



**PERSONNEL POLICIES MANUAL**  
**OF**  
**CAMERON COUNTY, TEXAS**

**The Personnel Policies Manual is not intended to create any contractual or other legal rights, but is designed solely as a guide. Periodically, this Manual may be revised and updated.**

**Adopted by the Cameron County Commissioners Court**

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## 1.00 INTRODUCTION

### 1.01 CAMERON COUNTY

Cameron County's governmental organization is established by The Constitution of the State of Texas and by the State Statutes. State and federal govern its operations 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 policy making Body of the County.

County operations are conducted through departments each administered by an elected official or appointed Department Head.

### 1.02 AUTHORITY

These policies are established by the Commissioners' Court of Cameron County. They replace all previously approved policies to the extent of any conflict. Amended, revised, or new policies must be approved by the Commissioners' Court.

Any benefits herein offered to the employees are contingent upon available funds in each County Department's budget and in the General Cameron County operating budget.

### 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

These policies set forth the primary rules governing employment with Cameron County. The policies contained here 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.

Receipt of the Personnel Policies Handbook by the employee does not constitute any type of employment agreement or contract with the County. Cameron County is an At-Will employer.

### 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 DISSEMINATION OF PERSONNEL POLICIES

The Human Resources Department shall maintain complete sets of the Personnel Policies with all revisions for reference purposes. The Human Resources Department or a designee shall provide each employee with a copy of the employee Handbook and information about any revisions, and shall provide each department head with a copy of the Personnel Policies Manual.

Each department head, elected or appointed, and each employee shall acknowledge receipt in writing of a copy of the Personnel Policies Manual or Handbook.

#### 1.07 KNOWLEDGE OF THE RULES

All employees of Cameron County, regardless of classification, shall have knowledge of all applicable County policies, regulations and standards of performance, behavior, and conduct. Employees shall become familiar and correctly apply all policy changes at all points during the employee's tenure with Cameron County. Knowledge of the policies, regulations, standards of performance, behavior and conduct shall be imputed as to all employees.

**Approved by Commissioners' Court: October 13, 2020**

#### 1.08 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

Cameron County is a public tax-supported organization. Exceptions include the Cameron County Park System and the International Bridge Department, which are operated as enterprise funds, and are self-sustaining departments. Cameron County employees must adhere to high standards of public service that emphasizes 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 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 wishing to engage in outside employment must request approval to do so from his or her Department Head. The Department Head may deny the request if it is determined that the outside employment would:

- be inconsistent or incompatible with employment with the County, or
- Adversely affect the employee's job performance.

### 2.04 CONFLICT OF INTEREST

An employee may not:

- 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.
- accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of job duties;
- accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County.

- 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
- 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 Cameron 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 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 when the employee is dealing with the public, and when in the course of dealing with the public in unreasonably disrupts the smooth operation of the department.
- A county employee may not directly or indirectly coerce, attempt to coerce, command, or advise 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.

**Approved by Commissioners' Court: February 6, 2007**

## 2.06 NATURAL DISASTERS AND EMERGENCIES

Employees of Cameron 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 Cameron County. The determination to 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 heads and is incorporated in Cameron County's Emergency Operation's Plan.

## 2.07 USE AND CARE OF COUNTY PROPERTY AND EQUIPMENT

- The County Vehicle Use Policy was established and approved by the Cameron County Commissioners' Court on April 29, 2003 and shall be reviewed by all County personnel and enforced by all elected officials and department heads.
- County employees are responsible for the proper care, custody and maintenance of Cameron County vehicles, safety gear, all equipment, including specialized law enforcement equipment, communications equipment, furnishings and fixtures,

uniforms, electronic hardware and software systems and other property issued to the employee for permanent or temporary use. Each County employee shall report any damage, loss or unserviceable condition of such County property to his or her immediate supervisor.

- Stewardship of County property is required of all County personnel. No County employee shall convert County property to unofficial or personal use or willfully abuse such County property. All such issued County property must be returned to the issuing department upon the department's request or upon the suspension, resignation, termination or other separation of the employee's employment with the County. Payroll deduction for the full usual replacement cost shall be made for the failure of any County employee to return County issued property in accordance with this policy and state and federal law. Each employee to receive County property issued for use in County employment shall sign a memorandum indicating that this policy is understood and authorizing the payroll deduction upon failure to return County issued property in accordance with this policy.

**Approved by Commissioners' Court: February 16, 2012**

**2.08 USE OF PERSONAL VEHICLE TO CONDUCT COUNTY BUSINESS**

Employees who are authorized to operate their personal vehicle to conduct county business must observe the following.

- Must show proof of current liability insurance.
- The vehicle must have current registration and inspection. A copy of insurance verification must be provided to the county auditor's office.
- Employee must possess a clean driving record as per county liability insurance check.

**2.09 MOBILE DEVICE POLICY**

Cameron County retains the right to monitor employees for excessive or inappropriate use of employee owned mobile devices, including cell phones. If an employee's mobile device usage causes decline in productivity or interferes with County operations the employee may be forbidden from using their mobile devices during working hours.

Employees are allowed to use a mobile device for the following:

- Text messaging should be kept to work-related purposes (contact a supervisor, etc.)
- Browse the internet during non-working time (lunch or approved break, etc.)
- Use the phone to take pictures for work-related purposes (safety concerns, etc.)
- Keep the phone on vibrate mode so as not to interrupt others in the same space
- Outbound phone calls should be for emergencies only or work-related purposes

- Keep the answering of phone calls to emergencies only

In no case should employees be allowed to use their personal mobile device during working hours for the following reasons:

- Engage in social media, watch or view media or movies
- Use the device at any time while operating a County vehicle, machinery or safety sensitive equipment or tools
- Use the devices camera or microphone to record audio or video
- Use the device to send confidential or work-place derived information to unauthorized persons

Employees with County-issued mobile devices should keep the use of the device strictly for work purposes. Personal text messages and phone calls should not be made on the County-issued mobile device. The County-issued mobile device should not be used to download applications (apps) for personal use.

Employees that violate this policy may be subject to discipline up to and including termination of employment.

**Approved by Commissioners' Court: October 13, 2020**

### 3.00 EMPLOYMENT STANDARDS AND PRACTICES

#### 3.01 EQUAL EMPLOYMENT OPPORTUNITY

Cameron County is committed to provide equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap or veteran's status, as required by state and federal laws. The County's commitment extends to all employment-related decisions and terms and conditions of employment.

#### 3.02 SEXUAL HARASSMENT

Cameron County strictly prohibits any conduct, which constitutes sexual harassment. Sexual harassment is defined as unwelcome sexual advances, request 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.

It is the responsibility of Cameron County Management 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 should immediately report the matter to his or her immediate supervisor or to the Human Resources Administrator. The choice of whom to report the harassment is the employee's alone to make. Any employee found to be sexually harassing another employee or applicant for employment shall be dealt with under the disciplinary policies and procedures contained in this manual.

### 3.03 PHYSICAL STANDARDS

Cameron County is committed to equal employment opportunity and will reasonably accommodate job applicants and employees with disabilities. All Cameron 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, park ranger, 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.

### 3.04 DRESS CODE

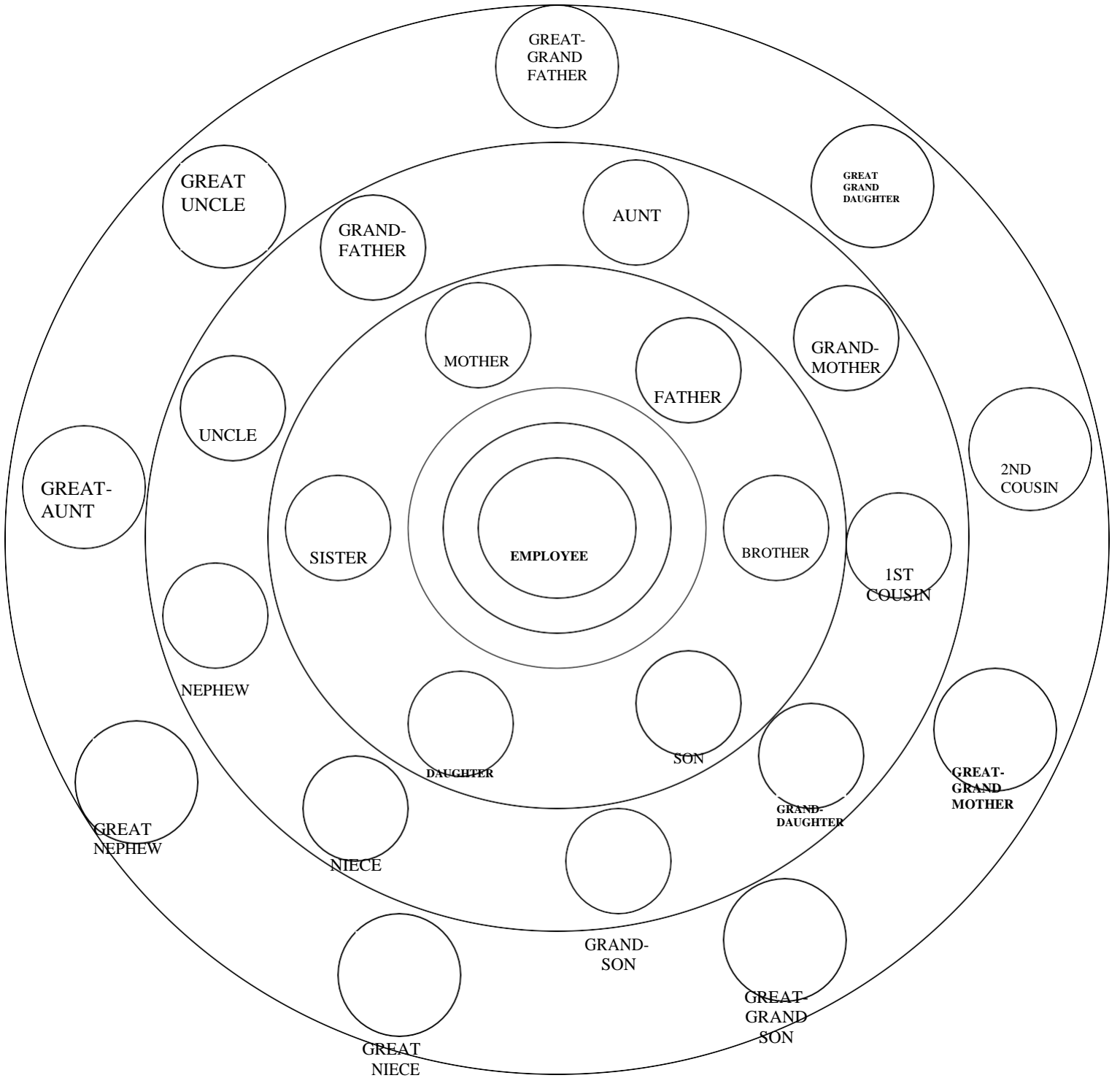
A dress code may be implemented by department directors/heads for professional standards (uniform, coat, tie, etc.) as required.

