

MIDLAND COUNTY PERSONNEL POLICY

**ADOPTED BY THE MIDLAND COUNTY COMMISSIONERS
COURT 09/25/2000**

AND

**REPLACES THE PERSONNEL POLICY ADOPTED
02/24/1997**

LATEST REVISIONS 05/21/2024

NOTICE TO EMPLOYEES

Midland County operates under the legal doctrine of **“employment-at-will”** and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. The county will attempt to ensure that employee dismissals are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the county means Midland County, Texas.

NOTE: The parenthetic legal references contained in these policies are for information purposes only and are subject to change.

MIDLAND COUNTY PERSONNEL POLICIES

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WELCOME

Welcome to employment with Midland County. We are happy to have you as one of the team of employees that serves the people of our county. You will find public service a rewarding career.

As taxpayers ourselves, we expect nothing less than the highest quality of service from our government. As public servants, our objective is to provide the best possible service to the citizens of the county in a fair, efficient, and courteous manner. Your job is important to our overall success.

As a county employee, you have a responsibility to the citizens of Midland County. How well you do your work and how you conduct yourself on the job are both subject to public approval. Oftentimes, your contacts with citizens will be the only basis on which the county government is judged; therefore, you owe it to both the county and yourself to serve the public in the best possible manner. The county has proven to be a good place to work, but it is up to each individual employee to maintain his or her position as a result of good performance, proper attitude, and responsible action in the use of tax dollars.

This manual, and the personnel policies contained within it, are guidelines on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the county, how it works, and the policies which govern us as employees.

The personnel policies and procedures of the county are adopted by the Commissioners Court, are subject to regular review, and may be updated or changed from time to time without prior notice.

Other county elected officials and department heads may have additional policies governing their employees, but any departmental policies may not conflict with these countywide policies which implement state and federal law. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the countywide policies and procedures, please consult the County Treasurer.

Sincerely,

County Judge and
Commissioners Court

ABOUT MIDLAND COUNTY GOVERNMENT

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

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

County operations are conducted through departments, each administered by an elected public official or an appointed department head.

SERVICE TO THE PUBLIC

On a day-to-day basis, citizens base their opinion of Midland County on the actions of county employees like you. Over the years we have developed a code of personal conduct we think will help maintain a reputation for good county government.

CODE OF PERSONAL CONDUCT:

1. Remember that we are here to serve the people of Midland County.
2. Our responsibility is to provide fair, efficient service in a courteous manner.
3. Be a good and sincere listener; our visitors and callers want us to understand and care about their problems.
4. Learn all about the activities of the county and try to help others get their problems solved in the most efficient manner, even if the problem must be referred to another employee or department.
5. Write down all of the information you will need to complete a task for a citizen, including the date and time of a call or request and the telephone number or address where the person can be contacted.
6. Fulfill all promises you make. If you cannot complete a promised task as anticipated, get back in touch and explain the circumstances.
7. Respect the dignity of every individual; try honestly and sincerely to see the other person's point of view; speak kindly to and of others; avoid arguments; and be friendly.
8. Be punctual in your work and for appointments.
9. Make suggestions about ways that we can improve our services to the citizens of Midland County or perform work in a more efficient manner.
10. Dress and appearance must be appropriate to our job. Expensive clothes are not necessary, but a neat, orderly appearance is important.
11. County employees are trustees of public funds - - conserve county money, time, and equipment as if it were your own.

Finally, public service requires that we not only obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.

1.00 GENERAL POLICIES

AUTHORITY	1.01
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These policies are established by the Commissioners Court and any deletions, amendments, revisions, or additions to the policies must be approved by the Commissioners Court.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the Commissioners Court.

In addition to these personnel policies, elected officials and department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. Department Heads must submit their departmental policies to the Commissioner's Court for final review and approval. Departmental rules are important and employees must comply with them. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, which implement state and federal law, as amended, will prevail.

Approved by Commissioners Court: 08/11/2014

SEVERABILITY	1.02
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The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provisions, which will remain in force and effect.

RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES	1.03
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Responsibility for personnel functions in the county is divided among county offices as follows:

County Commissioners Court oversees general personnel policies and record of any modifications will be recorded in the official minutes of the court;

The County Treasurer maintains a copy of these policies and official records pertaining to time and attendance, payroll, benefits/medical, resignations, and unemployment;

The Human Resources Department maintains a copy of these policies and official records pertaining to any personnel matter, training and hiring; and

Elected Officials and Department Heads are responsible for administration of these personnel policies within their own departments or units.

Funds approved in county budgets may not be expended in violation of these policies.

Approved by Commissioners Court: 08/24/2009

PURPOSE	1.04
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These policies set forth the primary rules governing employment with Midland 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 by both employees and supervisors, which will result in high quality public service to the citizens of the county.

APPLICABILITY OF PERSONNEL POLICIES	1.05
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These personnel policies apply equally to all employees of Midland County unless a class of employees is specifically exempted by law or by the terms of these policies.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

EMPLOYMENT-AT-WILL

1.06

Midland County operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason.

The county will attempt to ensure that employee dismissals are not made in an arbitrary or capricious manner. However, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment.

DISSEMINATION OF PERSONNEL POLICIES
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1.07

The County Treasurer maintains the official set of the personnel policies with all revisions for reference by employees.

In addition, the County Treasurer will provide a complete copy of this manual and copies of all subsequent revisions or policy changes to each department head or elected official for distribution to each employee in the department.

It is preferred that each department keep an "official" printed copy of these policies for the employees reference. These policies will also be available online for the employees to access anytime.

If a question arises about a particular policy, the official set of policies in the County Treasurer's office should be consulted and will control.

The County Treasurer's office will provide a copy of the personnel policies to new employees before or on their first day of employment. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein.

Upon receipt of the personnel policies, every employee is required to sign an acknowledgement of having been provided a copy of the Personnel Policies Manual and understand they are responsible for knowing their contents. The signed acknowledgement is filed in the employee's official payroll file in the County Treasurer's office.

