years and over	14 hours	21 working days

The amount of annual leave to which a full-time employee is entitled is calculated by determining the number of years of continuous, uninterrupted service with the County that the employee has as of his/her anniversary date. For purposes of this paragraph, separation from county employment for less than 90 days will not affect length of service with the County.

Neither regular part-time employees nor temporary employees are eligible for annual leave. Although regular part-time employees and temporary employees do not earn annual leave or other benefits, they

may be permitted, at the discretion of the Department Head or Elected Official to take unpaid leave as permitted by the needs of the department.

The maximum amount of annual leave that an employee may carry over from one fiscal year to the next is twenty-two days or 176 hours. Any accrued annual leave remaining on the last day of the fiscal year in excess of this limit will be forfeited.

An employee who is transferred from one department will be allowed to transfer his or her compensatory time, accrued annual leave, and personal days only if the new Department Head is in agreement. If there is no such agreement, the employee must use all accumulated compensatory time, accrued annual leave and personal days prior to the transfer. The foregoing requirement shall be a condition of the employee's transfer.

Annual leave to be taken by an employee shall be in the amounts and at the times approved by the Department Head or Elected Official who shall schedule annual leaves in the manner least disruptive to the operations of the department. Seniority may be used as the basis for resolving any conflict among annual dates requested by employees within a department.

9.03 (b) COLLECTIVE BARGANING AGREEMENT FOR WEBB COUNTY DEPUTY SHERIFF'S ASSOCIATION

Bargaining Unit Members will continue to accrue vacation time in accordance with the current County Policy. However, officers will be allowed to carry over two hundred (200) hours of vacation time into the next fiscal year. Upon separation of employment, excluding the retirement provision of this agreement, the County shall pay out the officer at his regular rate, for up to 176 hours, of vacation time.

Excerpt from Collective Bargaining Agreement (2015-2020)

9.04 PERSONAL DAYS

Employees receive one personal day on the first day of each quarter of the fiscal year, i.e. October 1, January 1, April 1, and July 1. An employee must be on paid status on each of those days or will not receive a personal day for that quarter Personal Days cannot be advanced by the department head.

Personal days can be saved up and used in a different quarter than they were earned. Personal days continue to be forfeited if they are not used by the end of the fiscal year in which they were earned.

Personal days can only be taken in increments of a full day. For example, an employee cannot use half of a personal day and use the other half at another time.

Approved November 14, 2011

9.05 SICK LEAVE

Sick leave is a privilege earned by regular full-time employees and as such, is not to be abused. Sick leave shall be unpaid unless the employee meets all the conditions of this section. If the conditions of this

section are met, an appropriate deduction will be made from the employee's sick leave balance. Regular full-time employees accrue sick leave at the rate of eight hours per month worked. Sick leave is earned only by regular full-time employees. Employees begin to earn sick leave on the last day of the first full calendar month of employment and thereafter earn sick leave on the last day of each full month of employment.

Earned sick leave may be utilized by employees who are absent from work due to any of the following:

1. Personal illness or physical or mental incapacity;
2. Illness or physical or mental incapacity of member of the immediate household;
3. Medical, dental, or optical examinations or treatments;
4. Medical care related to the birth of a child; or
5. Medical quarantine resulting from exposure to a contagious disease.

Medical Statement The Department Head or Elected Official may request, and the employee must provide, a physician's written verification of medical disability precluding availability for duty at any time that sick leave benefits are requested for a period of more than two days. The physician's written statement should identify the nature and extent of the disability and when the employee can be expected to work on a full-time basis. The verification must be signed by a physician licensed to practice medicine in the State of Texas. Upon good cause shown, the Department Head or Elected Official may waive the requirement of a physician's written verification.

Notification To receive paid sick leave, an employee shall communicate with his/her immediate supervisor, Department Head, or Elected Official no later than one hour after the time set for beginning work on a daily basis, except in cases where the employee is physically unable to communicate. A request for use of sick leave shall be entered into the Time and Attendance system upon the employee's return to work. When the use of sick leave is anticipated, such as for a medical appointment, the request for leave shall be submitted as far in advance as possible.

Accumulation of Sick Leave Sick leave not used during the year in which it accrues, accumulates and is available for use in succeeding years. No advance of unearned sick leave benefits will be made.

Cancellation Upon Termination: Unused sick leave is canceled upon termination of employment without compensation to the employee.

Abuse of Sick Leave: The Department Head or Elected Official may also require proof of illness in cases where the employee has compiled a poor attendance record or has exhibited a pattern of absences. Any abuse of sick leave is cause for disciplinary action against the employee up to and including termination of employment.