### 3.05 EMPLOYMENT OF RELATIVES

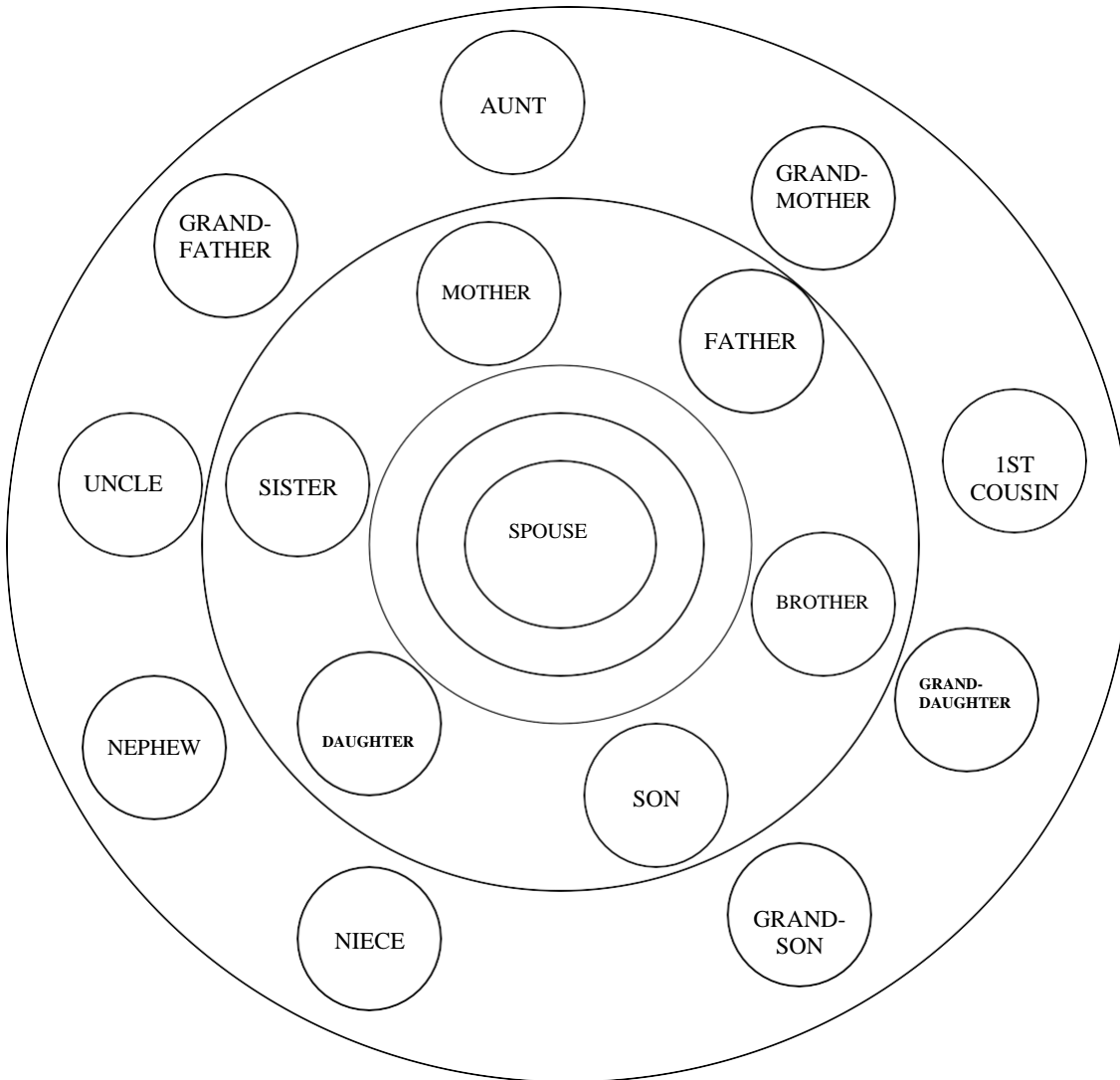
Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County. No person may be hired who is related within the second degree by affinity (marriage or within the third degree by consanguinity (blood) to any member 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. Prohibited degrees of relationship are defined in the following Figures 1 and 2.

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 for one or the other to secure another position, either within the County in another department, or outside County government. For purposes of this policy, a reasonable time will not normally exceed two months. If the two parties cannot decide which of them will forfeit his or her job, the party with the least seniority will be terminated.

**NEPOTISM  
 CHART  
 CONSANGUINITY KINSHIP CHART  
 FIGURE 1**



**NEPOTISM  
CHART  
AFFINITY KINSHIP CHART  
FIGURE 2**



**3.06 WHISTLEBLOWER POLICY**

The Texas Whistleblower Act protects public employees who make good faith reports of violations of law by Cameron County or its officials, employees, or agents to an appropriate law enforcement authority. Cameron County may not suspend or terminate the employment of, or take other adverse personnel action against a Cameron County employee who makes a report under the Act.

**Approved by Commissioners' Court: June 24, 2018**



### 3.07 GARRITY WARNING

Each employee is expected to abide by County policies and to cooperate fully in any work-related investigation. In certain instances, an employee may be asked to take part in an administrative investigation and sign a Garrity Warning.

The Garrity Warning advises the employee that any answers and information derived during the investigation may be used against the employee in administrative proceedings, including any Civil Service hearings. The Garrity Warning also advises the employee that any self-incriminating information that the employee may disclose will not be used against the employee in a criminal prosecution.

The duty for County employees to cooperate and answer questions fully and truthfully is set forth in *Garrity v. New Jersey*, 385 U.S. 493 (1967). If an employee refuses to answer the questions asked, this in and of itself shall be considered a violation of Cameron County Policy, and the employee will be subject to disciplinary penalties up to and including possible termination.

**Approved by Commissioners' Court: October 13, 2020**

## 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 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.

### 4.02 VACANCIES

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.

### 4.03 QUALIFICATIONS

Cameron County maintains a job description, which establishes for each staff position the required knowledge, skills, and abilities and the acceptable levels of experience and training for the position. The job description sets forth the minimum acceptable qualifications to fill the position.

Cameron County will make a reasonable effort to accommodate job applicants and employees who have disabilities.

### 4.04 METHODS OF RECRUITMENT AND SELECTION

Cameron County has four methods of recruiting and selecting persons to fill vacancies. **Regardless the method selected, all vacancies must be advertised with the Department of Human Resources, unless otherwise stated by County policy.** The fourth methods are as follows:

1. promotion from within;
2. lateral transfer from within;
3. public announcements and competitive consideration of applications for employment, and
4. selection from a valid current eligibility list.

Each department head determines the method of selection to be used in filling a vacancy.

**Approved by Commissioners' Court: October 13, 2020**

#### 4.05 PUBLIC ANNOUNCEMENTS

Cameron County is an "AT WILL" equal employment opportunity employer and Public announcements of position openings with the County are disseminated by the Human Resources Administrator and the respective department head, in the manner most appropriate to the particular position being held. Each job posting shall be posted for a minimum of **five (5)** working days. Further, the Auditor's office shall verify the job posting prior entry of the individual into the payroll system.

**Approved by Commissioners' Court: March 11, 2003**

**Approved by Commissioners' Court: March 19, 2018**

#### 4.06 APPLICATION FOR EMPLOYMENT

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.

#### 4.07 CONSIDERATION OF CURRENT EMPLOYEES

Employees of the County will be notified by the Human Resources Administrator of known vacancies in the organization for which applications will be accepted. Employees will be permitted to apply for positions for which they believe themselves to be qualified.

#### 4.08 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 falsified information on the application form **or has lost or failed to keep current required occupational licenses/certifications which are required to perform the essential functions of the job.**

**Approved by Commissioners' Court: July 10, 2018**

#### **4.09 REHIRING A RETIRED EMPLOYEE**

**Prior to hiring a former employee who has retired from Cameron County, Commissioners' Court approval will be required if the former employee and appointing authority and/or hiring manager will attest that no agreement was made prior to the former employee's separation that the employee would be rehired after he/she gained access to their retirement account. Once proper documentation is received, the Department of Human Resources will place the item on the agenda for Court approval. A former employee must be separated from the County for ninety (90) days before being considered for rehire.**

**Approved by Commissioners' Court: February 23, 2016**

**Approved by Commissioners' Court: July 10, 2018**

## 5.00 TYPES OF EMPLOYMENT

### 5.01 REGULAR FULL TIME EMPLOYEE

A regular full-time employee is employed to hold an authorized position that involves, on the average, at least forty (40) hours per week.

There is no tenure or permanent lifetime employment or appointment for Cameron County employees. All employees are subject to periodic performance review and evaluation at least once a year in accordance with the Personnel Policies.

### 5.02 PART-TIME EMPLOYEE

A regular part-time employee is employed to hold an authorized position that involves, on the average, 29 hours or fewer per week.

Part time employees are not allowed to and cannot be required to work more than 29 hours per week. Department heads may determine the number of hours worked by an employee, other than part time employees, 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.

A department head may **not** approve or allow overtime or compensatory time for a part time employee.

**Approved by Commissioners' Court: September 17, 2019**

### 5.03 TEMPORARY EMPLOYEE

A temporary employee is an employee hired to complete a specific project within a specified period of time. Temporary employees may be either full time or part time.

A department head may **not** approve or allow for temporary employees to work overtime and/or accrue compensatory time. Temporary employees cannot work more than 120 days in a 12 month period.

**Approved by Commissioners' Court: September 17, 2019**

### 5.04 SEASONAL EMPLOYEE

**A seasonal employee is hired into a position where the routine annual employment is six months or less. Seasonal employees may either be full time or part time. Seasonal elections employees may have a period of employment in excess of six months depending on election cycles and primary and/or run-off voting but not to exceed eight months.**

**A department head may approve or allow for a seasonal employee to work overtime. Seasonal employees are not entitled to receive benefits. Seasonal employees cannot work more than six months in a calendar year except seasonal elections employees as detailed above. Positions designated as seasonal should begin work approximately the same time each calendar year.**

**Approved by Commissioners' Court: February 23, 2016**  
**Approved by Commissioners' Court: September 17, 2019**

#### EVALUATION PERIOD

In order to become a regular employee, each employee must complete an evaluation period of six months following initial employment or reemployment in a regular budgeted position. The evaluation period may be extended by the Department Head for a period of up to an additional six months.

The Department head may immediately terminate an employee at any time during the evaluation period. After completing the evaluation period, the employee will be subject to periodic performance evaluations at least once a year.

Cameron County is "AT WILL" employer and there is no tenure or permanent lifetime employment or appointment.

#### 5.05 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.

## 6.00 ELECTRONIC PAYROLL POLICY

### 6.01 DIRECT DEPOSIT

Cameron County requires that all employees pay must be deposited electronically (Direct Deposit) into their bank account in the financial institution of their choice in accordance to Federal Requirements.

All employees must be enrolled into the electronic (Direct Deposit) system by December 1, 2010. Those employees receiving paper warrants (paychecks) shall be required to enroll for direct deposit by completing the appropriate enrollment forms. This includes temporary employees.