Approved by Commissioners Court: 02/25/2008

It is the policy of Midland County to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, gender, religion, color, disability, or national origin.

Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

An employee will not engage in conduct at work, which involves the use of racial or ethnic joking or derogatory remarks. Reports of such conduct will be investigated, and necessary corrective action will be taken.

Retaliation or discrimination against an employee for alleging discrimination on any of the bases covered in this chapter is prohibited.

(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.S. Article 5221K; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990; U.S. Executive Order 11246; U.S. Equal Pay Act; Texas V.T.C.A. Health and Safety Code, Chapters 591-596.)

SEXUAL HARASSMENT	1.09
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It is the policy of the Midland County to provide and maintain a work environment, which is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination.

In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature (1) that create a hostile working environment, OR (2) the submission to which is made a term or condition of a person's employment.

It is illegal and against the county's policy for any worker, male or female, to harass another worker or to create a hostile working environment by either committing, tolerating, or encouraging:

- Physical assaults on another employee, including, but not limited to rape, sexual battery, molestation, or attempts to commit these assaults; or
- Intentional physical contact that is sexual in nature, including, but not limited to, touching, pinching, patting, or brushing up against another employee's body; or
- Unwanted sexual advances, propositions, or sexual comments, including making sexual gestures, jokes, or comments made in the presence of any employee; or
- Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The county's grievance procedure (see **Grievances**) provides procedures for reporting alleged sexual harassment. The county will investigate such reports immediately.

The supervisor, department head, or County Human Resources Director must notify the Commissioners Court immediately when a sexual harassment complaint is received. The county judge will appoint an appropriate party to conduct an investigation for the Commissioners Court information. The appointed investigator will question all employees who may have knowledge of either the incident in question or similar problems. Both the complaint and the investigative steps and findings should be documented as thoroughly as possible. As much as possible, confidentiality will be maintained with respect to a sexual harassment complaint and only those who need to know about such a complaint will be advised of its existence.

No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986.)

Approved by Commissioners Court: 12/08/2008

PERSONS WITH DISABILITIES

1.10

It is the policy of Midland County to make its employment application process, employee activities, working environment, benefits, training, and advancement process accessible to persons with disabilities and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on county finances or operations.

In this section, a person with a disability is defined as a person who:

- a) is presently disabled
- b) has been disabled in the past, or
- c) is perceived to be disabled.

The Americans with Disabilities Act (ADA) defines disability as:

1. A physical or mental impairment which substantially limits one or more of a person's major life activities;
2. A record of such an impairment; or
3. Being regarded as having such impairment.

It is also illegal, and against county policy, to discriminate against a person because of his or her relationship or association with an individual with a known disability.

Persons with disabilities must be provided equal access to the hiring process. Persons with disabilities who perform the essential functions of their job must be provided equal access to promotion, training, and other benefit opportunities. No person will be subject to any form of retaliation for pursuing a complaint based on disability-related discrimination.

(Legal reference: U.S. Americans with Disabilities Act of 1990.)

TOBACCO USE

1.11

In keeping with Midland County's intent to provide a safe and healthy work environment, use of any and all tobacco products, including e-cigarettes, is prohibited within county owned or leased properties, buildings and vehicles. The Midland County Horseshoe is exempt from this policy during approved events.

Approved by Commissioners Court: 10/27/2014

CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS	1.12
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These personnel policies may be amended or revised or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners Court.

In addition, the County Treasurer may conduct an annual review of the policies contained in this manual as part of the budget process and submit any necessary or recommended changes to the Commissioners Court for approval prior to the beginning of the new fiscal year.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) to the appropriate department head or elected official who will forward the information to the Commissioners Court, where appropriate, along with the rationale for making the change.

Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

Harassment & Discrimination	1.13
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Midland County is committed to providing a work environment that is free from harassment and discrimination. Harassment or discrimination of County employees or applicants based on sex, race, age, religion, color, national origin, disability, medical condition, marital status, or other protected category is prohibited. Harassment consists of unwelcome visual, verbal, or physical conduct, because of a person's actual or perceived membership in a protected category. This policy applies to all employees, including supervisory and non-supervisory employees. Employees who violate this policy are subject to discipline, up to and including termination. For additional information please see Grievances 14.00.

Approved by Commissioners Court: 09/28/2015

The purpose of this policy is to communicate to all employees, including supervisors, and managers, that Midland County will not tolerate bullying behavior. Employees who violate this policy are subject to discipline, up to and including termination.

Definition

Unwelcome or unreasonable repeated behavior that demeans, intimidates, or humiliates either individuals or a group, at the place of work and/or in the course of employment.

Examples

Bullying may be intentional or unintentional; however, the intent of the alleged bully is irrelevant. Some of the actions that may result in discipline include, but are not limited to, the following:

- **Verbal bullying:** Slander, or ridiculing a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive, offensive nicknames and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.
- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Public humiliation in any form.
- Constant criticism on matters unrelated to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, withholding information, assigning meaningless tasks, setting unreachable deadlines, giving deliberately vague instructions).

Approved by Commissioners Court: 09/28/2015

MIDLAND COUNTY VISION STATEMENT
TO BE THE MOST TRUSTED AND INNOVATIVE COUNTY GOVERNMENT IN TEXAS

MIDLAND COUNTY MISSION STATEMENT
EFFICIENTLY PROVIDE CITIZENS EXCELLENT AND INNOVATIVE SERVICES WITH
INTEGRITY, RESPECT, COMPASSION, DILIGENCE, ACCOUNTABILITY AND TRUST



INTEGRITY



DEMONSTRATE HIGHEST STANDARDS OF HONESTY, ETHICAL AND MORAL BEHAVIOR AND IMPARTIALITY

- Own, correct, and learn from actions
- Be transparent
- Be aware of the perceptions we create
- Do everything to the best of our ability - Always

RESPECT



TREAT EVERYONE WITH DIGNITY AND COMPASSION

- Show sincere regard for the worth of people
- Engage genuinely with others
- Establish trust by honoring words with actions
- Be empathetic and open-minded
- Do unto others as we would have them do unto us