9.06 MILITARY LEAVE

Regular full-time employees of the County who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time or efficiency rating or annual leave or salary, on all days during which they are engaged in authorized training or duty ordered by proper authority, for a period not to exceed fifteen (15) days in any one calendar year. Requests for approval for military leave must have copies of the relevant military orders attached. Military leave in excess of fifteen (15) days will be charged to annual leave or leave without pay.

Regular employees of the County who enter active duty with the State Military Forces or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of the law upon honorable release from active duty.

In addition to the foregoing and as permitted by Chapter 173 of the Texas Local Government Code, Webb County will continue to pay the normal wages of a Webb County employee who is a member of a reserve component of the armed forces of the United States, including any appropriate part of the state military forces, and who by virtue of that membership is called to active duty in the armed forces of the United States by federal authority without the person's consent as part of a partial or total mobilization of the reserve components of the armed forces. The County will not continue to pay the wages of any such employee who ceases to be employed by Webb County because he or she resigns or is terminated for a reason that is not a direct consequence of the person's call to active duty. Nor will the County continue to pay the wages of any such employee who commits a voluntary act that extends the person's original assigned service to active duty.

Employees receiving wage continuation do not receive any employment benefits, although health insurance may continue at the employee's expense. The employee is responsible for making necessary arrangements and payments as established by the Risk Management Department. Requests for wage continuation must have copies of the relevant military orders attached. The County reserves the right to periodically request verification of the employee's active-duty status. Any termination of active duty status will result in termination of wage continuation. Because wage continuation is paid from the pay slot of the employee who is called to active service, no provision is made for the hiring of a temporary replacement.

Upon the employee's release from active duty, he or she shall return to County employment in the same or an equivalent position, and health insurance shall be reinstated as if there had been no interruption in employment.

9.07 CITIZENSHIP LEAVE

Employees will be granted citizenship leave with pay for jury duty or for serving as a subpoenaed witness in an official court or administrative proceeding. Citizenship leave cannot be used by an employee who is absent from work for a personal case in which he or she is a party to the proceeding.

An employee who is entitled to Citizenship Leave has the following options:

1. He or she may take the day without pay and accept the jury service payment or witness fee; or
2. He or she may take citizenship leave with pay and refuse the jury service fee or witness fee.

The employee must provide to his/her department a copy of the jury summons or witness subpoena to verify the employee's entitlement to citizenship leave. If an employee chooses to refuse the jury service fee or witness fee, s/he must provide verification from the District Clerk that the fee has been refused or must endorse the payment check to Webb County for deposit in the County's general fund.

If the employee is released from jury service or is released from a subpoena during working hours, he or she must return to work as soon as possible or must use annual leave, compensatory time, or time from a personal day.

Approved June 10, 2013

9.08 FAMILY AND MEDICAL LEAVE ACT

Employers are required to provide notice regarding the Family and Medical Leave Act to its employees. Webb County calculates FMLA leave on a rolling basis.

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

1. Reasons for Taking Leave: Unpaid leave must be granted for any of the following reasons:

2. To care for the employee's child after birth, or placement for adoption or foster care;

3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

4. For a serious health condition that makes the employee unable to perform the employee's job.

It is Webb County's policy that the employee shall be required to use any available paid leave while on FMLA leave.

Advance Notice and Medical Certification: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

1. The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."

2. An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

1. For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

2. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

3. The use of FMLA leave cannot result in the loss of any employment benefit that accrues prior to the start of an employee's leave.

Unlawful Acts by Employers: FMLA makes it unlawful for any employer to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA;

2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

Application to Employees of Webb County: The employee has the option, subject to the approval of his Department Head or Elected Official, to take FMLA leave concurrently with sick leave, annual leave, and/or personal days. In the absence of an employee making such an election, the Department Head or Elected Official may designate the leave as FMLA leave, with appropriate notice to the employee. Leave under the FMLA runs concurrently with Workers Compensation leave at the option of the Department Head or Elected Official.

9.09 (a) HOLIDAYS

Prior to the start of the fiscal year, the Commissioners Court will adopt the Holiday Schedule for that year. Holidays can be changed from year to year by vote of the Commissioners Court.

Holiday pay is defined as 8 hours of annual leave automatically given to "Full Time" hourly employees on each designated County holiday unless prohibited by Collective Bargaining agreement. Any "Full Time" hourly employee who physically works on a designated County Holiday shall be paid for all the weekly hours physically worked first and that portion of the Holiday pay hours earned shall be applied if

needed to complete the 40 hour work week with the reminder of the holiday pay hours banked as annual leave.