### 6.02 NEW HIRES AND RE-HIRES

All new hires and re-hires must enroll in the electronic payroll (Direct Deposit) in the bank/financial institution of their choice within 30 days of enrollment or will not be paid until the bank information is received by Payroll Department/Human Resources.

### 6.03 ENROLLMENT FORMS/CHANGE OF BANK FORMS

Direct Deposit forms are available in the Payroll Department/Human Resources. Departments will advise all new enrollees that as a condition for employment along with standard required document, they must select a bank/financial institution of their choice.

Employees are encouraged to contact the financial institution directly to confirm the deposit to their account. Although financial institutions normally make deposited pay available no later than payday, each financial institution has its own policy. Each employee is responsible for verifying the deposit has been made prior to expending the funds. Cameron County will not be responsible for any fees incurred by you from your financial institution.

### 6.04 ACCOUNT CHANGES

It is the responsibility of each employee to notify the Cameron County Payroll Department of any changes to their banking information. Changes not received in a timely manner will result in a paper check after confirmation of returned electronic funds by the Payroll Department. This may take three to five business days resulting in a delayed payroll check. Employees will be allowed no more than three (3) financial institution changes per year.

**Approved by Commissioners' Court: August 26, 2010**

## 7.00 WORK SCHEDULE AND TIME REPORTING

### 7.01 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) one hour unpaid lunch period, for a total of forty (40) hours per work period, excluding Law Enforcement Personnel. The normal work schedule for Law Enforcement Personnel shall be determined in accordance with designated schedules totaling 171 hours per 28-day period.

Employees must report punctually for duty at their place of work; work their established work schedule as determined by their Department. **Employees may be authorized to take an unpaid meal break, which must be at least 30 minutes, but should not be more than one hour. Employees must be completely relieved from duty during unpaid meal breaks.**

**The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating. An employee who is required to remain at his/her duty station while eating is working while eating and must be paid for “working while eating”.**

**Employees may be authorized to take two fifteen minute paid rest breaks, one in the morning and one in the afternoon. Should the employee’s duties or workload not permit him/her to take a rest break, this time cannot be accumulated.**

Department Heads or Supervisors have the right to set the times for meals and rest breaks taken by employees in their Departments.

**Approved by Commissioners’ Court: March 3, 2005**

### 7.02 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.

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.

### 7.03 OFFICIAL CLOSINGS OF COUNTY OFFICES

County offices may be closed at any time during the regular workweek only by order of the Commissioners’ Court or the County Judge for reasons such as bad weather or funeral services for county officials. Work time lost by employees due to official closings of County offices will be charged to “other time”, unless the employee was already on some



other type of leave, e.g., vacation, sick leave, etc., in which case that particular leave status remains in effect.

#### 7.04 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.

**Unbudgeted overtime and compensatory time must be strictly limited and controlled by each department head. Any failure to properly control employee time within budgetary constraints will be viewed with disfavor in the setting of future budgets.**

**Approved by Commissioners' Court: September 17, 2019**

#### 7.05 TIME REPORTING

All employees classified as non-exempt under the Fair Labor Standards Act (FLSA) shall clock in using the county's automated time keeping system; employees classified as exempt under FLSA are not required to do so. However, an elected official or department head may instruct employees classified as exempt under FLSA to clock in using the county's automated time keeping system so long as the employee's compensation is not reduced.

**Approved by Commissioners' Court: November 29, 2016**

#### 7.06 OVERTIME AND COMPENSATORY TIME

General: Cameron County employees will receive compensatory time off for overtime hours worked, but may receive cash payment if money is available for this purpose in their department budget. **Overtime and compensatory time must only be allowed based on significant departmental needs and not on a routine or regular basis. Department heads are required to fiscally responsible and closely monitor and control the use of overtime and compensatory time.** Requests to work overtime must be submitted to the Department Head before the overtime is worked on the Agreement to Work Overtime form, on which the Department Head will specify if the request is approved or denied, the number of hours to be worked, and the method of compensation that will apply.

**Approved by Commissioners' Court: September 17, 2019**

For the purpose of computing overtime, time away from the job during the workweek, such as vacation, holidays, illness, or approved absences, will not be included in a workweek.

Non-Law Enforcement Personnel: Employees covered by the Fair Labor Standards Act will receive compensatory time off for time worked beyond the forty (40) hour workweek, which runs from Friday to the following Thursday, but may receive cash payment if there is money in the department budget for this purpose, and the Department Head has approved the cash payment. The maximum accumulation of compensatory time is **two hundred and**

**forty (240) hours**, and it is accumulated at one and on half (1-½) times the overtime hours worked. Payment for overtime is calculated at one and one half (1 ½) regular hourly rate.

**Approved by Commissioners' Court: September 17, 2019**

Law enforcement personnel will receive compensatory time for time worked beyond the **eighty six hours (86) per fourteen (14) day** pay period, but may receive cash payment if there is money in the department budget, and the Department Head has approved the cash payment. The maximum accumulation of compensatory time is **four hundred eighty (480) hours**, and it is accumulated at one and one half (1 ½) times the overtime hours worked. Payment for overtime is calculated at one-half (1 ½) the regular hourly rate.

**Approved by Commissioners' Court: September 17, 2019**

**Department heads may require employees to use any part of the compensatory time balance for budgetary reasons including to avoid paying overtime and to comply with FLSA obligations. Department heads shall require employees to take time off from work to prevent the accumulation of over 240 of compensatory time for non-law enforcement and over 480 hours of compensatory time for law enforcement personnel.**

**Approved by Commissioners' Court: September 17, 2019**

**Exception: A county law enforcement official who has completed their shift work and are detailed to perform duties pursuant to, and authorized by, specific state or federal grant(s), interlocal agreements(s), or memorandums of understanding (hereinafter collectively referred to as non-county source) may be compensated from/by the non-county source at one and one-half their regular hourly wage (overtime) for hours worked under the grant, interlocal agreement, or memorandum of understanding where permitted by the non-county source.**

**Approved by Commissioners' Court: April 14, 2011**

**Approved by Commissioners' Court: July 31, 2018**

Transfer Employees: An employee who is transferred from one department will be allowed to transfer his or her compensatory time if the new Department head is in agreement, or will be permitted to use all accumulated compensatory time prior to the transfer.

#### 7.07 ON-CALL WORK

Employees of Cameron County may be required to perform work on an on-call basis.

On-call work is defined when an employee is called upon by their department head or supervisor to perform a task(s) outside of their normal work schedule. Employees who are expected to be on-call shall be notified of any conditions and expectations prior to being considered available for on-call work.

Conditions and expectations may require the employee to stay within certain reasonable geographical boundaries, communicate or respond within a certain amount of time, or refrain from certain activities including the consumption of alcohol. However, while on-call, employees shall

be permitted to leave their customary work place and use their personal time effectively keeping in mind any conditions or expectations set by the department head or supervisor.

Only employees classified as non-exempt under the Fair Labor Standards Act are eligible for on-call compensation. On-call compensation will be calculated at the employee's normal hourly rate with a one hour minimum for responding to on-call work. Time spent by an employee on-call shall be rounded up to the next hour as approved by the department head.

A department head may change the work schedule of an employee who performed work on an on-call basis so no overtime or compensatory time is accrued for the pay period. Refusal by an employee to perform work after he or she is placed on-call is grounds for disciplinary action, up to and including termination. This is a formal condition of employment with Cameron County.

The determination to which positions or personnel who shall be required to work on-call shall be made by each department head or supervisor.

**Approved by Commissioners' Court: October 13, 2020**

#### 7.08 SAFE HARBOR POLICY

It is the policy of Cameron County to accurately compensate employees and to do so in accordance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and report all errors. You also must not engage in off-the-clock or unrecorded work.

#### Review Your Pay Stub

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we will promptly make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

#### Non-exempt employees

Employees eligible for overtime pay or comp time must maintain a record of the total hours worked each day. These hours must be accurately recorded by the employee using the County's timekeeping system. The time recorded must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each week, the employee should submit their actual work time for verification and approval. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each workweek.

#### Exempt employees

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the County. This salary will be established at the time of hire or when you become classified as an exempt

employee. While the salary may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For Example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek which work was performed:

- Full day absences for personal reasons, such as vacation or personal days
- Full day absences for sickness or disability which may be charged to accrued sick time
- Full day disciplinary suspensions for major safety violations or significant infractions of important written workplace conduct rules
- Full or partial day Family and Medical Leave absences
- The first or last week of employment in the event you work less than a full week
- Any full work week in which an employee does not perform any work
- The employee's portion of health, dental or life insurance premiums
- Social Security, state, federal or local taxes
- Pension plan or contributions to voluntary retirement plan

The following deductions are not allowed for Exempt employees:

- Partial day absences for personal reasons, sickness or disability
- Your absence because the facility is closed on a scheduled work day
- Any other deduction prohibited by state or federal law

Please note: You will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, your salary will not be reduced for partial day absences if you do not have accrued time off.

#### Reporting Violations of this Policy, Communicating Concerns and Obtaining More Information

It is a violation of County policy for any employee to falsify a time card or sheet or to alter another employee's time record. It is also a serious violation of County policy for any employee or member of management to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time sheet to under-or-over report hours worked. If any member of management or an employee instructs you to (1) incorrectly or falsely under-or-over report your hours worked, (2) alter another employee's time recorded to inaccurately or falsely report that employee's hour worked, or (3) conceal any falsification of a time record or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department.

An employee should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless

you are authorized to do so and that time is recorded on your time records. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work you may perform but fail to report on your time records. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

If you have any questions about deduction from your pay, please contact the Payroll Department immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately.

Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee (s) who violates this policy.

In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County’s investigation of such reports. “Retaliation is unacceptable”. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

**Approved by Commissioners’ Court: November 29, 2016**

#### **7.09 OVERTIME AND COMPENSATORY TIME FOR EXEMPT EMPLOYEES DURING COUNTY DISASTERS**

**Exempt non-law enforcement employees shall be compensated for hours worked, during a declared disaster, in excess of 40 hours within a 40 hour work-period (see paragraph 7.06).**

**Exempt law enforcement employees (deputies and jailers) shall be compensated for hours worked, during a declared disaster, in excess of eighty six (86) hours within a 14 day work period (see paragraph 7.06).**

**“Declared disaster” in this paragraph means a disaster declaration made by the county judge under the authority of Cameron County, Office of Emergency Management, Annex U, (Paragraph V,2). “Exempt” means excluded from FLSA coverage.**

**Approved by Commissioners’ Court: September 13, 2005**

**Approved by Commissioners’ Court: September 17, 2019**

## 8.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

### 8.01 PAY PERIOD

Cameron County will pay its salaries, full-time and part-time employees every fourteen **(14) days on Friday**. In the event that a payday falls on a County Holiday, checks are distributed on the previous working day.

**Approved by Commissioners' Court: October 28, 2003**

### 8.02 PAYROLL DEDUCTIONS

Deductions will be made from each employee's pay for the following:

- Federal Income Taxes;
- Social Security;
- Medicare; and
- Employee's contribution to the County and District Retirement System

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

- Deferred Compensation;
- Group Health/Medical Insurance for dependents;
- Credit Union Deposits;
- United Way Contributions; or
- Supplemental policies as authorized by the Commissioners' Court

### 8.03 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.

### 8.04 PROMOTIONS

Promotions are changes in the duty assignment of an employee from a position in one classification to a position in another classification in a higher pay group. A promotion

recognized advancement to a higher position requiring higher qualifications and involving greater responsibility.

