



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

October 1, 1984

Revisions approved on the following dates:

**October 1, 1986
April 17, 1989
March 5, 1990
May 28, 1991
December 9, 1991
February 10, 1992
August 10, 1992
August 10, 1993
November 2, 1999
May 21, 2002
March 11, 2003
April 29, 2003
October 28, 2003
January 4, 2005
March 22, 2005
May 24, 2005
September 13, 2005
November 22, 2005
April 11, 2006
April 17, 2007
February 6, 2007
August 19, 2008
September 2, 2008
September 3, 2009
February 4, 2010
August 26, 2010
April 14, 2011
February 16, 2012**

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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 supercedes 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 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:

1. be inconsistent or incompatible with employment with the County, or
2. adversely affect the employee's job performance.

2.04 CONFLICT OF INTEREST

An employee may not:

1. solicit, accept, or agree to accept a financial benefit, directly or indirectly, other than from the County, that might reasonably tend to influence his or her performance of duties for the county, or that he or she knows or should know is offered with intent to influence the employee's performance.
2. accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of job duties;
3. accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County.

4. make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County; or
5. Solicit, accept, or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

2.05 POLITICAL ACTIVITY

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

1. A county employee may not use his or her official authority or influence to interfere with or affect the result of an election of 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.
2. 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

1. 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.
2. 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.

3. 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.

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

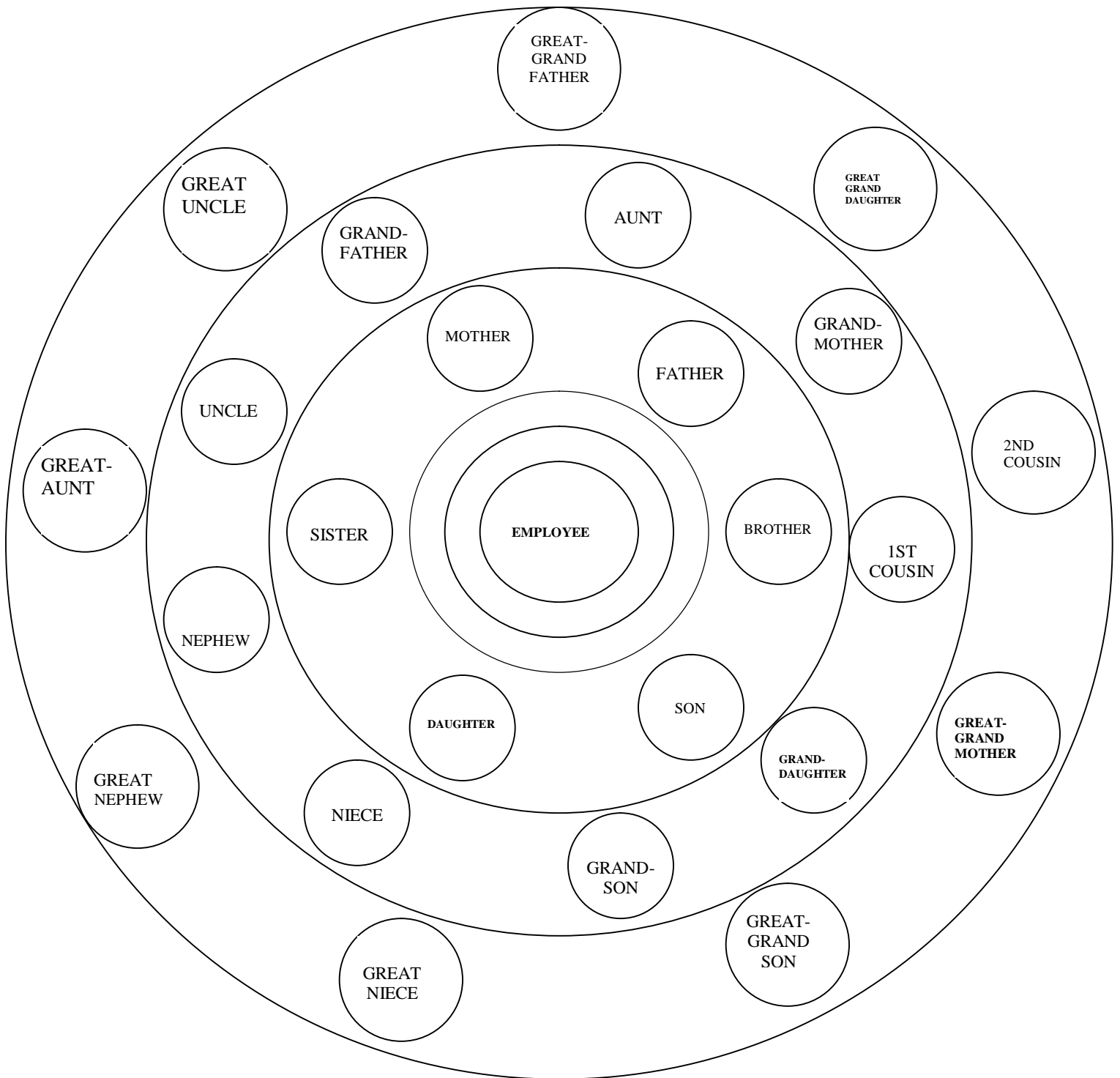
A dress code may be implemented by department directors/heads for professional standards (uniform, coat, tie, etc.) as required.