COMPASSION



UNDERSTAND THE SITUATION AND RECOGNIZE NEEDS OF OTHERS

- Care for others beyond ourselves
- Be thoughtful of words and actions
- Recognize the value of everyone
- Listen
- Show dignity
- Never use malice

DILIGENCE



PERFORM DUTIES IN A DEPENDABLE AND SELFLESS MANNER

- Be of service to others
- Maintain competence through commitment
- Demonstrate ongoing commitment to excellence
- Earn respect through actions and strong work ethic

ACCOUNTABILITY



BE RESPONSIBLE FOR OUR ACTIONS AT ALL LEVELS

- Give credit to others for their success; take responsibility for failure; and learn from both
- Lead by example
- Take initiative for own actions, growth and development
- Have courage to make difficult decisions

TRUST



BELIEVE IN THE RELIABILITY OF EACH OTHER

- Demonstrate trust towards others and take actions to earn their trust
- Do what we say
- Be honest
- Be consistent and treat everyone equally
- Communicate and listen

Approved by Commissioners Court: 09/28/2015

2.00 EMPLOYEE RESPONSIBILITIES

GENERAL

2.01

The county is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their parts in maintaining good relationships with the public, their supervisors, county officials, and their fellow employees.

EMPLOYEE PERFORMANCE STANDARDS & EXPECTATIONS
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2.01a

Introduction

Midland County is committed to maintaining high standards of employee behavior and performance. This policy outlines the expected behavior and performance levels for Midland County employees, providing guidelines for both employees and management to follow. The policy aims to promote a positive work environment, support employee growth, and contribute to the organization's success.

Definitions

The following definitions apply to this policy:

- **Attendance:** Refers to an employee's physical presence at their assigned workplace during scheduled working hours (*unless otherwise arranged between the employee and direct supervisor in accordance with policy 2.03 Timeliness & Attendance, 6.01 Work Hours, and the employee's job description*).
- **Productivity:** Measures the quality and quantity of work produced by an employee within a specified timeframe.
- **Communication:** Includes timely verbal and written interactions between employees, supervisors, clients, and other stakeholders.
- **Teamwork:** Collaborative efforts among employees, departments, and teams to achieve shared goals and objectives.
- **Adaptability:** Employees' ability to adjust to changing business needs, processes, or technologies.
- **Professionalism:** Conducting oneself with dignity, respect, and integrity in all aspects of work.

Performance expectations

Employees are expected to meet the following performance expectations:

1. Attendance and punctuality:

- Be punctual for work and meetings.
- Notify your supervisor in advance for any absences or tardiness.
- Maintain a consistent attendance record, avoiding unexplained absences or excessive tardiness.

2. Work quality and productivity:

- Demonstrate high-quality work that meets organizational and supervisory standards.
- Complete tasks within assigned deadlines, managing your workload effectively.
- Take ownership of your work, ensuring accuracy and attention to detail.

3. Communication:

- Communicate clearly, timely, concisely, and professionally in all interactions.
- Listen actively and respond appropriately to feedback.
- Use appropriate channels for communication (e.g., email, phone, or in-person discussions).

4. Teamwork and Collaboration:

- Contribute positively to team efforts, sharing knowledge, and expertise.
- Support colleagues when needed, fostering a collaborative environment.
- Participate in team meetings and activities, contributing to shared goals.

5. Adaptability and Flexibility:

- Be open to learning new skills and assuming additional responsibilities.
- Demonstrate willingness to adapt to changing business needs and processes.
- Embrace new technologies and tools that enhance work efficiency and productivity.

6. Professionalism and Respect:

- Conduct yourself with professionalism and respect at all times.
- Treat colleagues, clients, and visitors with dignity and respect.
- Maintain confidentiality and discretion in sensitive matters.

7. Compliance with Policies and Procedures:

- Familiarize yourself with organizational policies and procedures.
- Adhere to policies and procedures at all times, seeking clarification when necessary.
- Report any instances of non-compliance or potential violations to your supervisor or HR.

Responsibilities

Employees are responsible for upholding the standards outlined in this policy. Failure to comply may result in disciplinary action, up to and including termination.

Management is responsible for:

- Providing clear communication and training on this policy.
- Setting performance expectations and providing feedback.
- Addressing performance concerns and taking appropriate disciplinary action.
- Ensuring consistency in applying performance standards across departments and teams.
- Providing opportunities for professional employee development
- Providing the tools & resources necessary to perform the job
- Practice an open-minded and open-door policy
- Receive constructive and professional criticism
- Participate in leadership and professional development opportunities

Employees are responsible for:

- Communicating clearly and effectively with co-workers, supervisors, elected officials, directors, and constituents.
- Meeting performance expectations
- Addressing performance activities set by supervisors
- Working as a team
- Engaging in professional development
- Receive constructive and professional criticism
- Participate in healthy conflict and idea sharing
- Maintaining a positive workplace attitude and fostering a positive workplace culture

Consequences of non-compliance:

Violating this policy may result in disciplinary action, depending on the severity and frequency of the violation. Disciplinary actions may include:

1. Verbal warning: A verbal warning will be issued, discussing the violation and expected improvements.
2. Written warning: A written warning will be provided, detailing the violation, corrective actions, and consequences of continued non-compliance.
3. Employee Performance Plan: A performance improvement plan may be implemented to address specific performance issues.
4. Suspension: Depending on the severity of the violation, a suspension with or without pay may be enforced.
5. Termination: In extreme cases or repeated violations, termination of employment may occur.
6. Other disciplinary action in accordance with County Personnel policies.

Approved by Commissioners Court: 07/02/2024

PROFESSIONAL APPEARANCE	2.02
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Employees of Midland County are hired to provide services to the county's citizens and to perform specific tasks in a professional manner. As representatives of the county, employees must set and meet high standards by continually keeping workplace attire neat, clean and appropriate for the work being performed and the setting in which the work is performed. Workplace attire includes clothing, grooming, hygiene, piercings, and tattoos.