A promoted employee will receive a salary increase.

Promotions are approved by the department head within the staffing pattern and budget limits approved by the Commissioners' Court.

Upon promotion, an employee is in evaluation period in the new position for a period of six months from the date of the written approval of the promotion, unless extended by the department head for an additional period of up to six months.

#### 8.05 LATERAL TRANSFERS

Lateral transfers are movements of an employee between positions in the same pay group. Lateral transfers may be made within the same department or among other departments of the County with the approval of the Department Heads.

#### 8.06 DEMOTIONS

A demotion is a change of duty assignment of an employee from position in one classification in a lower pay group. Demotions may be made for the purpose of voluntary assumption of a less responsible performance in a higher position, or as a result of elimination of the higher positions.

#### 8.07 APPROVING AUTHORITY

The Department Head is the final authority for all departmental payrolls and for any pay increases, decreases, or payroll transfers granted under the terms of these policies, or the annual budget and salary schedules.

#### 8.08 PRIOR SERVICE WITH COUNTY

New hires with prior service with Cameron County may be considered for appointment above customary entry level **restoration of sick leave** and allowed to retain years of service if:

1. Rehire is same or similar position.
2. Slot being filled is at required pay level.
3. Was laid-off or separated due to reduction in work force and/or separated in good standing with previous department.
4. The break in service with the county must be within **30 days** and retirement funds not withdrawn.

5. All adjustments must be executed at time of rehire and authorized by the Elected Official or Department Head.
6. Effective date of policy is **April 11, 2006** concurrent with fiscal year as of October 1, not retroactive.

Note: A previous hire returning to work with the County may buy back pension credits in accordance with retirement system rules. (Texas County and District Retirement System handbook or Human Resources/Safety Risk Department for more details.)

**Approved by Commissioners' Court: January 12, 2016**

#### 8.09 CALCULATION OF TERMINATION PAY

Upon termination from County employment, employees who have completed the initial six-month evaluation period will be paid for earned and unused vacation leave up to the limit of their maximum allowable accumulation based upon length of employment, and for earned and unused compensatory time up to the maximum allowable accumulation based upon job classification Law Enforcement or non-Law Enforcement. Payment for vacation time and compensatory time will be included in the employee's final paycheck and will be calculated in the following manner:

- The total work time, allowable vacation leave time (as if worked), and compensatory time will be laid out on the calendar. If the result covers a full pay period or periods, the employee will be paid the full pay period(s) amount. If the result requires payment for less than a full pay period, the employee will be paid a prorated share of the full pay for the period. Partial pay periods will be paid on an hourly basis based on the number of work hours in the year.



## 9.00 SUMMARY OF EMPLOYEE BENEFITS

### 9.01 MEDICAL

Cameron County provides group health and life insurance coverage for regular employees who work more than **Twenty Nine (29) hours per week**. Premiums for employees are paid in full by the County. Group coverage will commence the 1<sup>st</sup> of the month following a thirty (30) day grace period after the date of employment. An eligible employee may add dependent coverage for his or her family members to any such plan at his or her expense. This coverage will become effective in accordance with the group policy provisions. All premiums for dependent coverage shall be deducted and remitted to the insurance company on a prepaid basis.

HIPAA, Health Insurance Portability and Accountability Act of 1996, puts a limit on pre-existing condition exclusions in-group health plans and gives new enrollees credit for prior coverage. In addition to these “Portability” requirements, the law also makes it illegal to use health status a reason for denying coverage, guarantees group coverage for employers with 50 or fewer employees, and guarantees renew ability of group health plans.

COBRA, Consolidated Omnibus Budget Reconciliation Act, we enacted to ensure that employees and their dependents do not lose their health insurance when workers lose their jobs. COBRA requires group health insurance policies to permit group members to continue their insurance when they leave the group temporary and are intended as a stopgap until insurance can be obtained from another source, such as a new employer. Under both state and federal laws, continuation requires the insured to pay the full premium (including former employers share), but the insured does get the advantage of the cheaper rate. (HIPAA and COBRA complement each other).

**Approved by Commissioners’ Court: January 12, 2016**

### 9.02 SOCIAL SECURITY

All employees of Cameron County are covered by Social Security. The County matches each employee’s contribution to the Social Security System dollar for dollar.

### 9.03 RETIREMENT PLAN

Cameron County participates in the Texas County and District Retirement System. The County contributes an amount equal to seven percent of the employee’s pay to the retirement fund to match a seven- percent contribution that the employee makes. Mandatory participation in the Retirement plan is required by state law for regular employees who work more than nine hundred (900) hours a year. Regular retirement benefits and disability retirement benefits are available to retirement system members. A terminated employee who has less than four (4) years of service with the County may leave his or her deposits in the System for a periods of five (5) years from the date of last

deposit, thus retaining membership and all related credited service on deposits at the end of each year during the period. However, if at the end of the five (5) year period of inactivity the inactive member has not resumed participation with the system, membership will terminate and all previously earned credited service will be forfeited. No further interest will be earned on deposits.

A terminated employee who has earned at least four (4) years (but less than ten years) of credited service may leave his or her deposits in the system of as long as desired; thereby retaining membership and all related credited service as well as the right to receive interest on the balance of deposits at the end of each year. However, additional credited service with the system or one of the other statewide systems must be earned to satisfy the length of service requirement for service retirement.

Withdrawal of deposits in the event of death. Every employee who becomes a beneficiary at the time of application for membership. The member should review the designation from time to time and change the designation if necessary. In the event of the member's death, the beneficiary will receive all of the member's deposits with interest provided the member was not eligible for deferred service retirement benefits, in which case the beneficiary may receive a monthly income for a specific number of years, or for life. If the deceased member was not eligible for deferred service retirement and had not designated a beneficiary, the member's deposits and interest earnings are payable to the member's estate.

#### 9.04 WORKER'S COMPENSATION

All employees of Cameron County and its elected officials and appointed Department Heads are covered under a worker's compensation policy purchased by the County. The County pays the premium for this insurance. 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.

#### 9.05 UNEMPLOYMENT INSURANCE

All employees of the County are covered under the Texas Unemployment compensation Insurance Program and the County pays this tax.

#### 9.06 VACATION TIME

Cameron County employees are eligible for vacation leave as set forth in Section 10.03.

10.00 LEAVE AND HOLIDAYS

10.01 DEFINITIONS

Leave time is time during regular working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid. Holidays are days designated by the Commissioners’ Court when County offices are closed on what would otherwise be regular business days.

10.02 APPROVAL OF LEAVE

**All leave taken by County employees must be approved in writing by the employee’s Department Head.**

All Appointed Department Heads will notify the County Judges office prior to taking annual or sick leave.

**Approved by Commissioners’ Court: October 28, 2003**

10.03 VACATION LEAVE

Regular full-time employees earn vacation leave according to the following schedule:

No. of Years Employed	Vacation Leave Per Year
0 thru completion of 5	10 days
6 thru completion of 15	15 days
15 and over	20 days

The amount of vacation 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 **based on the employee’s hire date**. Provided that, a break in service of 30 days or less shall be considered “uninterrupted”.

**Approved by Commissioners’ Court: October 13, 2020 (effective October 1, 2020)**

Temporary employees are not eligible for vacation leave. With the exception of first year employees whose probationary period extends beyond the fiscal year of hire, employees are required to use their full vacation allowance before the end of the fiscal year, or the vacation time is lost.

Employees are not eligible to take vacation leave during the six (6) months probationary period.

Upon completion of the six (6) month probationary period, a regular, full-time employee may take vacation leave in accordance with the table on the preceding page at any time during the fiscal year, subject to the Department Head’s approval.

An employee whose six (6) month probationary period extends beyond the fiscal year of hire may take vacation leave the subsequent fiscal year, prorated according to the number of months worked in the fiscal year of hire. The vacation time for said previous fiscal year must be taken within three months after the end of the probationary period.

In the event that an employee is unable to take vacation leave prior to the end of the fiscal year because the request for vacation leave is denied by the Department Head due to scheduling problems or other needs of the Department, the employee is entitled to a grace period during the first three (3) months of the next fiscal year. The vacation leave will be reflected in the records for the previous fiscal year, and must be taken by the end of the calendar year, i.e. December 31<sup>st</sup>. **A shift work employee who works in a department that operates 24 hours a day, 7 days a week may be paid for unused vacation hours accumulated during the preceding fiscal year, and only the preceding fiscal year, if the employee is denied vacation by his or her supervisor between October 1<sup>st</sup> through December 31<sup>st</sup>. Such paid vacation is subject to approval of the Commissioners Court. The application to the Commissioners' Court for paid vacation must be supported by written documentation evidencing the denial of vacation leave and the reason for the denial (written application for vacation, and written denial). The department head must have funds in his or her budget to pay the unused vacation leave.**

**Approved by Commissioners' Court: November 22, 2005**

Employees who are transferred from one department to another will be transferred with accumulated vacation time, provided the new department is in agreement, or will be permitted to take all vacation time prior to the transfer.

Vacation leave to be taken by an employee shall be in the amounts and at the times approved by the Department Head. Department Heads shall schedule vacation leaves in the manner least disruptive to the operations of the department. Seniority will be used as the basis for resolving any conflict among vacation dates requested by employees within a department.

In the event that a regular employee leaves employment with the County and has taken all vacation time prior to completing employment for that particular fiscal year, the County reserves the right to deduct any unearned vacation leave salary from a final warrant (paycheck) or to make claim for such unearned amount, but only after providing such employee with notice and an opportunity to be heard.

#### 10.04 SICK LEAVE

Regular employees are eligible for sick leave with pay not to exceed ten (10) days per year.

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; or
4. Medical quarantine resulting from exposure to a contagious disease.

**Medical Statement.** The Department Head may request, and employees 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 three 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 Department Head may also require proof of illness in cases where the employee has compiled a poor attendance record or has exhibited a pattern of absences.

**Notification.** To receive paid sick leave, an employee shall personally communicate with his/her immediate supervisor, Department Head, no later than one hour after that time set for beginning work on a daily basis, except in cases where the employee is physically unable to communicate.

**Accrual of Sick Leave.** Regular full-time employees accrue sick leave benefits at the rate of **6.67 hours per month** beginning at the date of employment, but not to exceed more than ten (10) days per year.

**Accumulation of Sick Leave.** Sick leave not used during the year in which it accrues, accumulated and is available for use in succeeding years. The maximum allowable accumulation of sick leave is sixty (60) days (480) hours.

**Exhaustion of Sick Leave.** An employee who has exhausted earned sick leave benefits may request a leave of absence without pay for a period not to exceed sixty (60) days.

No advance of unearned sick leave benefits will be made except in the case of absence due to bona fide on-the-job injuries that are covered by worker's compensation benefits.

**Cancellation upon termination.** Unused sick leave is cancelled upon termination of employment without compensation to the employee.