3.05 EMPLOYMENT OF RELATIVES

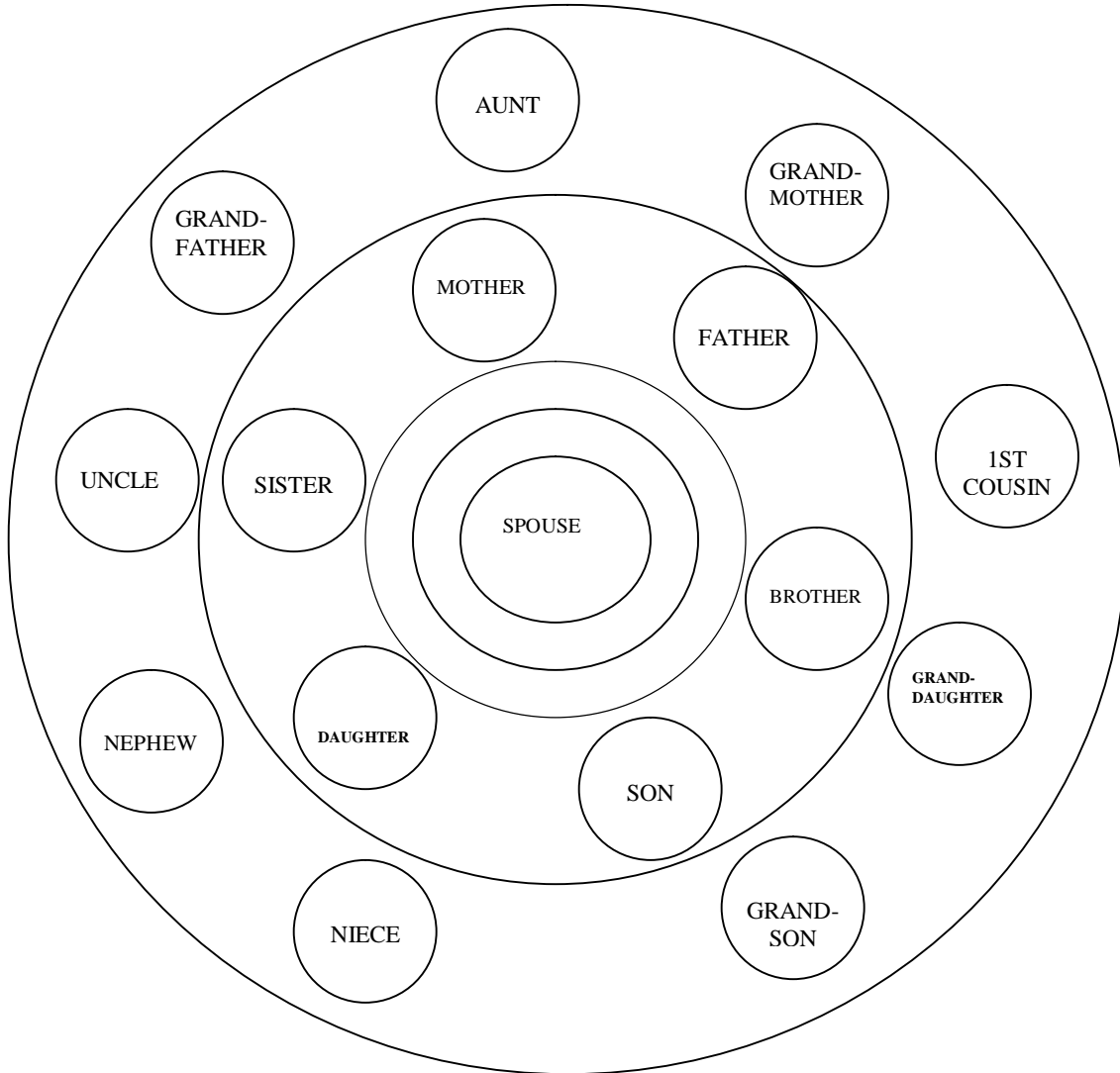
Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County. No person may be hired who is related within the second degree by affinity (marriage or within the third degree by consanguinity (blood) to any member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