Departments may determine appropriate workplace attire for their area. Department Heads and Elected Officials should communicate their department's workplace attire guidelines to staff at the beginning of their employment and any time changes are made. Regardless of dress and grooming, all staff must carry or wear the Midland County identification badge at all times while at work. Natural and artificial scents may also become a distraction from a well-functioning workplace, and are subject to this policy. Uniforms and protective clothing may be required for certain positions and will be provided to employees by Midland County in the form of clothing or a supplement.

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. Any staff member who does not meet the attire or grooming standards set by his or her department will be required to take corrective action, for example leaving the premises to change clothing, and will not be compensated for any work time missed because of failure to comply with policy.

Midland County recognizes the importance of ADA and Title VII differences within its workforce and will reasonably accommodate a staff member's needs in terms of workplace attire unless the accommodation creates an undue hardship. Staff members requesting a workplace attire accommodation based on Title VII should be referred to the Human Resources department.

Approved by Commissioners Court: 09/22/2014

TIMELINESS AND ATTENDANCE

2.03

Employees are to be punctual and regular in their attendance at work, appointments, and completing work. When applying this policy emergency conditions and departmental policies may be considered.

If they report more than five minutes after their scheduled start time, an employee is late. An employee who expects to be late or absent must get permission from his or her supervisor no later than 30 minutes prior to their scheduled start time. Unless otherwise approved by the supervisor, employees are to call on each day of an absence.

Failure to report by the required time could be justification for not allowing paid leave for the absence. Not reporting to work and not calling to report the absence is a no call/no show and is grounds for disciplinary action up to and including termination. Frequent tardiness or absence is not permissible and is grounds for disciplinary action up to and including termination. Midland County defines frequent as:

- Having a detrimental effect on the department due to factors such as backlogged work, causing other employees to have to work overtime to cover the absent employee's duties:
- The number of unexcused absences or tardiness in any 3 month period exceeds 3:
- An employee has more than one instance of leave without pay in a 12-month period (with the exception of FMLA).

See also the Leave Time chapter of these policies for matters involving planned absences.

Approved by Commissioners Court: 08/11/2014

OUTSIDE ACTIVITIES

2.04

Employees may not engage in any outside employment, activity, or enterprise determined by the elected or appointed department head

- (1) to be inconsistent or incompatible with employment with the county; or
- (2) to affect the employee's job performance adversely.

Any department head or elected official, at his or her discretion, may require that employees in that department notify the department head or elected official prior to the employee's acceptance of any outside employment, including self-employment.

The county accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a county employee.

GIFTS AND GRATUITIES	2.05
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A county officer or employee may not accept any gift or free services that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the county. See "Conflict of Interest" section below.

CONFLICT OF INTEREST	2.06
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Neither an officer nor an employee of Midland County will have financial interests in the profits of any contract, service, or other work performed for the county, nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between the county and any person or company.

1. County Elected Officials:

A member of the Commissioners Court and certain other county officials will not participate in a vote or decision affecting a business or real estate in which the member or official has a substantial interest. The details of this prohibition are set out in the county's "Conflict of Interest Policy for Members of the Commissioners Court and Certain other County Officials."

2. County Employees: An employee may not:

- (1) solicit or accept or agree to accept a financial benefit, 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 official 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;
- (5) solicit or 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.

(Legal reference: V.T.C.A., Local Government Code, Section 171.003; V.T.C.A. Penal Code, Chapter 36: 36.02-.04, 36.07-.09).

Employees of Midland County are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. County employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so.

An employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

County employees, except elected officials, may not participate in political activities while on county duty. Employees are expected to remove county uniforms before participating in a political activity. In addition, no county-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity other than conducting party primary elections.

Any county employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election (a partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected). County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity, which is financed in whole or in part by loans or grants made by the federal government.

An employee's political activity which is not in violation of this section will not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

(Legal reference: V.T.C.A., Penal Code, Chapter 36; U.S. Hatch Act of 1940, as amended.)

CHAIN OF COMMAND	2.08
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Individual county employees are responsible to the appropriate elected or appointed department head or to a supervisor designated by the elected official or department head. Elected officials are responsible to county voters. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command.

COMMUNICATIONS	2.09
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From time to time, an employee may be given directions from persons other than his or her immediate supervisor or elected or appointed department head. In such cases, it is the employee's responsibility to notify his or her immediate supervisor about the direction, its purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

Communication with the public about county issues or problems is the responsibility of the appropriate department head or elected official or his or her designee. Employees are to refer the public to the appropriate elected or appointed department head if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

PERSONAL VISITORS IN THE WORKPLACE	2.10
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Midland County employees are public servants, paid from public funds to provide services to the citizens of Midland County.

Employees are expected to provide the county a full day's work for a day's pay. Visits from employees' family or friends during the workday are discouraged.

In the event a non-work related person visits an employee during working hours, the employee is responsible for the conduct and safety of his or her visitor(s).

PURCHASING	2.11
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Purchases by county employees will be made only as authorized by elected or appointed county department heads or the Commissioners Court and must go through the county purchasing agent with certain exceptions provided for in the county's purchasing policies.

All purchases must be made in accordance with state purchasing laws and county purchasing policies as they apply to counties.

(Legal reference: V.T.C.A., Local Government Code, Chapter 262.)

INDEBTEDNESS OF THE COUNTY	2.12
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State law prohibits issuing a paycheck to a county employee if the employee is indebted to the county or to the state.

(Legal reference: V.T.C.S., Local Government Code, Section 154.025. Applies only to counties with populations of 190,000 or less.)

SOLICITATION	2.13
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County employees are free to engage in fundraising efforts for outside organizations of the employee's choice; but the solicitations shall be made during the employee's nonworking hours. (Nonworking hours include lunch periods, work breaks, or any other period in which the employee is not on duty.) The employee must not represent himself or herself as a county employee or wear a county uniform when engaged in non-county-sponsored fundraising solicitations.

Outside vendors and non-employees are prohibited from soliciting or distributing materials to county employees on county premises except for county-approved vendors who have scheduled presentations through Purchasing. County employees may make appointments to meet with outside vendors outside work hours, as long as such meetings are in accordance with established vendor/lobbyist regulations.