**Approved by Commissioners' Court: May 24, 2005**

#### 10.05 MILITARY LEAVE

Regular 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 vacation time 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 vacation leave or leave without pay.

**Activation and deployment to active duty for undetermined time due to national emergency are to be authorized and regulated as per USERRA 1992 and as amended by changes approved by congress and signed by the president on December 10, 2004.**

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

**Approved by Commissioners' Court: March 22, 2005**

#### 10.06 CITIZENSHIP LEAVE

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

#### 10.07 LEAVE OF ABSENCE FOR NON-MEDICAL REASONS

Leave of absence for non-medical reasons is an approved absence from duty in a non-pay status. Upon approval of the Department Head, an employee may be granted up to sixty days unpaid leave of absence. Employees on leave of absence for non-medical reasons receive no compensation and accrue no benefits such as vacation or sick leave. However, previously accrued benefits are exhausted or utilized during leave of absence unless otherwise prohibited by the terms or provisions of the benefit programs. An unpaid leave of absence for non-medical reasons can be extended beyond sixty days by action of the Commissioners' Court provided the employee has worked no less than 1250 hours in the previous twelve months at time of request.

A leave of absence for non-medical reasons is appropriate for one or more of the following reasons:

1. Educational purposes when successful completion will contribute to the work of the County.
2. The undertaking of a public service assignment; or
3. Attending to important personal business.

## 10.08 FAMILY AND MEDICAL LEAVE (FMLA)

In accordance with the Family and Medical Leave Act (FMLA) of 1993, Cameron County will grant job-protected leave to eligible employees for up to twelve (12) weeks during a twelve (12) month period.

FMLA leave may be granted for any one or more of the following reasons:

1. To care for a child following the child's birth, adoption, or placement in foster care with the employee
2. To care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition;
3. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
4. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

### COVERAGE AND ELIGIBILITY

To be eligible for family/medical leave an employee must have worked for the County for 12 months and have worked for 1250 hours over the previous 12 month period.

### SERVICE MEMBER FAMILY LEAVE

Eligible employees who are the spouse, child, parent, or next of kin of a covered service member are entitled to up to fourteen (14) weeks of additional leave during a single 12 Month Service member Period (for a total of 26 weeks if combined with other FMLA LEAVE), to care for such Service Member who incurred a serious injury or illness in the line of active duty in the Armed Forces. No more than 26 weeks of leave may be taken in single 12 Month Service Member Period, and no additional extended leave may be taken in other years for the same injury or illness. If married spouses both work for the County, their total Service Member Family Leave may be limited to an aggregate of 26 weeks.

### INTERMITTENT OR REDUCED LEAVE

An employee may take leave intermittently (a few days or hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily, within the department if available, to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the County.

### USE OF PAID LEAVE

An employee will be required to use accrued paid leave (including sick leave, vacation, compensatory time and workers' compensation) for any part of a family/medical leave.

When an employee has used all of their accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Service member Family Leave time).

#### EMPLOYEE NOTICE REQUIREMENT

An employee must give 30 days' notice in the event of a foreseeable leave. A "Request for FMLA" form should be completed by the employee and returned to Human Resources. Medical certification to support the leave request is required. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the form. This notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

The Department Head may require medical certification to support a leave request. When a certification is requested, the employee must return the completed medical certification within a reasonable period of time (which the regulation state is 15 days, absent unusual circumstances). An employer may delay the taking of a scheduled leave if the medical certification is not timely returned. In cases in which the employee fails or refuses to return a certification at all without good cause, the leave need not be treated as authorized under the FMLA. A copy of the required certification form shall be made available by the County and shall be completed by the employee's health care provider.

#### RETURN FROM LEAVE

Upon return from leave of absence for family and medical reasons, an employee shall be restored to his or her original or equivalent position with equal pay, benefits, and applicable employment terms. However, upon return from leave for the employee's own serious health condition, the Department Head may require a "fitness-for-duty" certification from the employee. The required "fitness-for-duty" certification form shall be made available by the County and shall be completed by the employee's health care provider.

#### DENIAL OF RESTORATION

A Department Head may deny an otherwise eligible employee restoration of equivalent position with equal pay, benefits, and applicable employment terms, if:

1. Such denial is necessary to prevent substantial and grievous economic injury to the operations of the County.
2. The Department Head notifies the employee of the intent of the County to deny restoration on such basis at the time the County determines such injury would occur; and



3. In any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

An eligible employee as described in this paragraph is a salaried eligible employee who is among the highest paid ten (10) percent of the employees employed by the County.

#### REVOCATION OF LEAVE

Failure to provide the required medical certification or medical status reports or to contact the employee's supervisor, as may be agreed to by the employee and the supervisor prior to commencement of leave, shall be grounds for revoking an employee's leave of absence and for taking disciplinary action.

#### BENEFITS

An employee granted leave under this policy will continue to be covered under the County's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period. Employee contributions will be required whether through payroll deduction or by direct payment to the County. While an employee is on paid leave under this policy benefit accrual continues, but when an employee is on unpaid status the accrual ceases. Employees that are granted leave under this policy cannot be required to do any work and therefore will not be paid (other than accrued sick or vacation leave). Requiring or suggesting that an employee work (even for pay) while on FMLA leave is a violation of the Act. Other than minor tasks such as providing passwords or institutional knowledge employees aren't expected to perform any work while on FMLA leave.

#### HOLIDAYS

**When a holiday falls during a week in which an employee is taking the full week of FMLA leave, the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee is taking less than the full week of FMLA leave, the holiday is not counted as FMLA leave, unless the employee was scheduled and expected to work on the holiday and used FMLA leave for that day.**

**Approved by Commissioners' Court: October 13, 2020**

**Section 10.08 Approved by Commissioners' Court: April 18, 2017**

#### 10.09 REQUEST FOR TEMPORARY REPLACEMENT

A temporary replacement may be requested by the department head when the employee on FMLA or Maternity Leave cannot be covered by other staff. This will require the department to identify the source of funding to cover the position without benefits and at no less than minimum Cameron County hourly wage. The Commissioners' Court must review and give the approval to the County Auditors to verify funding.

**Section 10.09 Approved by Commissioners' Court: February 4, 2010**

## 10.10 USING LEAVE IN COMBINATION

Unless an employee who is absent on sick leave requests leave without pay, upon exhaustion of sick leave, he or she will automatically be a place on annual leave status until annual leave is exhausted.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted. With the approval of an employee's supervisor and the Department Head, other types of leave and holidays can be used in any combination if it is determined to be in the best interest of the County and the employee.

## 10.11 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.

The following days are generally observed as paid holidays for regular County employees:

- New Year's Day
- Martin Luther King, Jr.
- President's Day
- Cesar Chavez Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas

### **Subject to Commissioners' Court approval**

In the event that a holiday falls on Saturday, County offices will be closed the preceding Friday. When a holiday falls on Sunday, county offices will be closed the following Monday.

Employees whose regular day off falls on a holiday or who are required to work on a holiday will be provided an alternate day off.

Official County holidays occurring during an employee's vacation 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 by Commissioners' Court: September 2, 2008**

10.12 LEAVE AND HOLIDAY RECORDS

In order to be given credit for leave, an employee must have leave time available as evidenced by attendance and leave reports in his or her file.

10.13 FUNERAL LEAVE

Funerals. Up to three (3) consecutive calendar days absence with pay, chargeable against sick leave/annual leave, shall be granted to a County employee following a death within the "immediate family," as defined in below, provided that it shall be the duty of the Department Head or the designated Department representative to determine that application for such leaves is justified. Furthermore, it shall be within the discretion of the Department Head or the designated department representative to limit such leave to any amount less than three (3) days. "Immediate Family," for the purpose of this section, shall include only the following relations of the County employee: Father, mother, sister, brother, wife, husband, mother-in-law, father-in-law, son, daughter, son-in-law, daughter-in-law, grandchildren, or grandparents, (of either the employee or the employee's spouse).

10.14 OTHER TIME

Work time lost by County employees due to official closings of County Offices, for reasons such as bad weather or funeral services for County Officials, will be paid and charged to "Other Time."

## 11.00 HEALTH AND SAFE

### 11.01 SAFETY POLICY

It is the policy of Cameron County to make every effort to provide healthful and safe working conditions for all of its employees.

### 11.02 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 and public. An accident, no matter how minor, must be reported immediately to an employee's supervisor, who must complete a first report of injury or illness DWC-1 form and submit it to the Human Resources/Safety Risk Department no later than **24 hours** after the accident.

**Approved by Commissioners' Court: February 23, 2016**

### 11.03 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.

### 11.04 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.

**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 against future sick leave benefits to be earned.
2. Beginning on the eighth day and for any days thereafter that the said employee receives payments from the insurance carrier in accordance with the Texas Worker's compensation Law, the said employee may use up to twenty (20) days earned sick leave or whatever vacation leave has been earned to

provide compensation above the insurance payment (i.e. two-thirds of employee salary), but not to exceed an amount equal to the employee's regular salary, or he or she may request unpaid leave of absence. For every day that an employee elects to use compensable leave (sick leave, vacation leave and compensatory time), the Department Head will deduct the appropriate leave category by one-third day.

3. Since said employee is unable and unfit to perform the duties of his or her job, and thus, are 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, including payments which, when added to such benefits, would exceed the employee's regular salary. 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, including insurance coverage, to which he or she would be entitled had there been no on-the-job injury.

**Medical Attention:** A County employee who sustains a bona fide on-the-job injury may seek medical attention from the medical facility or professional **as prescribed by Worker's Compensation Alliance Primary Care Physicians list**. 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 (i.e., the relevant elected official or appointed departmental supervisor) may require that County employees 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. The failure to provide the required medical status reports or to contact the supervisor on the required schedule is grounds for revoking the leave and for taking disciplinary action.

#### RETURN TO WORK:

1. An employee of Cameron County who has sustain a bonafide on the job injury must not be allowed to return to regular assigned duties unless release by the attending physician.
2. An employee disability released to light duty must be placed to work in light duty activity within the department and if that department cannot accommodate the

employee will be placed in another department that can accommodate that status for the specified time on light duty.

**Approved by Commissioners' Court: August 19, 2008**

#### 11.05 DRUG AND CHEMICAL DEPENDANCY POLICY

It is the intent of the County to eliminate the use, exchange or presence of illegal drugs and to prevent the misuse of illegal drugs or chemicals, of any kind, in County offices, facilities, and work sites. The purpose of this policy is to prevent harm to individuals, damage to County property, and disruption of the work environment.

Illegal drugs are defined as any prescription drug obtained other than through a valid prescription, as well as, the commonly known illegal drugs such as, but not limited to marijuana, cocaine, amphetamines and heroin. Chemicals can be defined but not limited to alcoholic beverages, non-prescribed inhalants and any other chemical that disrupts the ability of the employee to perform his/her work safely to avoid personal injury or to others.