**CONSANGUINITY KINSHIP CHART
FIGURE 1**



**NEPOTISM
CHART
AFFINITY KINSHIP CHART
FIGURE 2**



**NEPOTISM
CHART**

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. They 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.

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 ten (10) 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.

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.

5.00 TYPES OF EMPLOYMENT

5.01 CATEGORIES

There are three categories of employment with Cameron County:

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

Regular Part-Time. A regular part-time employee is employed to hold an authorized position that involves, on the average, fewer than **thirty two (32) hours per week**, but no less than eighteen (18) hours per week.

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

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.

Approved by Commissioners' Court: October 28, 2003

5.02 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 anytime 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.

5.03 ASSIGNED STAFF

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

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.

7.05 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. 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.

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 twenty-four (24) hours, and it is accumulated at one and one half (1-½) times the overtime hours worked. Payment for overtime is calculated at one and one half (1 ½) regular hourly rate.

Law Enforcement Personnel. Deputies and jailers Personnel will receive compensatory time for time worked beyond the one hundred seventy-one hours (171) per twenty-eight (28) 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 forty (40) 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.

Exception: Law Enforcement deputies who have completed their shift work and detailed to perform duties pursuant to and authorized by specific state or federal grants, interlocal agreements or memorandums of understanding, may be compensated from grant funds at one and one-half time their regular hourly wage (overtime) for hours worked under the grant where permitted by the granting agency's grant criteria.

Approved by Commissioners' Court: April 14, 2011

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.

**7.06 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 6.05).

Exempt law enforcement employees (deputies and jailers) shall be compensated for hours worked, during a declared disaster, in excess of 171 hours within a 171 hour, 28 day work period (see paragraph 6.05).

“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

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 **365 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: April 11, 2006

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 pays 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 **thirty two (32) hours per week**. Premiums for employees are paid in full by the County. Group coverage will commence the 1st 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 October 28, 2003

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 DEFENITIONS

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
5 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 as of the beginning of the fiscal year. Provided that, a break in service of 30 days or less shall be considered “uninterrupted”.

Regular part-time employees are eligible for vacation leave in proportion to the number of hours worked in a forty (40) hour workweek.

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 31st. **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 1st through December 31st. 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

Regular part-time employees are eligible for vacation leave according to the table on the preceding page in proportion to the number of hours worked in a forty- (40) hour week.

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. Regular part-time employees accrue sick leave benefits based upon the proportion of the time worked to a forty (40) hour workweek.