JJAEP employees are not excused from work on the holidays established by the Commissioners Court but shall take the holidays identified on the academic calendar as established by the Juvenile Board.

Official County holidays occurring during an employee's annual leave or sick leave shall not be counted against leave use. A County employee who is paid out of a combination of State and County funds is entitled to take the above mentioned holidays only, and is not entitled to take state holidays which are not offered by the County.

Approved August 25, 2014

9.09 (b) COLLECTIVE BARGANING AGREEMENT FOR WEBB COUNTY DEPUTY SHERIFF'S ASSOCIATION

Definitions:

"Actual Holiday" means the day of the month that a holiday falls on. This is not necessarily the day that the County officially recognizes the holiday.

"Recognized Holiday" means the day of the month that a given holiday is recognized by Commissioners Court as the day that the holiday is to be recognized. This is not necessarily the day of the actual holiday.

Agreement:

Members of the Bargaining Unit shall be afforded the same total number of holidays as are allowed all county employees and as annually determined by the Commissioners Court. If a member of the Bargaining Unit works on a designated holiday, the member shall be paid double time for the hours worked on such holiday. For purposes of this article, bargaining unit members will accrue holiday time/pay as follows:

A) If the members are assigned to a work schedule that is during normal business hours (8:00 A.M. to 5:00 P.M or relatively similar hours) and have a lunch break deducted from their daily workday; this provision will apply on the County-Recognized holiday.

B) If members work shift work and do not normally have a lunch break deducted from their workday; this provision will apply on the actual holiday.

C) Under no circumstances will any member receive both.

If the holiday falls on the employee's regular day off, as determined by the Sheriff, the employee shall receive eight (8) hours of annual leave.

The holiday is considered to be worked when an officer works any portion of their shift, starting at midnight and extending through 11:59 P.M. on the day of the holiday.

Any other holiday that is granted to County Employees by the Commissioner's Court, in addition to those listed in this article, shall also be granted to the bargaining unit.

9.10 LEAVE AND HOLIDAY RECORDS

In order to receive paid leave, an employee must have leave time available as evidenced by that employee's time and attendance record.

9.11 FUNERAL LEAVE

Funerals: Up to three (3) consecutive calendar days absence with pay shall be granted to a County employee following a death within his or her "immediate family," as defined below, provided that it shall be the duty of the Department Head or Elected Official to determine that the application for such leave is justified.

"Immediate family," for the purpose of this section, shall include only the following relations of the County employee or the employee's spouse: father, mother, sister, brother, wife, husband, mother-in-law, father-in-law, son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandchildren, great grandchildren, grandparents, and great grandparents.

9.12LEAVE TIME FOR JJAEP EMPLOYEES

JJAEP employees shall not receive annual leave, personal days, or sick leave days. Instead, exempt JJAEP employees shall be granted: ten (10) paid benefit days per academic year and Non-exempt JJAEP employees shall be granted seven (7) paid benefit days per year.

1. These days may be used for any purpose, but the JJAEP Director must be notified electronically through the Time and Attendance System whether they are used for sick leave or for another purpose.

2. The use of these days must be approved by the JJAEP Department as if they were annual leave days or sick leave days, and the provisions of §§ 9.02, 9.03, and 9.05 of these policies apply to the extent they are not inconsistent with this section.

3. Any benefit days not used at the end of the academic year are forfeited and may not be carried over from one academic year to the next.

4. JJAEP employees shall be allowed to take military leave, citizenship leave, and funeral leave as provided in other sections of this manual.

5. The provisions of the Family and Medical Leave Act shall also apply to this category of employees.

10.00 HEALTH AND SAFETY

10.01 SAFETY POLICY

It is the policy of Webb County to make every effort to provide healthful and safe working conditions for all of its employees. For further information, employees should refer to the Webb County Safety Manual and applicable state and federal laws and regulations.

10.02 EMPLOYEE RESPONSIBILITIES

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees. An accident, no matter how minor, must be reported immediately to an employee's supervisor, who must complete an E-1 Form and submit it to the Risk Management Department no later than a week after the accident.

10.03 EMPLOYEE SUGGESTIONS

Employees shall report immediately to their supervisors any conditions that, in their judgment, threaten the health and safety of employees or visitors. Employees are encouraged to make suggestions to their supervisors of improvements that would make the County work place safer or more healthful.