##### Drug Free Workplace

1. Employees are required to refrain from the unlawful use, manufacture, procurement, distribution, sale, dispensing or possession of illegal drugs.
2. Employees are required to refrain from the use of alcohol while on duty and for a sufficient time prior to the performance of duty so that none of the effects of the use of alcohol remains during job performance.
3. Employees are required to refrain from the misuse of legal drugs while on duty and for a sufficient time prior to the performance of duty so that none of the effects of the misuse of legal drugs remains during job performance.
4. Employees are required to refrain from the misuse of chemical substances and materials in the workplace which may result in physical or mental impairment.
5. **Drug Screening Policy Definition approved by Commissioners' Court March 11, 2003 (See Cameron County Accident Prevention Plan).**

##### Personnel Actions

1. Within thirty (30) days after receiving notice from an employee of a conviction of a drug or alcohol related criminal stature, supervisors and department heads shall either take appropriate personnel action up to and including termination of that employee or require that employee to participate and satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program approved by the County (EAP – Employee Assistance Program) or the Texas Department of Health and Mental Retardation. Once an employee is enrolled in a substance

abuse rehabilitation program, he or she is protected from termination because of substance abused, as long as the employee remains substance free.

2. Supervisors and department heads shall initiate appropriate personnel action after review by the County Attorney's Office, up to and including termination for a first criminal offense of any employee who is found to use, procure, manufacture, distribute, sell, dispense or possess illegal drugs, or to use chemicals such as alcohol or when its effects remain during job performance.

Disciplinary action is not required for an employee who voluntarily identifies himself/herself as a user of illegal drugs prior to being identified through other means and who obtains counseling and/or rehabilitation and thereafter refrains from using illegal drugs in accordance with the provisions of this policy.

3. Supervisors and department heads shall not allow any employee to remain on duty in a sensitive position such as law enforcement, medical, or safety related position, if that employee is found to use, manufacture, distribute, procure, sell, dispense or possess illegal drugs or its found to use alcohol when its effects will remain during job performance, unless that employee has successfully completed a rehabilitation or counseling program. An employee that successfully completes a rehabilitation or counseling program may be allowed to return to duty in a sensitive position, if it is determined that this action would not pose a danger to public health or safety.
4. Supervisors and department heads shall initiate personnel action to remove from employment any employee who is known to use illegal drugs, or use alcohol when its effects remain during job performance, and that employee:
  - Refuses to obtain counseling or rehabilitation through a program approved by the County; or
  - Does not refrain from using illegal drugs or using alcohol when its effects remain during job performance after having obtained counseling or rehabilitation.
5. All medical evaluations and treatments shall remain confidential unless otherwise specifically authorized in writing by the employee.
6. The determination that an employee is using illegal drugs or using alcohol when its effects will remain during job performance may be made on the basis of direct observation, or the results of a drug test. If drugs test results are positive, the employee may rebut the results with other evidence that he/she has not used illegal drugs or that the employee was not using alcohol when its effects would remain during job performance.

County Programs and Department Responsibilities:

1. The Human Resources/Safety Risk Management Department will develop and implement a drug-free awareness program to inform all county employees about:
  - the dangers of drug abuse in the workplace;
  - the County's drug and alcohol abuse policy;
  - drug and alcohol counseling and rehabilitation programs approved by the county or that may be available through the County's group health insurance; and
  - 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 heads 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 that 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.

#### Drug Testing

1. Any employee who is subjected to disciplinary action because that employee is found to be in noncompliance with the County's drug and alcohol abuse policy may voluntarily request that an appropriate drug test be performed. If that employee requests a drug test, the County shall pay for the test. If alcohol use is suspected, the test may be a breathalyzer, urinalysis, or blood test. If illegal drug use is suspected, the test must be done by a certified laboratory and may be an immunoassay or a gas chromatograph-mass spectrometer test, both of which are based on a urine sample.
2. The County shall comply with all constitutional federal and state laws that required employees to submit to drug test, but will not extend mandatory drug testing of County employees beyond the requirements of these laws.

#### Adoption and Dissemination of Policy

**This policy was adopted by the Cameron County Commissioners' Court on May 28, 1991.** The policy shall be incorporated in to Section 11.)) of the County's current Personnel Policies Manual, dealing with "Health and Safety," and shall be given and explained to all county employees. Each county employee shall be required to execute a statement of receipt, acknowledgement and understanding of the policy.



## 12.00 PERFORMANCE EVALUATIONS

### 12.01 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.

### 12.02 PERFORMANCE EVALUATION REPORT

Each Regular County employee's work performance **may** be evaluated at least once a year prior to the anniversary date of his or her employment or last promotion. An employee may be evaluated more than once a year at the discretion of the Department Head. The evaluation will be done on a form provided by the Human Resources Office. New employees shall be evaluated at the completion of the six months of employment.

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

Employees are expected to sign the performance evaluation report to acknowledge their participation in evaluation process, and will receive a copy of the complete 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.

**Approved by Commissioners' Court: June 7, 2016**

## 13.00 DISCIPLINE

### 13.01 REASONS FOR DISCIPLINARY ACTION

Disciplinary action may be taken against an employee for various reasons, which include but are not limited to the following examples:

- Insubordination, i.e., willful disregard of a job assignment;
- Absence without approved leave, including failure to notify a supervisor of sick leave and repeated tardiness or early departures;
- Endangering the safety of other persons through negligent or willful acts, e.g., horseplay, reckless use of County vehicles or equipment, etc.;
- Unauthorized use or misuse of public funds or property, i.e., theft; misuse of vehicles, equipment, etc.;
- Conviction of a felony;
- Conviction of official misconduct or oppression;
- Falsification of documents or record;
- **Misuse or unauthorized disclosure of confidential or official information not otherwise available to persons outside the organization; (10/13/2020)**
- Unauthorized or abusive use of official authority
- Violation of on the job safety rules;
- Violation of The County's Sexual Harassment Policy;
- Violation of the County's Drug and Alcohol Abuse Policy;
- Incompetence or neglect of duty;
- Disruptive behavior which impairs the performance of others; e.g., fighting and sexual harassment, etc.;
- Violation of the requirements of these personnel policies;
- **Job abandonment (defined as failure to report to work at the regularly scheduled time for three (3) consecutive working days without consent) (2/23/2016)**

- Other misconducts which may render an employee liable for disciplinary action.

**Approved by Commissioners' Court: February 23, 2016**

**Approved by Commissioners' Court: October 13, 2020**

### 13.02 PROGRESSIVE DISCIPLINE

To the greatest extent practical, the County uses the following progressive discipline system. The County, however, is not obligated to use all of the steps defined below. Additionally, the County may begin the disciplinary process at any level, up to and including discharge, based upon the severity of the infraction.

- Verbal Warnings with records of each warning maintained by the supervisor and filed in the employee's personnel file;
- Written Reprimands to the employee which the supervisor must, in all cases, transmit through the Department Head to the employee's personnel files;
- Demotion;
- Suspension from duty without pay for up to thirty (30) days; or
- Separation by involuntary dismissal.

Except in the case of verbal warning, 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.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial personnel action. **(Discipline Form)**

**Approved by Commissioners' Court: February 16, 2012**

### 13.03 SUSPENSION WITH PAY.

If an employee is arrested for a felony, prior to indictment, or if some other conduct or behavior of an employee is brought to the attention of a Department Head, the Department Head may suspend the employee with pay pending investigation (external or internal) of such alleged conduct or behavior, until indictment or until other disciplinary action. Provided that any suspension with pay must be reviewed and approved by the Civil Division of Commissioners' Court and may not be extended beyond two weeks

without the consent of the Commissioners' Court. Further provided that the "other conduct or behavior of the employee" must be of a nature that would, if true, impact such employee's ability to perform their job.

**Approved by Commissioners' Court: May 24, 2005**

## 14.00 SEPARATIONS

### 14.01 TYPES OF SEPARATIONS

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

- Resignation
- Retirement
- Reduction in Force
- Elimination of Position
- Dismissal
- Disability
- Death

#### **Revised Separation form**

**Approved by Commissioners' Court: February 16, 2012**

### 14.02 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.

### 14.03 RETIREMENT

Employees who retire must submit their written retirement notice to the Department Head and County Human Resources Department in time for an application to retire to be received by the office of the Texas County and District Retirement System at least thirty (30) days but not more than ninety (90) days prior to the date on which the retirement is to become effective. The effective date specified in the application must be the last day of the calendar month and shall not be a date preceding the termination of the member's employment with the County.

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

#### 14.04 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 employee's length of service with the County,
2. the performance record of each employee,
3. a qualification of the employee for remaining positions.

#### 14.05 ELIMINATION OF POSITION

An employee may be separated because of changes in duties or reorganization. The relative necessity of each position to the organization is considered when positions are considered for elimination.

#### 14.06 DISMISSAL

A new employee may be dismissed at any time during the initial six (6) month or the extended probationary period when, in the judgment of the Department Head, the quality and performance of his or her work does not merit continuation as a County employee.

An employee who has completed his or her initial probationary period may be dismissed by the Department Head for various reasons, which include but are not limited to those listed in Section 14.01. All employees remain subject to performance evaluations to be conducted at least once a year.

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

#### 14.07 DISABILITY

If it is determined that an employee has a disability as defined by law, and that employee can no longer perform the duties of his or her job, the County will make a reasonable effort to accommodate such employee to the extent such an accommodation will not cause an undue hardship on the County. If reasonable accommodation is not possible, the employee may be dismissed or reassigned, as is allowed by the state and federal law.

#### 14.08 DEATH

If a County employee dies, his or her estate receives all earned pay and any earned and payable benefits.

#### 14.09 EXIT INTERVIEWS AND RECORDS

**Employee Separation Forms.** An Employee Separation Form must be filled out by the supervisor or Department Head for each employee who is separated, noting the reason for the separation. The Department Head shall keep a copy of the form and submit the original to the payroll clerk and a copy to the Human Resource Department for further processing.

**Payroll Attendance Worksheet.** Information regarding employee separation must also be reported to the Payroll Clerk of the Pay roll Attendance Worksheet and must reflect any vacation and/or comp-time pending.

**Exit Interview Form.** Each supervisor separating an employee will fill out an employee exit interview form to be submitted to the Human Resource/Safety Risk Office. **The Human Resources Administrator/Designated Staff will discuss the separation in an interview with the employee. The terminated employee will pick up final pay check at the County Treasurer's Office.**

**Approved by Commissioners' Court: January 4, 2005**

## 15.00 GRIEVANCES

### 15.01 POLICY

It is the policy of Cameron County, insofar as possible, to prevent the need for employee grievances and to deal promptly with those which occur.

### 15.02 GROUND FOR GRIEVANCE

Any difference or disagreement between the County and any employee who has completed his or her initial evaluation period involving the interpretation, application, or enforcement of any of the provisions of this Handbook, except those involving involuntary dismissal, shall constitute a grievance and must be taken up by the employee in the manner set forth in the following sections. The grievance procedure provided in the following sections is not available to the employee who has been involuntarily dismissed from employment by the County or the employee who has not completed his or her initial evaluation period.

### 15.03 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 within ten (10) working days after the events upon which the grievance is based. If informal conference with the supervisor does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal grievance.

### 15.04 FORMAL GRIEVANCE

Formal grievance should be in writing, signed by the employee, and presented to the employee's Department Head within ten working days after the informal conference is held. The employee should state what action he or she would like to see taken to resolve the grievance.