Approved by Commissioners Court: 09/22/2014

Private Displays on Public Property (County Government Facilities)	2.14
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Only information required by the Texas Open Meetings Act and official county business may be posted on the exterior doors to County buildings. Permission from the County Judge's Office is required prior to posting any documents.

3.00 HIRING PRACTICES

SELECTION	3.01
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The Commissioners Court is responsible for the selection and employment of all appointed department heads except as specified by law or these policies. The Commissioners Court must approve all position appointments funded by federal and/or state grants.

The District Court Judges of Midland County appoint the County Auditor and the director of the Community Supervision and Corrections Department (CSCD). The Midland County Juvenile Board appoints the Chief Probation Officer.

The county does not accept applications or resumes for employment unless a specific vacancy exists.

Except for positions filled by a vote of the Commissioners Court or as set out above, each elected official or department head is responsible for selection of persons to fill each vacant position within the pay limits set by the Commissioners Court.

To ensure that individuals who join Midland County are well qualified and have a strong potential to be productive and successful employees, it is the county's policy to check the employment references and run a thorough background check of applicants and on employees who are promoted or transferred, in compliance with all federal and state statutes.

In addition, the county will respond to reference check inquiries from other employers. The County Treasurer's office will handle these inquiries and information will be limited to confirmation of employment dates, wage rates, and position(s) held. Human Resources will handle all DOT verifications from other employers and will respond in compliance with all federal and state statutes.

(Legal reference: U.S. Americans with Disabilities Act of 1990.)

Approved by Commissioners Court: 08/11/2014

PLACEMENT ON COUNTY PAYROLL

3.02

Once a selection is made, the elected official or department head will submit to the County Treasurer's office, a personnel action form listing the name of the applicant, the requested classification, pcn#, beginning salary, and the effective date of employment. The elected official(s) or appointed department head(s) **must** provide the necessary paperwork to the County Treasurer before the new employee may be placed on the payroll.

The County Treasurer will submit a Payroll Change Summary to the Commissioners Court for approval. When a personnel action is approved by the county, the Commissioners Court minutes will contain the employee's name and rate of pay. The personnel action form will be placed in the employee's payroll file.

New employees **must** fill out employment forms before or during their first day of employment.

Approved by Commissioners Court: 08/23/2021

AGE REQUIREMENTS

3.03

Persons under 16 years of age will **not** be employed in any full-time regular position.

Persons under 18 years of age will **not** be hired in any hazardous occupation.

Any prospective county employee under 18 years of age must have filed written permission (a signed Minor's Release Form) from his or her lawful parent or guardian in the County Treasurer's office prior to the first day of employment.

(Legal reference: U.S. Fair Labor Standards Act of 1938, as amended.)

Other age limitations will be applied only as required by state or federal law applicable to the county.

(Legal reference: U.S. Age Discrimination in Employment Act of 1967, as amended.)

Nepotism is the showing of favoritism toward a relative. Midland County forbids the practice of nepotism in hiring personnel or awarding contracts. This policy must also be considered when assigning, transferring, or promoting an employee.

Family in the second degree of affinity or third degree of consanguinity will not be hired, if employment would:

1. Create a supervisor/subordinate relationship with a family member;
2. Have the potential for creating an adverse impact on work performance;
3. Create either an actual conflict of interest or the appearance of a conflict of interest.

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 or the elected official/department head for whom he or she works. (Degrees of relationship are defined in the charts below)– No person may continue in county employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the county for a period of:

1. At least 30 days, if the family member is appointed;
2. At least six months, if the family member is elected at an election other than the general election for state and county officers; or
3. At least one year, if the family member is elected at the general election for state and county officers.

(Legal reference: V.T.C.S. Article 5996a, as amended.)

If one of the conditions outlined should occur, attempts will be made to find a suitable position within Midland County to which one of the employees will transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign and will be required to inform the Company of their decision within a two-week period after the policy violation begins. If the employees cannot make a decision, the Commissioner's Court will decide in its sole discretion who will remain employed.

Approved by Commissioners Court: 08/11/2014

NEPOTISM CHARTS

FIGURE 1 – CONSANGUINITY (BLOOD) CHART

EMPLOYEE ★

1ST DEGREE

FATHER	MOTHER	SON	DAUGHTER
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2ND DEGREE

GRANDFATHER	GRANDMOTHER	SISTER	BROTHER	GRANDDAUGHTER	GRANDSON
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3RD DEGREE

GREAT GRANDFATHER	GREAT GRANDMOTHER	GREAT GRANDDAUGHTER	GREAT GRANDSON
UNCLE	AUNT	NEPHEW	NIECE

FIGURE 2 – AFFINITY (MARRIAGE) CHART

EMPLOYEE

1ST DEGREE

FATHER—IN-LAW	MOTHER-IN-LAW	SON-IN-LAW
DAUGHTER-IN LAW	SPOUSE	

2ND DEGREE

SPOUSE'S GRANDFATHER	SPOUSE'S GRANDMOTHER	SPOUSE'S SISTER	SPOUSE'S BROTHER
SPOUSE'S GRANDSON	SISTER'S SPOUSE	BROTHER'S SPOUSE	SPOUSE'S GRANDDAUGHTER

★Spouses of relatives within the first or second degree of consanguinity (e.g., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

(Legal Reference: V.T.C.S., Article 5996a, as amended.)

Approved by Commissioners Court: 08/11/2014

Midland County requires that a drug test be administered prior to the employment of any potential county employee.

Some departments such as the Road and Bridge Department, Cemetery, and the Facilities Department may require that a physical test be passed prior to employment, and upon driver's license renewal for those employees with a Commercial Driver's License (CDL) or a Class C Driver's License.

Law enforcement officers and jailers are required to pass drug, physical, and/or psychological tests prior to employment.

Employees and potential employees may be required to pass any other tests that may be required by state law.

The only performance tests administered for employment or promotion will be specifically job-related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.).