10.04 ON-THE-JOB INJURIES

Insurance: The County provides Worker's Compensation insurance coverage which provides for certain benefits (e.g., medical costs and lost wage benefits) if an employee is absent from work because of a bona fide on-the-job injury for more than seven (7) days. A bona fide on-the-job injury is defined as an injury arising out of or resulting from the performance of job duties by an officer or employee of the County, which takes place during an activity which normally would be compensated by the County. A physician must certify that the employee is unable to work.

Compensation: If a County employee sustains a bona fide on-the-job injury which renders him or her unfit and unable to perform the duties of the said employee's job, then the said employee will be compensated as follows:

1. For up to seven days the County employee receives his or her regular pay for that period with time charged against accrued sick leave or other unused leave. If leave balances are insufficient to cover that period, the leave shall be without pay.

2. Since said employee is unable and unfit to perform the duties of his or her job, and thus, is not working for the County, the said employee, to the extent and for the time said employee is unfit and unable to work, will be compensated by those benefits required by law and provided by the County's insurance carrier. The said employee will not be paid any type of supplement in addition to such benefits. However, during the period of disability (i.e., the period that said employee is unfit for duty and unable to perform such duties), the employee shall receive all other employee benefits, except for salary, including insurance coverage (employee must continue making his premiums for dependent coverage). The County adheres to the Americans with Disabilities Act, which shall govern over this section in the event of conflict.

3. The employee shall receive all payments to which he or she is entitled under Texas Workers Compensation Commission regulations. Workers Compensation leave may run concurrently with FMLA leave at the option of the Department Head or Elected Official.

Light Duty: There is no requirement under the law for permitting an employee to return to "light duty" work. If an employee is medically unfit to perform his normal duty assignments then his Department Head may transfer him/her to another slot, temporary or regular, in which he/she would be medically fit to perform the duties of that slot/position. If the employee refuses to accept the alternate position, his/her Workers' Compensation benefits would be adjusted to the salary level of the offered slot/position.

Medical Attention: A County employee who sustains a bona fide on-the-job injury may seek medical attention from a physician designated by the County and may later consult a health care professional of his or her choice. In the event of a medical emergency when it is impractical for the employee to be seen by a County-designated physician, he or she may be treated by any available physician. He or she may later be required to see a physician of the County's choice. If deemed necessary, the County may require the employee to submit to an examination by a physician or other health care professional of its choosing. The County requires periodic statements of medical condition, which may include completion of the Work Capacity Form and a copy of a release to return to work (from the attending physician).

Discharge: No County employee shall be discharged or otherwise discriminated against because said employee has in good faith filed a claim under the Texas Worker's Compensation Law. However, this provision in no way precludes a discharge or disciplinary action for another legitimate reason.

Reporting: The Department Head or Elected Official may require that a County employee on leave due to an on-the-job injury periodically contact a supervisor to report on his or her condition, the frequency of such reports to be determined by the Department Head.

10.05 DRUG AND ALCOHOL ABUSE POLICY

The Webb County Drug and Alcohol Policy, as amended from time to time, is incorporated herein by reference as if set forth in its entirety and shall have the same force and effect as the other provisions of this document. State and federal laws and regulations must also be observed. Violations of the policy, laws or regulations shall be grounds for disciplinary action as set forth therein and in this document.

County Programs and Department Responsibilities:

1. The Risk Management Department will develop and implement a drug-free awareness program to inform all County employees about:
   a) the dangers of drug abuse in the workplace;
   b) the County's drug and alcohol abuse policy;
   c) drug and alcohol counseling and rehabilitation programs approved by the County or that may be available through the County's group health insurance; and
   d) the range of personnel actions that may be imposed on employees for violations of the County's drug and alcohol abuse policy.

2. Any Elected Official or Department Head whose department or office receives a grant or administers a contract financed directly by federal funds shall give a copy of the County's drug and alcohol abuse policy to each employee involved in the performance of that grant or contract.

3. Any Elected Official or Department Head whose department or office receives a grant or administers a contract financed directly by federal funds shall notify the appropriate federal government agency responsible for those funds of any employee who is convicted of a criminal statute relating to illegal drugs for a violation occurring in the workplace no later than ten (10) days after a conviction.

11.00 PERFORMANCE EVALUATIONS

11.01 PURPOSE

The performance evaluation is designed to help the supervisor and employee measure how well the employee is doing his or her job; to provide a tool for management decisions regarding assignment, promotion and retention of employees; and to identify performance problems that need to be addressed.