Within five (5) working days after being presented with a formal grievance, the Department Head shall elect to either:

1. request a recommendation from the Advisory Grievance Committee appointed by the Commissioners' Court, in accordance with the procedures set forth in Section 15.05; or
2. make a determination of the grievance without requesting a recommendation from the Advisory Grievance Committee appointed by the Commissioners' Court.



If the Department Head elects to make a determination of the grievance without requesting a recommendation from the Advisory Grievance Committee appointed by the Commissioners' Court, he or she shall:

1. investigate and make a decision on the grievance within five (5) working days from the date of his initial election; and
2. Communicate his decision in writing to the employee within two (2) working days after it is made.

The manner of investigating the grievance shall be left to the discretion of the Department Head, but shall involve, at a minimum, a review of the employee's personnel file and any other documents relevant to the grievance, and a discussion with the employee and a discussion with the employee's immediate supervisor concerning the events upon which the grievance is based.

In the case of elected Department Heads, the decision of the Department Head is final. In the case of Department Heads appointed by the County Judge and/or the Commissioners' Court, appeals may be made to the Commissioners' Court (in executive session). Department Heads appointed by a board may choose to recommend a method of appeal to that board.

#### 15.05 ADVISORY GRIEVANCE COMMITTEE PROCEDURES

If a Department Head presented with a formal grievance elects to request a recommendation from the Advisory Grievance Committee appointed by the Commissioners' Court, the Advisory Grievance Committee shall convene a meeting within ten (10) working days after the Department Head requests a recommendation. The purpose of the meeting shall be to uncover sufficient facts to allow the Advisory Grievance Committee to determine whether the actions upon which the grievance is based are in violation of the County Personnel Policies as set forth in this manual. It is not an adversarial proceeding.

Within five (5) working days after the meeting is adjourned, the Advisory Grievance Committee shall transmit a written letter to the Department Head stating one of the following conclusions:

1. "After completing of an investigation of this matter in accordance with the provisions of Section 15.05 of the Cameron County Personnel Policies Manual, it is the opinion of the Advisory Grievance Committee appointed by the Commissioners' Court that the County Personnel Policies as set forth in the Cameron County Personnel Policies Manual have been followed. It is therefore our recommendation that the formal grievance be denied"; or
2. "After completion of an investigation of this matter in accordance with the provisions of Section 15.05 of the Cameron County Personnel Policies

Manual, the Advisory Grievance Committee is not satisfied that the County Personnel Policies as set forth in the Cameron County Personnel Policies Manual have been followed. It is therefore our recommendation that the action requested by the employee in the formal grievance be [granted] [modified as follows: {recommended action be taken}].”

After receipt of the recommendation from the Advisory Grievance Committee, the Department Head shall:

1. investigate and make a decision on the grievance within five (5) working days;
2. communicate his decision to the employee in writing within the two (2) working days after it is made.

The manner of investigating the grievance shall be left to the discretion of the Department Head, but shall involve, at a minimum, a review of the employee’s personnel file and any other documents relevant to the grievance.

In the case of elected Department Heads, the decision of the Department Head is final. In the case of Department Heads appointed by the County Judge and/or the Commissioners Court, appeals may be made to the Commissioners’ Court (in executive session). Department Heads appointed by a board may choose to recommend a method of appeal to that board.

## 16.00 PERSONNEL FILES

### 16.01 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 employee's personnel file.

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 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 Department Head, the County Auditor, the Human Resources Administrator, 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 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.

### 16.02 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:

- Positions 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 employee's personnel file, and a copy is given to the employee.

### 16.03 CONTENTS OF PERSONNEL FILES

An employee's personnel file contains; a copy of the employee's application for employment, a signed copy of the employee's acknowledgement of receiving the Personnel Policies Handbook, Insurance Handbook, and Retirement System Handbook, the class (job) description for the position he or she currently occupies, personnel action forms, performance evaluation records, records of any citations for excellence or awards

for good performance, records of leave accrued and taken, and any other pertinent information having a bearing on the employee's status.

#### 16.04 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.

## 17.00 COUNTY BUSINESS TRAVEL

### 17.01 GENERAL PROVISIONS:

#### PURPOSE:

This policy is intended to establish appropriate requirements, limitations and guidelines for county employee business travel. The specific purpose of this policy is to:

- a) Establish appropriate use and limitations on use of public funds for travel required for county employees
- b) That travel expenses are legitimate and reasonable business travel
- c) That employees are conscientious of their use of public funds for travel
- d) Require accountability for usage of public funds by county employees and officials

#### AUTHORITY:

Upon adoption by Commissioners Court, the County Auditor shall implement, interpret and enforce this Policy in accordance with Local Government Code 112.002, 112.006 and 112.007. The Auditor shall issue, maintain and update any procedure, control and form needed to ensure compliance with this Policy.

#### SCOPE:

This policy applies to all employees whose expenses are paid by public funds controlled by the county or county officials.

#### LOBBYING:

Commissioners Court (or its duly appointed designee) will present official county policy and the bills and issues to Texas and the U.S. Legislature. No other county official, unless specifically authorized, may expend public funds to communicate directly with any legislator or a member of their staff in support or opposition to official county policy.

#### GENERAL PROVISIONS:

County officials and department heads are responsible for ensuring travel expenditures are valid and appropriate. It is recommended that officials consider sending individuals to and budgetary restraints.

#### INTERNATIONAL TRAVEL:

Must be mandatory or relevant to County business as may be determined by the section and judgment. Individuals that are preapproved for necessary International Travel include the County Judge, County Commissioners, County Administrator and Bridge Director. Any other designees must be approved by Commissioners Court. A request for international travel **BY OTHER THAN PREAPPROVED INDIVIDUALS** must be made with sufficient time in advance as to allow full and fair consideration of the merits of the request by Commissioners Court. Public

modes of transportation must be used by all International Travelers at all times.

All records for travel and training using public funds are open to inspection under the Texas Open Records Act, unless prohibited by law.

Employees should use good judgment and be conscientious of their use of public funds for travel. Due diligence should be exercised in accomplishing county needs and business as a prudent person would exercise if traveling for personal business. Excess costs, delays, luxury accommodations and indirect routes do not exhibit prudent behavior.

Employees are personally liable for any disallowed expense incurred that does not fall within the parameters as established in this policy.

Reasonable accommodations needed under the American with Disabilities Act should be coordinated with travel, transportation, lodging, meals and conference officials as needed to comply with individual needs.

Any employee found to be submitting false travel claims is subject to disciplinary action. Should any questions arise regarding this policy or in the event of any unusual circumstances, the county official or department head should seek the County Auditor's opinion prior to travel.

## 17.02 SPECIFIC GUIDELINES

1. All travel must be approved by Court (CCt). County employees, traveling Out-of-County and In County on official County business, will be reimbursed for such travel upon submitting the appropriate travel expense forms ([http://co.cameron.tx.us/administration/county\\_auditor/index.php](http://co.cameron.tx.us/administration/county_auditor/index.php)) and/or receipts to the County Auditor. Travel advances will be given only if travel has been approved by CCt before date of travel and subject to budget. CCt approval agenda items should include provision for those days necessary to travel to the meeting location with allowable costs in compliance with Cameron County Travel Policy. Agenda items submitted with travel costs in excess of approved travel policy are subject to review by County Auditor when employee requests travel advance or reimbursement. The County adopts the State of Texas Comptroller of Public Accounts terminology and definitions regarding the Cameron County Travel Policy.
2. When a conference registration, meeting or agenda is in the afternoon and allows for same day travel, it is the intent of this policy to approve travel subject to these parameters. For example, if a conference site is in Austin/San Antonio and registration is in the afternoon, departure time will be approved for same day. There should not be a need for prior day travel which would necessitate an extra day of travel which would incur additional costs.
3. All County travel approved by CCt is subject to available budgetary appropriations. No travel advance will be issued without available budget.
4. Requests for travel advance should be submitted no later than 7 days prior to actual trip (if not sooner). Failure to plan accordingly may delay advance travel check.

5. Elected Officials, Department Heads/Directors, and County Employees who travel on behalf of other agencies, or when other agencies provide for travel costs, County will advance funds, if needed, for sponsor paid trips, however, the Department must submit the sponsor reimbursement request with Expense Claim Form. When reimbursement from sponsor/other entity is expected, such statement must be included on the Agenda Travel Form.
6. All travel expenditures must be encumbered prior to actual travel to ensure that budgeted funds are available. If travel is for a seminar, conference, etc., a copy of the pamphlet or brochure must be attached.
7. A purchase order must be obtained from the Purchasing Department for all registration fees, if trip is cancelled purchase order should be cancelled by the department. Registration fees will be paid by the Accounts Payable Department upon submission of a completed registration/enrollment form. Sufficient time must be allowed to process the necessary paperwork and/or payment before the conference date.
8. No travel advance will be issued if a prior travel advance request remains outstanding from the department. No travel advance can be issued if funds are not available in the budget at the time the advance is requested. No advances will be issued contingent upon possible approval of budget amendment. Exceptions to this provision can only be made upon approval by the County Auditor.
9. Travel for any purpose other than transporting prisoners and other related law enforcement activities must first be approved by the CCt. Complete details of trip and expenses must be submitted to the CCt, along with the Agenda Travel Form. When travel is for the purpose of required training and education, certificates of course completion must be completed and included with the Travel Expense Claim Form.
10. It shall be the responsibility of each elected/appointed official or department head to utilize funds for official County business only. A County agent shall minimize the amount of travel expenses paid or reimbursed by the County. The department or agency shall ensure that each travel arrangement is the most cost-effective considering all relevant circumstances. These funds are budgeted for the purpose of allowing elected/appointed officials, department heads and their employees to attend various association meetings, training seminars, educational seminars, and required law enforcement travel relating to prisoners and probationers.

#### 17.03 LODGING

11. Overnight lodging expenses will be reimbursed on actual charges (itemized receipt required), however, the cost should be reasonable for the city/location. Lodging costs the day before the County business begins and the day after business ends is allowable if travel reasonably requires more than one day.
  - a) Conference rates provided by conference organizer should be utilized if available. In the event of overbooking, overflow/alternate sites of lodging rates should be reasonable for that location.

- b) Travel expenses are allowed for county elected/appointed officials and county employees. If spouse/dependent accompanies county official or employee, any difference in lodging cost above the single rate must also be deducted. Other expenses for additional travel will not be reimbursed.
- c) Third party lodging sometimes includes additional service charges and fees to county and is not recommended for usage.

Overnight lodging will not be reimbursed for travel within the four-county area to include: Cameron, Willacy, Hidalgo, and Starr Counties. The exception to the policy is when an association seminar, hosted by a county department, is held at mentioned sites. Overnight lodging and meal per diem will be allowed for the individuals involved with the hosting of the seminar.