Approved by Commissioners Court: 09/23/2013

PHYSICAL STANDARDS

3.06

Knowledge of physical condition and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems.

A prospective regular full-time or part-time employee is required to pass a drug test and may be required to complete a physical examination at the county's expense, after a conditional offer of employment has been made and prior to the first day of employment.

Depending upon the nature of work, a physical may be required for temporary employees.

No employee will be placed on the county payroll until he or she has satisfactorily completed any required physical exam and/or drug test. In each instance, the examining doctor will be provided a copy of the appropriate job description and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

Prospective employees for law enforcement officer positions must be examined by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health.

(Legal reference: V.T.C.A., Government Code, Section 415.057.)

Required examinations will be made by a physician and psychologist or psychiatrist of the county's choice and will be paid for by the county.

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established.

(Legal reference: U.S. Americans with Disabilities Act of 1990.)

Approved by Commissioners Court: 12/08/2008

VERIFICATION OF ELIGIBILITY TO WORK
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3.07

In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 prior to his or her first day of employment to provide proof of his or her identity and employment eligibility.

(Legal reference: Federal Immigration Reform and Control Act of 1986, P.L. Number 99-603.)

Former employees who are rehired must also complete the form if they have not completed an I-9 with Midland County within the past three years, or if their previous I-9 is no longer valid.

DRIVING RECORD	3.08
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Every county employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record and may be required to participate in defensive driving courses at the county's request.

Except as restricted by state law, the department head is responsible for initiation by the county of a check of a prospective employee's driving record prior to offering the applicant county employment in a capacity which requires operating a vehicle or piece of equipment. Human Resources can assist with this check.

Approved by Commissioners Court: 12/08/2008

DISQUALIFICATION	3.09
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An applicant is disqualified from employment by the Midland County if he or she:

- (1) does not meet the minimum qualifications for performance of the duties of the position involved
- (2) knowingly has made a false statement on the application form
- (3) has committed fraud during the selection process
- (4) is not legally permitted to hold the position
- (5) has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process
- (6) does not meet the physical requirements as a result of the required physical examination and/or substance abuse screening
- (7) has not provided proof of citizenship or legal work status in the United States prior to employment.

(Legal reference: V.T.C.A. Government Code, Title 4, Section 415.057; Federal Immigration Reform and Control of 1986, as amended.)

Approved by Commissioners Court: 09/23/2013

Employees entering service with Midland County who have had prior service with the county **may** be considered for appointment above the customary entry salary level. However, any new employee being hired at a salary above the entry salary level **must** be approved in advance by the Commissioners Court.

Employees rehired to fill regular full-time positions with the county will **not** receive credit for their prior length of service as regular full-time employees for longevity pay purposes.

A break in continuous service with the county also forfeits vacation and health leave benefits accrued prior to the break.

For details pertaining to how a break in service affects retirement benefits, please refer to your Texas County and District Retirement System or contact the County Treasurer's Office.

If an employee becomes an elected official, the employee shall be paid for all accrued vacation, holiday, compensatory time, and sick leave (as limited by Sec. 8.17) on the books prior to that person taking the oath of office. Elected officials do not accrue vacation or sick leave. Length of service as an elected official authorizes an employee to receive other benefits in the same manner as any other County employee. Length of service as an elected official shall be considered for longevity pay as long as the service is uninterrupted.

Approved by Commissioners Court: 08/23/2021

TEMPORARY/EMERGENCY EMPLOYEES

3.11

Before a department head or elected official may hire a temporary or emergency employee, the department's budget must contain a line item, authorized by the Commissioners Court, for payment of temporary or emergency employees' salaries.

There also must be sufficient funds available in that line item to cover the incoming employee's salary for the specified temporary period of employment.

If the department's budget does not contain a line item for temporary or emergency employee salaries, the department head must first obtain authorization from the Commissioners Court each time prior to hiring any temporary or emergency employee(s).

Under no circumstances will the county issue a paycheck to a temporary or emergency employee if all of these conditions are not met.

ORIENTATION AND TRAINING

3.12

Human Resources will conduct a monthly New Hire orientation for all County employees that will include information about the structure, functions and services of county government in general. During the orientation new hires will be given time to ask questions about any of the policies in this manual.

On or prior to the first day of employment, the new employee will be provided with a copy of the Personnel Policies Manual by the County Treasurer's Office. Employees are responsible for knowing and following the information contained in the personnel policies. Each employee must turn in a signed acknowledgement to this effect to the County Treasurer's office; where employees are informed of the continued availability of the personnel policies to them and are told the reference locations should they misplace their copy; and employees are given information about county benefits programs.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the elected official or department head for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better and its relationship to the overall operation of county government.

Training an employee is the responsibility of the elected official or department head for whom he or she works. Whenever possible, employees receive on-the-job training under close supervision.

Approved by Commissioners Court: 12/08/2008

In order to ensure compliance with IRS and TCDRS requirements, the following rules apply to the hiring of a person who previously retired from employment with Midland County:

- An employee who retires does not have and cannot be given a right to return to work.
- Retired employees do not have and cannot be given any explicit or implied preferential status when they apply for vacant positions with Midland County.
- A person who retires from Midland County employment cannot be rehired for a period of at least one full calendar month.
- A retiree cannot be rehired at any time unless the retirement was based on a bona fide separation from employment.
- There can be no agreement, arrangement, understanding or expectation made with an employee that the employee will be rehired after he retires.

Approved by Commissioners Court: 12/28/2005

4.00 TYPES OF EMPLOYMENT

CATEGORIES OF EMPLOYMENT	4.01
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There are three (3) categories of employment with the county:

- (1) Regular Full Time; (2) Regular Part-Time, and (3) Temporary Full or Part Time.

Approved by Commissioners Court: 12/28/2005

REGULAR FULL-TIME	4.02
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A regular full-time employee is appointed to an authorized regular position that involves 40 work hours per week.

There are some employees whose position and department head or elected official requires less than 40 hours per week, but never less than 30 hours per week. Salaries for these employees will be adjusted according to the number of hours actually worked.