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 LEAVE OF ABSENCE FOR FAMILY AND MEDICAL REASONS

Upon approval of the Department Head, an employee may be granted up to sixty (60) workdays leave of absence, during any 12-month period, for family and medical reasons. The 12-month period in which the 60-work day's leave of absence occurs shall be based on a rolling 12-month period and must have worked no less than 1250 hours measured backward, from the date an employee uses any leave for family and medical reasons.

Leave of absence for family and medical reasons is an absence from duty in a paid or unpaid status or combination thereof. Employees on leave of absence for family and medical reasons receive no compensation and accrue no benefits, such as vacation, sick leave or County contribution on retirement plan, unless said leave is in a paid status. However, employees on leave of absence for family and medical reasons, whether in a paid or unpaid status, shall retain coverage under the County's group health insurance plan, assuming said coverage would have been provided if the employee had continued working. If the employee wishes to retain existing dependent coverage while on leave arrangements for direct payment of dependent health benefit premiums must be requested during non-pay leave.

Leave of absence for family and medical reasons may be extended beyond 60 workdays if the employee has worked no less than 1250 hour in the previous twelve months and must be approved by the Commissioners' Court and provided there is a reasonable expectation that the employee will return to work.

10.09 REASONS FOR LEAVE OF ABSENCE

A leave of absence for family and medical reasons is Appropriate for one or more of the following reasons:

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

Entitlement to leave under Reasons 1. and 2. above, for a birth or placement of a son or daughter, shall expire at the end of the 12-month period beginning on the date of such birth or placement.

In the event a husband and wife are both entitled to leave, under the Reasons 1. and 2. above, and both are employed by the County, the aggregate number of work days of leave to which both are entitled shall be limited to 60 workdays, during any 12-month period. This limitation shall also apply to leave for the care of a parent with a serious health condition, as stated in Reason 3.

EMPLOYEE ELIGIBILITY

To be eligible for an absence of leave for family and medical reasons an employee must have worked for the County for at least twelve (12) months and not fewer than 1,250 hours over the immediate twelve (12) months preceding the leave request.

REQUIRED NOTICE AND CERTIFICATION

To be granted an absence of leave for family and medical reasons an employee must provide thirty (30) days advance notice when the leave is foreseeable based on expected medical treatment. If the date of such treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as soon as practical.

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.

(CITE:5CFR630.1207(5)(h))

Approved by Commissioners' Court: September 3, 2009

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.

Approved by Commissioners' Court: February 4, 2010

INTERMITTENT LEAVE

An employee may take leave of absence for family and medical reasons intermittently or by working a reduced leave schedule to reduce the number of work hours per day or workweek. Approval by the Department Head, unless medically necessary and medically certified.

In the case of a planned or foreseeable intermittent leave request, the Department Head may allow an employee to temporarily transfer to an alternate position, for which the employee is qualified, if such a position is available. In general, intermittent leave shall not be applicable to Reasons 1. and 2. above unless both the employee and Department Head otherwise agree.

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.

REVOCAATION 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.

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

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.

All regular part-time employees (900 hours or more per year) will also observe all county holidays, but will be compensated only for the number of hours they normally or regularly would have worked on that holiday.

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 TWCC-1 form and submit it to the Human Resources/Safety Risk Department no later than a week after the accident.

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 bonafied 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 and 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 required that employee to participate and satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program approved by the County Health Department 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 10.)) 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 should 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 will 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.

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 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;
- Unauthorized use of official information or unauthorized disclosure of confidential information;
- 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;
- Other misconducts which may render an employee liable for disciplinary action.

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 Auditor 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 13.01. 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 pickup final pay check at the Human Resources/Safety Risk Department.**

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 of Home Address and Telephone Number Form, indicating whether or not they wish to allow public access to their home address and telephone number. No information from any record placed in an employee's file will be communicated to any person or organization except by the 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 REIMBURSEMENT

The Commissioners' Court will reimburse county employees traveling out of the county on county business, for such travel only upon submitting the appropriate travel expense forms and prior approval.