11.02 PERFORMANCE EVALUATION REPORT

Each regular County employee's work performance should be evaluated at least once a year. An employee may be evaluated more than once a year at the discretion of the Department Head. Evaluations will be performed in the manner described in the Civil Service Rules and Regulations pursuant to a form provided by the Human Resources Division of the Administrative Services Department.

The employee's supervisor will complete the performance evaluation report and meet with the employee in a setting that is private and free of distractions to explain and discuss the evaluation. The supervisor will discuss with the employee any improvements in performance which appear desirable or necessary.

Employees must sign the performance evaluation report to acknowledge their participation in the evaluation process, and will receive a copy of the completed form.

Employees who are dissatisfied with their evaluation should put their objections in writing and submit copies of this statement to their supervisor and their supervisor's immediate superior, who will review the employee's complaint and determine whether remedial action is warranted.

A copy of the performance evaluation report, including any statements by the employee, will be placed in the employee's personnel file.

12.00 DISCIPLINE

12.01 FORMS OF DISCIPLINE

Discipline of civil service employees must be in accordance with the Civil Service Rules and Regulations. This chapter pertains to all other Webb County employees.

Where practical and in the best interest of the County, progressive discipline system may be used. The County, however, is not obligated to use lesser forms of discipline in place of more severe ones. The

County may begin the disciplinary process at any level, up to and including discharge, based upon the severity of the infraction. The permissible forms of discipline are the following:

1. Verbal counseling with written records of each counseling maintained by the supervisor and filed in the employee's personnel file;

2. Written Reprimands to the employee, which the supervisor must, in all cases, transmit through the Department Head to the employees personnel file;

3. Demotion;

4. Suspension from duty without pay for up to thirty (30) days; or

5. Termination of employment

Except in the case of verbal counseling, disciplinary action is accomplished or preceded by written notice to the employee involved. A notice to an employee would include a description of the reason for the action, and except in the case of dismissal states the likely consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action is always included in the employee's personnel file.

12.02 SUSPENSION FOLLOWING INDICTMENT

If a Department Head determines that suspension is in the best interests of the County and the public, the Department Head may suspend without pay an employee indicted for a felony, or accused by information of official misconduct or oppression, until the indictment or information is dismissed or tried and, if tried, until the trial and appeal (if any) are completed. Under no circumstances, will a Department Head suspend an employee with pay.

A suspended employee is entitled to reinstatement to the position held before such suspension, without loss of pay or benefits for the period the employee did not work due to such suspension if the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal. However, in the case where an employee is a deputy or appointee of an Elected Official no longer in office and the succeeding official does not wish to hire or appoint such deputy or appointee, the reimbursement of pay or benefits will be only for that period in which said employee could have worked for the original Elected Official. The suspension of an employee subsequently reinstated or reimbursed under this subsection is not to be interpreted as a disciplinary suspension.

13.00 SEPARATIONS

13.01 TYPES OF SEPARATION

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

1. Resignation;

2. Retirement;

3. Reduction in Force;

4. Elimination of Position;

5. Dismissal; or

6. Death.

13.02 RESIGNATION

An employee who intends to resign must notify his or her Department Head in writing at least ten working days prior to the last day of work.

An employee who resigns without sufficient notice is subject to having a written reprimand placed in his or her file documenting this violation of personnel policies unless there is a valid reason approved by the Department Head for not being able to give sufficient notice.

13.03 RETIREMENT

There is no mandatory retirement age for employees of Webb County, and employees are encouraged to remain in their respective positions, subject to the requirements of pertinent policies for the performance of their respective duties.

Employees should refer to the Retirement Plan manuals, available at the County Treasurer's Office, for information regarding participation in the plan and other matters relevant to retirement.

Former employees who are Texas County & District Retirement System Retirees are eligible to be re-hired but only after a separation from County employment for at least Two (2) years. Monthly TCDRS benefits will not be suspended as long as the original termination is bona fide. A bona fide separation means there must be a true separation in service between the County and the employee in which the employer/employee relationship is completely severed for at least a Two (2) year period. There can be no expectation, understanding, agreement, or arrangement that the employee will be hired full time or part-time after he or she retires. Failure to abide by this policy could jeopardize the County's TCDRS plan's qualified status which could subject the County to significant fees, penalties, and additional taxed levied by the Internal Revenue Service.