Regular full-time employees are salaried employees and are eligible for Midland County's benefits package subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME	4.03
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A regular part-time employee is appointed to an authorized regular position that involves less than 30 hours per week. Regular part-time employees are paid on an hourly basis, **not** salaried.

Regular part-time employees receive those benefits that are mandated by law, such as social security and workers' compensation. Regular part-time employees also participate in the Midland County Retirement plan through Texas County and District Retirement System.

Approved by Commissioners Court: 03/11/2013

TEMPORARY PART-TIME	4.04
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A temporary employee is an employee hired to work less than 30 hours per week, and whose employment is only for a temporary period, and who is not hired for a position designated as Seasonal under Personnel Policy 4.07. Examples of temporary employees include, but are not limited to the following:

- Persons employed only for the duration of a specific project.
- Persons hired to fill a position until a non-temporary employee can be hired.
- Persons who are hired for a definite period.
- Persons hired for positions in which employees customarily leave employment after a short period.
- Other persons who accept a position which is designated as temporary.

Temporary employees are paid on an hourly basis and receive those benefits that are mandated by law, such as social security and workers' compensation. Temporary employees do not participate in the Midland County Retirement plan through Texas County and District Retirement System.

Approved by Commissioners Court: 10/12/2015

TEMPORARY WORKERS CONTRACTED THROUGH A TEMPORARY EMPLOYMENT AGENCY	4.05
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Temporary workers contracted through an employment agency are paid on an hourly basis. Temporary workers contracted through an employment agency are not employees of Midland County, and therefore may work up to 40 hours per week if required, on a temporary basis, as in the examples given in Section 4.04 for a temporary employee.

Any benefits, if applicable, are the responsibility of the employment agency and not the responsibility of Midland County.

Approved by Commissioners Court: 05/11/2015

Internships are educational programs that allow interns to gain practical work experience and develop skills in the areas of their career or general interests under the guidance of experts or those working in the field. An internship with Midland County must be paid and hired through the County Internship Program. An arrangement that does not follow these steps is not a true internship and the employee must be hired and paid as a temporary employee from the department's budget.

Human Resources and the County Judge's Office (Intern Coordinators) coordinates all internships; including advertising, recruiting, interviewing, selecting, scheduling, and upholding the review process. All county policies apply to the intern selection process.

Internships must be of benefit to both the intern and the County. The intern benefits from the opportunity to learn about local government and having the guidance from staff members, while the County benefits from the outcome of the intern's work and contribution to other activities.

While the County welcomes interns from all over the country, additional weight may be accorded to those who are at local colleges studying political science, accounting, communication, criminology, criminal justice, leadership studies, pre-law, or other majors that may influence the student to work in the local government arena.

Departments participating in the internship program must adhere to the following:

- The goal of the internship should be to learn. We should be teaching the intern a skill or providing knowledge about our government.
- Interns should spend no more than 30 percent of their time performing work ordinarily done by regular employees. Their assignment should be outside the scope of the written description. "Shadowing" is not included in this 30%.
- A supervisor must be present in the office and available to assist the intern whenever the intern attends.
- The supervisor will ensure that the intern's workload is appropriate to their skill level and follows the county's policies.

Qualified Interns must meet the following requirements:

- Complete the orientation process and position orientation prior to providing services to the public of Midland County.
- The intern must follow all documentation and practice policies.
- Interns are supervised by a department head, elected official, or their designee.
- Interns are not guaranteed a job upon completion of the internship or graduation.
- The intern coordinators will ensure that each intern has a clear background before starting the internship.

SEASONAL INTERNSHIP PROGRAM - CONT'D

4.06

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- The intern documents supervision content and department participation.
- Interns must, at time of application, reveal any relationships with other applicants or County employees.

The internship program will include:

- Internships will be offered for 9 weeks per summer and internships must end on the date specified, unless both parties agree in writing previous to the internship starting.
- Total weekly hours will be set by the intern coordinators – not to exceed 40 hours per week. Supervisors and interns are required to adhere to the total hours set forth.
- Daily work schedules will be set and explained by the Supervisor. Schedules may vary dependent on the requirements of the department.
- Attendance is a requirement of the internship and failure to report for the assignment or to work per the daily schedule may result in termination of the internship. All vacation requirements, other than emergencies, should be scheduled before starting the internship.
- Any arrests or convictions during the internships may result in the termination of the internship.
- Since the program is seasonal, interns will not be eligible for benefits.
- Intern compensation will be set by the intern coordinators.
- The internship will require supervisory and intern critiques, in the form of a brief questionnaire furnished by the Intern Coordinators.

Approved by Commissioners Court: 10/12/2015

SEASONAL PART-TIME

4.07

A seasonal employee is an hourly employee whose employment is only for a temporary period not to exceed 3 months during any 12 month period. The following groups of employees are designated as seasonal employees:

- Temporary election workers
- Seasonal Interns actively participating in the Midland County Internship Program.

No employee or group of employees will be considered to be seasonal employees until the Commissioners Court has taken action to designate the group as seasonal employees. Seasonal employees are paid on an hourly basis and receive those benefits that are mandated by law, such as social security and workers' compensation. Temporary employees do not participate in the Midland County retirement plan through Texas County and District Retirement System.

For purposes of Affordable Care Act compliance, the hours of seasonal employees are tracked using a look-back measurement period of 12 months.

Approved by Commissioners Court: 10/12/2015

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

PAY	5.01
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Pay for county elected and appointed officials and employees who are paid from county funds is set each year by the Commissioners Court in the adopted county operating budget.

District judges establish salaries for county auditors, assistant county auditors, district court reporters, and district court bailiffs.

The Commissioners Court also establish rules governing salary administration and pay increases.

(Legal reference: V.T.C.A., Local Government Code, Chapter 152.)

PAYDAYS	5.02
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The pay period for the county is bi-weekly. Checks are issued every other Friday. If the payday falls on a county holiday, checks will be issued on the last working day preceding the holiday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

Approved by Commissioners Court: 10/12/2015

CHECK DELIVERY	5.03
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Paychecks will not be issued other than on the days set out above.