17.02 TRAVEL ADVANCES

Travel Advances will be issued only if Commissioners' Court has approved travel before date of travel.

17.03 AVAILABLE FUNDS

All travel expenditures requisitioned must be encumbered on official encumbrance from prior to actual travel to insure that actual funds are available. If travel is for a seminar, conference, etc. a copy of the pamphlet or brochure must be attached.

17.04 HOTEL ALLOWANCES

The maximum daily allowance for hotel stay is \$100/night inclusive of all applicable taxes. Exception to this rule must have prior approval by Commissioners' Court. Except in the following cities.

<u>City</u>	<u>Per Diem</u>
Washington D.C.	\$200.00
New York City	\$200.00
Mexico City	\$200.00

The per diem is per person per night. If a room is shared, then accommodations costing more than \$100.00 per night can fall within the policy guideline. For example:

Hotel Room/night	\$125.00
State Hotel Tax	\$ 9.00
City Hotel Tax	\$ 10.00
Total	\$144.00

Allowable for two (2) occupants @ \$100.00 per diem each is \$200.00

17.05 ASSOCIATION SEMINARS

Travel for an association's annual seminar and hotel rates have been negotiated and a block of rooms reserved; than, the negotiated room rate plus tax will be allowed rate. A copy of the association seminar announcement will be required with request.

If no more blocked rooms are available due to late enrollment the normal per diem of \$100.00 applies.

Exceptions

Overnight lodging will not be allowed for travel within four county areas, which includes Cameron, Willacy, Hidalgo and Starr Counties.

Seminars or conventions held at South Padre Island may be excluded from the four county policies. Officials with offices in Port Isabel or South Padre Island will not be reimbursed for overnight stay.

17.06 EXPENSE VERIFICATION

Receipts for all expenses incurred while on travel for county business with the exception of meals. (hotel/motel, taxi/car rental, handbooks or resource material, etc).

Expenses for daily travel (not overnight) will be reimbursed only total time exceeds six (6) hours. Receipts are required for all expenditures including meals. Meals must not exceed the allowable amount as per meal schedule.

Meal Expenses

Expenses for meals when travel time is less than six (6) will not be refunded.

The employee will be reimbursed per meal based on travel time from 7:00 A.M. to 7:00 P.M. Evening meal if return at 7:00 P.M. or after.

Morning Meal	\$ 7.00
Noon Meal	\$ 8.00
Evening Meal	\$10.00

Transportation Expenses

The County will reimburse for actual expenses on travel by Air, Bus Train or Personal Vehicle at the lowest cost to Cameron County.

Employees traveling outside the County for 500 or more miles round trip will be reimbursed at the rate not to exceed the cost of round trip airfare coach class. Amounts in excess of that cost must be submitted to the Commissioners' Court for approval one month in advance. Extradition of prisoners is exempt.

Authorized use of personal vehicle is differentiated by two classifications. Those that are awarded a car allowance for travel expenses incurred while performing job functions within Cameron County. Those who receive mileage reimbursement for travel on county business in or out of Cameron County as needed.

Mileage reimbursement Guide:

In County Travel	\$0.44
Out of County	\$0.44

(Employees receiving a car allowance may receive mileage for travel outside Cameron County.)

On regular workday mileage is calculated from employee's place of work. The employees required to travel on a non-working day will initiate travel mileage from their home.

It is recommended that Cameron County employees traveling to the same conference/seminar in county or personal vehicle share transportation. When more than one employee travel in the same personal vehicle only one may claim mileage reimbursement. They are allowed other travel reimbursement for eligible expenses.

Approved by Commissioners' Court: January 15, 2008

17.07 RESPONSIBILITY

It shall be the responsibility of the Official or Department Head to use out-of-county travel funds for official county business only. These funds are budgeted for the purpose of allowing Officials, Department Heads and their employees to attend various association meetings, training seminars, education seminars, and required law enforcement travel relating to prisoner and probationers.

Official and Department Heads are responsible for the strict enforcement of these policies.

18.00 EXEMPT POSITIONS

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