Approved May 12, 2014

13.04 REDUCTION IN FORCE

An employee may be separated for lack of work or funds. In deciding who will be separated from their employment as a result of a reduction in force, the County will consider, but is not limited to, the following factors:

1. the employees' length of service with the County;

2. the performance record of each employee; and

3. qualifications of the employee for remaining positions.

13.05 ELIMINATION OF POSITION

An employee may be separated from his or her employment because of changes in duties or reorganization. Reorganizations are undertaken to increase efficiency, reduce costs, or to improve service to the public. Reorganizations may only be implemented with the authorization of Commissioners Court. The relative necessity of each position to the organization is considered when positions are considered for elimination.

13.06 DISMISSAL

An employee may be dismissed at any time when, in the judgment of the Department Head or Elected Official, the quality and performance of his or her work does not merit continuation as a County employee. Civil Service employees, however, can only be discharged in accordance with the Webb County Civil Service rules and Regulations.

THERE IS NO TENURE OR PERMANENT LIFETIME EMPLOYMENT OR APPOINTMENT WITH WEBB COUNTY.

13.07 AMERICANS WITH DISABILITIES ACT

Webb County, through its officials, department heads, and employees, complies with the Americans with Disabilities Act ("ADA") and the regulations implementing the ADA including, but not limited, to those promulgated by the U.S. Equal Employment Opportunity Commission at 29 C.F.R. Part 1630. Accordingly, Webb County:

1. will not discriminate on the basis of disability in its hiring or employment practices.

2. will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.

3. will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the County's business. If an applicant or an employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the County may ask the individual for information necessary to determine if the individual has a disability related need for accommodation.

4. will maintain any employee's medical records separate from personnel files and keep them confidential.

5. will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the County's selection criteria have the effect of disqualifying an individual because of disability, those criteria will be job-related and consistent with business necessity.

13.08 EXIT INTERVIEWS AND RECORDS

Employee Separation Form: An Employee Separation Form must be filled out by the supervisor, Department Head, or Elected Official for each employee who is separated, noting the reason for the separation. The Department Head shall keep a copy of the form, submit the original to the Payroll Clerk for further processing, and send a copy to the Risk Management Department.

Payroll Attendance Worksheet: Information regarding employee separations must also be reported to the Payroll Clerk on the Payroll Attendance Worksheet.

Exit Interview Form: Each employee who is separated will be asked to fill out an Employee Exit Interview Form to be submitted to the Department Head or Elected Official. An employee whose employment has been terminated must turn in all keys, computer identification information, and passwords to his or her supervisor.

14.00 GRIEVANCES

14.01 POLICY

It is the policy of Webb County, insofar as possible, to prevent the need for employee grievances and to deal promptly with those which occur. The grievance procedure outlined herein below is available only to those employees who are not covered by civil service.

14.02 GROUNDS FOR A GRIEVANCE

Any difference or disagreement between the County and any employee shall constitute a grievance and must be taken up by the employee in the manner set forth in the following sections.

14.03 INFORMAL GRIEVANCE

The first step in the grievance procedure is for the employee to resolve the grievance by an informal conference with his or her immediate supervisor or Department Head within **five (5)** working days after the events upon which the grievance is based. If informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal grievance. No grievance hearing may be held unless the employee first attempts a resolution of his or her problems through this informal grievance procedure.

14.04 COMPOSITION OF GRIEVANCE COMMITTEE

Each member of the Webb County Commissioners Court shall appoint one member of the Webb County Grievance Committee. The Committee member may be an elected Webb County Official, a non-elected Department Head, a Webb County employee, or a member of the general public.

Members of the Employee Grievance Committee shall serve at the pleasure of the Commissioners Court or until replaced.

Presiding Officer: Upon the seating of any new member of the Committee or no less frequently than annually, the Members shall elect a Chairman who shall preside over the meetings and hearings and a Vice Chairman who shall serve if the Chairman is unable to do so.

Recusal: Any member of the Grievance Committee who is employed in the same department as the grievant shall recuse himself or herself from serving on the Committee for that grievance only. A member shall also recuse himself or herself if he or she is related to the grievant or has any other relationship with the grievant that would give the member's participation even the appearance of impropriety. If the member fails to recuse himself or herself from serving under such circumstances, either party or a member of the Committee may call for a vote of the Committee on the question of recusal. The vote of a majority of the remaining Committee Members voting shall govern. A tie vote shall result in recusal of the Member.