The County may not reimburse a county employee for a lodging expense incurred at a place that is not a commercial lodging establishment. Hotel expenses can only be claimed for the actual cost of the room and receipts must be itemized. Incidental costs criteria are addressed in Section #30

- 12. When driving from seminars held in San Antonio and points south that end no later than 4:00 P.M., an overnight stay should not be necessary. Individuals attending seminars ending at 1:00 P.M. or earlier in Austin, Houston, or points south should be able to drive home on same day. In cases of inclement weather discretion is recommended to maintain personal safety. These situations will be evaluated on a case by case basis by the traveler. Before embarking on a County-sponsored trip, make sure that the vehicle being used is properly checked for safety equipment and spare tires.

#### 17.04 TRANSPORTATION

- 13. The county will reimburse actual expenses on travel by air, bus, and train at the lowest possible rates. That is reimbursement for travel accommodations based upon a 7-day advance notice when trip information was available 7 days prior to travel. When a county employee opts to drive rather than to fly to a destination, county will reimburse travel based upon a 7-day advanced notice round-trip airline ticket fare. No other charges relating to driving will be subject for reimbursement. Use of a private vehicle for travel outside the county for trips in excess of 800 miles will be reimbursed at a rate not to exceed the total cost of round-trip coach airfare. (Prisoner transport is exempt). Airfare quote shall be included with the agenda travel form from the date the county employee was provided trip information.



14. Cameron County has a credit card that can be used to acquire and pay for air fare reservations, training/conference registration fees and used to reserve lodging. In order to access this card for any of these allowed uses, usage of this card must adhere to this travel policy. Usage of this credit card requires compliance with **Cameron County Purchasing/Credit Card Policy and Procedures and Cameron County Card User Agreement which is administered by the County Auditors Office.** Usage of Cameron County credit card is available through the Cameron County Auditor's Office only and all users are required to contact the Auditors Office for authorized access.
15. Out of County Travel – Mileage reimbursement for use of personal vehicle will be based on IRS mileage reimbursement at time of occurrence. Reimbursement will be based on the shortest route to and from their destination for Out of County travel. The number of reimbursable miles traveled by an employee may be determined by point-to-point itemization. Point-to-point mileage may be documented by an employee's vehicle odometer reading or by a readily available online mapping service. When determining the reimbursable miles, the county will consider the route that provides the shortest distance, the quickest drive time or the safest road conditions.

In County Travel -An employee using a private vehicle for transportation to conduct official County business will be reimbursed at the current IRS mileage reimbursement rate at time of travel. On a regular workday, mileage is calculated from the employee's place of work. If the employee is required to travel on a non-work day, the mileage is calculated from the employee's home.

Out of County Travel - Coordination of travel is required when two, three, or four county employees employed by the same department travel on the same dates with the same itinerary to conduct the same official county business. When coordination of travel is required, reimbursement will ONLY be made to the driver of the personally owned vehicle or leased vehicle. This provision does not prevent any other passenger from receiving reimbursement for other eligible expenses incurred. Coordination of travel is not required if the county official determines that coordination is not feasible. Determinations should be made on a trip by trip basis and must be provided in a written memo to the County Auditor's office.

Employees who have a county vehicle assigned to them for their sole use should use their county vehicle for trips of eight hours or less. A gasoline credit card will be issued for use with a County vehicle traveling out of the area. Other passengers accompanying a county employee when traveling on county business while utilizing a non-county vehicle shall be covered solely by the auto owner's auto insurance and it shall be understood that the county assumes no risk for their presence in that vehicle. All drivers of non-county owned vehicles should have current and adequate auto insurance.

A vehicle allowance is provided to county officials to compensate them for usage of their personal vehicle while conducting In-County business. This allowance cannot duplicate in-kind service such as gasoline, maintenance, repairs or the routine use of a county vehicle. Individuals receiving a vehicle allowance may only use a county vehicle for In County Travel on a limited basis/or under certain conditions without possibly becoming subject to IRS reporting regulations.

County officials receiving a vehicle allowance are eligible to receive mileage reimbursement for usage of their personal vehicle for travel outside of county limits on trips pre-approved by CCt. Individuals receiving a vehicle allowance are eligible to use a county vehicle for travel outside of county on trips pre-approved by CCt.

16. Employees provided a vehicle for their sole use in fulfilling their duties as outlined in their job description, shall utilize that vehicle when driving to a seminar or other meetings. A county gasoline credit card will be issued to the driver. The driver must turn in the gasoline receipts incurred in the travel upon their return.
17. Other individuals accompanying county employees on trips for which the county provides mileage reimbursement are not covered by the county auto insurance or general liability for any acts they may cause or acts that may be inflicted upon them. The county assumes no responsibility for the presence of non-authorized persons in a county vehicle or hired non-owned vehicle. Employees transporting non-authorized persons while on a county approved trip for which mileage is to be reimbursed or a county vehicle is provided shall indemnify the county for the costs associated with the non-authorized person's actions. It is the responsibility of the employee who is operating a vehicle in connection with county assignments to provide a current driver's license and current proof of auto insurance. Failure to maintain current auto insurance shall be grounds sufficient for termination of employment with the county.
18. When flying to a destination and the conference/training/meeting/seminar is being held at the host hotel, if auto rental is necessary, vehicle rental arrangements should be made in advance. If vehicle rental is needed one rental will be allowed when a group per department is traveling. Auto rentals shall be paid with a purchase order using a contracted price through county's vendor to avoid additional fuel surcharges and fees.

19. **Unplanned Vehicle Rental:** A county employee is entitled to reimbursement for the cost of renting a vehicle to attend a conference/training/meeting/seminar that has been approved by CCt. Reimbursement includes all applicable taxes and mandatory charges. It may include a charge for a collision damage waiver or a loss damage waiver if not already included in the contracted rate for the rental. A charge for liability insurance supplement, personal accident insurance, safe trip insurance, or personal effects insurance is not reimbursable. In order to be reimbursed for the rental cost, a county employee must retain an original and complete receipt issued by the rental company.
20. Parking will be reimbursed when a receipt is submitted with the Travel Expense Claim.
21. Valet parking will be reimbursed when self-parking is not an option or is needed due to medical reasons.
22. Miscellaneous reimbursements include, but are not limited to, county auto repairs, transportation network company services (Uber, Lyft), taxi services, tolls, and shuttle services. Receipts must accompany request for reimbursement. At all times, care should be taken to ensure the selected method of transport is the most economical mode of transport in addition to one's personal safety.

17.05 MEALS

23. **BUSINESS MEETING FOOD**

CCt approval is required for food and non-alcoholic beverages purchased and brought into county facilities for county business meetings, if costs are more than \$250 per meeting or \$15 per person. If costs do not meet these parameters, costs are reimbursable contingent upon budget availability. The following criteria is required for all business meals provided:

- a) Meeting is agenda driven and directly related to county business
- b) Food and beverage are an integral part of the meeting
- c) Meeting time coincides with a regular meal time

The county official/department head is accountable for determining the:

- a) Necessity of expending public funds for food and non-alcoholic beverages
- b) Appropriateness and accuracy of claim
- c) Availability of funds
- d) Conformity with county policy

***Grant funding may have specific requirements for these circumstances. Please consult with the County Auditor for program specific requirements when dealing with Grant Funding.***

24. Travel which is Out of County and does not include an overnight stay is considered day travel and is reimbursable for mileage, parking and tolls with applicable receipt. Per IRS Publication 5137, meal expenses incurred during day travel are considered taxable fringe benefits and will be reimbursed through payroll for the amount received (per allowable per diem) in gross pay before payroll taxes and withholdings are deducted. County shall report fringe benefits as income on the employee's W-2. Funds will not be advanced for meal expense on day travel.
25. In instances when travel time is less than six (6) hours and travel does not exceed 50 miles beyond the employee's normal job site, meal costs will be reimbursed with appropriate receipt and when travel is necessary for conference attendance; meal per diem incurred that is usual and customary in conjunction with regular job duties is not reimbursable. Meal reimbursements are not to exceed per diem.
26. Out of County Travel that includes an OVERNIGHT STAY is eligible for hotel and other travel reimbursement as identified in this policy. Meal expenses incurred during overnight travel can be advanced or reimbursed on a per diem basis and meal expenses do not require receipt.
27. All day travel and Out of County travel costs are to be reported in the "Travel Expense Claim Form."
28. Maximum per day allowable is \$45.00  
For Out of County travel that includes an overnight stay, departure day and return day of travel meal per diem will be 75% of maximum per diem = \$33.75. ( $\$45.00 \times 75\%$ )

**OUT OF STATE TRAVEL WILL BE EXEMPT FROM THE MEAL PER DIEM DUE TO REGIONAL COSTING VARIANCES. AT ALL TIMES COSTS ARE TO REGIONALLY REASONABLE. DUE TO THIS OUT OF STATE EXEMPTION, MEAL RECEIPTS WILL BE REQUIRED FOR REIMBURSEMENT AND FULL TRANSPARENCY.**

29. Daily travel meal costs are reimbursable when incurred for conference attendance, reimbursements are not to exceed per diem of \$45. Advances are not processed for daily travel; all daily travel costs will be processed on a reimbursement basis. Decision as to what meals (no receipt required) will be reimbursed is at Department Head discretion at the following rates:
 

<b>Breakfast</b>	<b>\$10.00</b>
<b>Lunch</b>	<b>\$15.00</b>
<b>Dinner</b>	<b>\$20.00</b>
30. Incidental expenses are at times necessary when traveling. These expenses are reimbursable when incurred with accompanying receipt. Expenses are limited to internet access, meeting room rental and similar expenses. Incidental expenses must serve to enhance/further the purpose of County travel and justification must be provided.

31. All travel expenses incurred for county business travel will be reimbursed when an original receipt is submitted along with the Travel Expense Claim Form. The receipt should include vendor information, date, itemization of expenses incurred, and amount.
32. Travel Expense Claim Forms are due at the County Treasurer's no later than one (1) week after the travel has occurred. Excess travel funds are due at this time. Travel expenses payable to employees will be paid through Accounts Payable/Payroll and processed within two weeks or at the next available court meeting, provided that the Travel Expense Claim is accurate as submitted.
33. It shall be the responsibility of each elected/appointed official and/or department head to see to the strict compliance of this policy. In areas where this policy statement does not address, the "State of Texas Travel Allowance Guide" as promulgated by the Texas Comptroller of Public Accounts shall act as guidance for treatment of county travel related expenditures.

#### 17.06 GUIDELINES FOR EMERGENCY TRAVEL

1. Emergency consideration is only applicable when time constraints between notice of the meeting and CCt approval does not allow for normal procedures to be followed. Items must still be presented to CCt at the next scheduled meeting.
2. Travel must be deemed necessary at the County Official/Department Head's discretion.
3. Departure date must be prior to next scheduled CCt meeting.
4. County policies regarding lodging, meals, registration and mileage are still applicable.
5. All travel requests are subject to available budget.
6. Travel requests must be submitted to the County Auditor for approval.

**Approved by Commissioners' Court: October 13, 2020**

## 18.00 POSITIONS EXEMPT FROM THE PERSONNEL POLICIES MANUAL

Except as otherwise provided, only elected County officials are exempt from **adhering to** these personnel policies. **All elected County officials should refer to section 1.05 for policies pertaining to departmental operation.**

**Approved by Commissioners' Court: November 29, 2016**