14.05 FORMAL GRIEVANCES

Formal grievances must be in writing and signed by the employee. Grievance forms are available at the Administrative Services Department. Completed and signed grievance forms must be submitted to the Administrative Services Department no later than ten (10) working days after the events upon which the grievance is based. Grievances filed after that date will not be considered. The grievance form shall include a brief explanation of the problem that is the basis of the grievance as well as the employee's suggestion for resolving the problem. The grievance form shall include all other information that may be useful in resolving the problem.

Written Grievance: The Administrative Services Department shall provide a copy of the written grievance to the employee's Department Head. At the option of the Department Head, further informal discussions may be held with the grievant prior to the hearing by the Grievance Committee.

Grievance Hearing Procedures: Grievance hearings shall be scheduled by the Administrative Services Department and shall be set for a time and place convenient to the participants. The hearing may recess and reconvene from time to time so as to permit the Committee to complete its work. Minutes of the Committee's proceedings shall be taken by the Administrative Services Department, and shall be maintained by that office. Additionally, a video recording shall be made of the grievance hearing and a copy of such recording shall be maintained by the Administrative Services Department.

Format of Grievance Hearing: The grievant shall appear in person and, at his or her option, may have one person present to represent the grievant. The Department Head may be represented by the Webb County

Attorney's Office. The grievant shall have the opportunity to present an opening statement, present testimony and evidence, and present a closing statement. The same opportunities shall be extended to the Department Head following the grievant's presentation. The purpose of the hearing is to give the parties a fair and impartial hearing and the Grievance Committee may modify the format of the hearing to achieve that purpose.

Receipt of Information from Parties: The Grievance Committee shall consider the statements, testimony and evidence offered by the participants. All members of the Committee shall have the opportunity to question the parties or witnesses and to examine any documents or other items presented by the parties.

Deliberation and Decision: Following completion of the parties' presentation of their cases, the Grievance Committee shall be permitted to deliberate outside the presence of the parties and other participants in the matter in which case the deliberations will not be recorded. The Committee may reconvene the hearing during the course of the deliberations if one or more members wishes to question a party further. A Recommendation of the Committee shall be made by a vote of a simple majority of the members present and shall be committed to writing by the Committee or the Administrative Services Department. Copies shall be provided to the grievant and the Department Head within seven (7) working days of the decision. The recommendation may be in favor of either party and it may also make suggestions that might assist in resolving the subject of the grievance.

Issuance of Recommendation: It shall be the responsibility of the Administrative Services Department to provide, within ten (10) working days, a copy of the Committee's recommendation to the governing body or person ultimately responsible for employment decisions over the grievant as follows:

> If the employee is responsible to the Juvenile Board, Auditor's Board, or Purchasing Board, the Grievance Committee decision shall be forwarded to that board, which shall consider the Recommendation at its next meeting or as soon thereafter as practical, and shall make a decision at its earliest convenient opportunity.
>
> If the employee is responsible to an Elected Official, the Recommendation shall be forwarded to that official who shall act on the matter within three (3) working days of its receipt.
>
> If the employee is responsible to the Webb County Commissioners Court or if he or she does not answer to the Board of Judges or an Elected Official, the Recommendation shall be forwarded to the Commissioners Court who shall act on the recommendation at its next meeting or as soon thereafter as practical.

Final Decision: It shall further be the responsibility of the Administrative Services Department to ensure that the grievance and the recommendation of the Committee are placed on the agenda of the body that must consider it. That body may consider statements from either or both parties in making its decision and may request guidance from the Office of the Webb County Attorney. The Administrative Services Department shall be responsible for providing written notice to the grievant and the Department of the final decision as determined in accordance with the foregoing. The notice shall be forwarded by hand delivery or first class mail no later than the third working day following the decision. If the recommendation of the Grievance Committee is adverse to the employee/former employee, that person

may elect not to proceed further and the recommendation will not be presented to the ultimate hiring authority.

15.00 PERSONNEL FILES

15.01 GENERAL

Personnel files are maintained by each Department Head or Elected Official. The record copy of all personnel information related to an employee shall be filed in the employees personnel file. Personnel files are the property of Webb County and may not be removed from County Offices by the employee or any other person except for legitimate purposes.

Most information in an employee's personnel file is open to the public unless disclosure of specific items is prohibited or not required by law. New employees will be asked to sign a Disclosure of Home Address and Telephone Number Form, indicating whether or not they wish to allow public access to their home address and telephone number.

No information from any record placed in an employee's file will be communicated to any person or organization except by the employee's Department Head, the County Auditor, the County Judge, or by an employee authorized to do so by one of these persons.

An employee, or his or her representative designated in writing, may examine the employee's own personnel file upon request during normal working hours at the County offices. Exceptions to this policy may be made when the records are related to pending or reasonably expected litigation .

Employees are expected to inform their supervisors of any changes in or corrections to information recorded in their individual personnel file such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

A separate file shall be kept for each employee for purposes of records relating to the Americans with Disabilities Act and other such laws or regulations.

15.02 PERSONNEL ACTION FORM

The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

Position Title and Classification (i.e., Demotion or Promotion),
Annual Salary (i.e., Pay increase or decrease), and
Other actions affecting the employee's status (i.e., Separation).

Each Personnel Action Form becomes a permanent part of the employees personnel file, and a copy is given to the employee.

15.03 CONTENTS OF PERSONNEL FILES

An employee's personnel file shall contain the following:

1. A copy of the employee's application for employment;
2. A signed copy of the employee's acknowledgment of receiving or reviewed the Personnel Policies Handbook, Insurance Handbook, Retirement System Handbook and any other applicable handbook;
3. The job description for the position he or she currently occupies;
4. Personnel action forms;
5. Performance evaluation records;
6. Records of any citations for excellence or awards for good performance
7. Records of leave accrued and taken;
8. A copy of the employee's W-4 form or Social Security Card; and
9. Any other pertinent information having a bearing on the employee's status.

Any information regarding applicability of the Americans with Disabilities Act to any employee shall be maintained in a completely separate file and location from the regular personnel file. These files shall be maintained in office of the Administrative Services Department.

15.04 LEAVE RECORDS

Official records of annual leave and sick leave accrual and of leave usage will be kept for each employee by the Department Head. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

16. ADDITIONAL POLICIES AND PROCEDURES

16.01 SUPPLEMENTARY POLICIES

This Policies Manual may be supplemented by any policies or procedures deemed necessary by any Elected Official or Department Head to the extent that such supplemental policies or procedures are not inconsistent with this Manual.

16.02 POLICIES PERTAINING TO THE WEBB COUNTY COMMUNITY ACTION AGENCY (CAA)

The following policies apply to the Webb County Community Action Agency:

1. Conflict of Interest. No elected official, department head or employee of Webb County shall vote for or confirm the employment of any person related to that person within the second degree of affinity or third degree of consanguinity, nor shall a person so related vote for or confirm a person who is authorized to employ or supervise such person. This prohibition shall not prohibit the continued employment of a person who has been continuously employed for a period of one year prior to the election or appointment of the officer, employee or member of Commissioners Court related to such person in the

prohibited degree unless such continued employment otherwise violates a provision of these personnel policies.

No Webb County Official, employee of CAA, or CAA Advisory Board member may participate in the selection, award, or administration of a contract or subcontract supported by Community Services Block Grant funds if (1) the person, (2) any relative within the second degree of affinity or the third degree of consanguinity, (3) the person's business partner or associate, or (4) any organization which employs or is about to employ any of the above, has a financial interest in the firm or person selected to perform the contract or subcontract.

No employee of CAA may serve on its advisory board.

2. Sectarian Activities. No funds received by Webb County from the Texas Department of Housing and Community Affairs may be used, either directly or indirectly, to support any religious or anti-religious activity.

3. Whistleblower. Webb County, its officials and its employees shall not discriminate against any employee or other person who reports a violation of the terms of any contract, law, or governmental regulation to the Texas Department of Housing and Community Affairs or to any appropriate law enforcement authority if the report is made in good faith.

4. Employment by Contractor. No CAA Advisory Board member may be employed by a CAA contractor or subcontractor during his or her service on that board or for twelve months thereafter.

17. EXEMPTION OF ELECTED OFFICIALS

17.01 EXEMPTION FROM MANUAL

To the extent permitted by law, this Manual shall be applicable to all departments and employees of Webb County.

Except as otherwise provided, only elected County officials personally are exempt from these personnel policies.

18. POLICIES AND REGULATIONS REQUIRED BY LAW

18.01 STATE AND FEDERAL REQUIREMENTS

This Manual shall incorporate by reference all those regulations, policies and procedures required under State and/or Federal law. Such policies shall include, but are not limited to, those applicable to the Community Action Agency, the Head Start Program, and the Juvenile Department.

ADOPTED THE 2nd day of March, 1998 by Order of the Webb County Commissioners Court with periodic amendments through December 14, 2015.

ATTEST: Margie Ramirez Ibarra

MARGARITA RAMIREZ IBARRA
WEBB COUNTY CLERK

DATE: 6-27-2016