Each department head, or someone authorized to do so in his or her absence, is responsible for picking up the paychecks for employees in that department from the County Treasurer on paydays. Paychecks are distributed to individual employees by their department heads or by an individual delegated this responsibility within each department. Only the employee himself or herself, their designee, or someone with a bona fide written power of attorney for the employee, may receive the check in person.

Employees may have their pay directly deposited into their bank accounts, provided the employee gives advance written authorization to the County Treasurer. An itemized statement of direct deposit wages will be available electronically on the eSuite Portal.

No salary advances or loans against future salary will be made to any employee for any reason.

(Legal reference: Texas Constitution, Article III, Sections 51, 52, and 53.)

An employee must promptly bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the County Treasurer.

Approved by Commissioners Court: 06/12/2023

See the chapter of these policies entitled **Grievances** for matters related to non-elected county employees.

The remainder of this section **applies only to elected officials**. An elected county or precinct officer (except a judge of a court of record or other official exempted by law) who is aggrieved by the setting of his or her salary, expenses, or other allowances by the Commissioners Court may request a hearing before the Salary Grievance Committee. The Salary Grievance Committee is composed of:

The County Judge, who will be chairman of the committee but who will not be entitled to vote; AND

1. The Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, County Attorney or Criminal District Attorney, and the number of public members necessary to provide nine voting members;
OR
2. Nine public members, if the Commissioners Court votes on the second Monday in January each year to have nine public members.

Any request for a hearing must be in writing, must be submitted within five days after the date the officer receives notice of salary or personal expenses and must state the manner in which he or she is aggrieved, including the desired change in salary or personal expenses. A formal request must be delivered to the Chairman, the County Judge, who will announce the time and place of the hearing, which will be within 10 ten days after the date the request is received.

If, after a hearing, six or more of the members vote to recommend an increase in the officer's salary or personal expenses, the committee shall submit a recommendation to the Commissioners Court in writing. If six to eight members vote to recommend the increase, the Commissioners Court shall consider the recommendation at its next meeting.

If nine members vote to recommend the increase and sign the recommendation, the committee shall deliver its recommendation to the Commissioners Court, the Commissioners Court shall include the increase in the budget before the budget is filed, and the increase shall take effect in the next budget year.

(Legal reference: V.T.C.A., Local Government Code, Chapter 152, Subchapter B).

Any deductions must be approved and authorized by the Commissioners Court. Deductions **will** be made from each employee's pay for the following:

1. Federal social security;
2. Federal income taxes;
3. Court-ordered child support;
4. Texas County and District Retirement System contributions (for regular full-time employees, eligible elected and appointed department heads, and covered part-time employees); and
5. Any other deductions required by law.

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:

1. The portion not paid by the county of group health/medical or dental premiums for the employee or dependents;
2. Supplemental deferred compensation;
3. U.S. Savings Bonds; and
4. Such other deductions as may be authorized by the Commissioners Court.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the County Treasurer the appropriate forms for communicating these changes.

PERFORMANCE-BASED / MERIT INCREASES
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5.06

In any year in which the Commissioners Court sets aside funds for performance-based (merit) increases, the Commissioners Court may determine the manner of distribution of those funds or the Commissioners Court may provide the elected officials and department heads with sole discretion in the manner of distribution of those funds.

However, when the Commissioners Court allows the funds to be distributed at the discretion of the elected official or department head, the elected official or department head,

- (1) may **not** distribute any of those funds to any budgetary line item other than salaries;
- (2) may **not** distribute any of those funds to increase the elected official's or department head's salary;
- (3) may distribute those funds **only** to the employees under the supervision of the elected official or department head;
- (4) must provide the County Treasurer with a written plan (order) of distribution no later than October 1st, or the first working day of the fiscal year. This written distribution order **must** be signed by the elected official or department head and **must** include the employee's name, dollar amount of increase, current pay group and step, and new pay group and step.

A performance-based increase is an advancement to a **higher step** in the same pay group and may **not** exceed one step, and a performance-based increase cannot increase an employee's salary beyond the maximum of the pay group for the position, unless specifically authorized by the Commissioners Court in each instance.

Such increases recognize outstanding performance and may be granted for exceptionally good and consistent performance in the same position. Performance-based increases are not used to recognize increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors or longevity.

All performance-based increases must comply with the rules established by the Commissioners Court regarding such increases.

Approved by Commissioners Court: 09/25/2006

ACROSS-THE-BOARD PAY INCREASES

5.07

During budget deliberations for the forthcoming year, the Commissioners Court will consider and may authorize an across-the-board pay increase. If an across-the-board or cost-of-living pay increase is approved, the increase will be in the form of a percentage.

Each salary amount on the pay schedule and each individual employee's salary are adjusted by the authorized percentage increase.

Approved by Commissioners Court: 06/08/2004

Employees will receive an increase in pay effective the first full period following their 5th anniversary date, and each year following. This increase will be equivalent to one step above their current step, which is a 2% increase.

Employees will need to meet the following conditions to be eligible for their anniversary pay increase:

- 1) They will need to “meet expectations” on a performance evaluation form approved by the commissioners’ court, completed and sent to the Treasurer’s office. (A copy should be filed in the employee’s personnel file)
- 2) They must not have had any disciplinary action during the previous 12 months.
- 3) They must not have had any leave without pay during the previous year, unless the leave was protected under the Family and Medical Leave Act, military duty, or another reason approved by the commissioners’ court.

Anniversary steps will only be applied if approved in the fiscal budget by the commissioners’ court. If anniversary steps have not been approved for the budget year, no employee will receive the specified increase in pay for that fiscal year and will not be entitled to that missed pay increase in subsequent years where anniversary steps are approved.

If an employee’s pay rate has reached the maximum amount of their pay grade, they will not receive any additional anniversary steps, unless the commissioner’s court raises the maximum salary, or the employee is promoted to a higher pay grade.

Anniversary steps must be granted by the appropriate authority before being granted to employees in positions whose salaries are not set by the Commissioner’s Court, i.e., Juvenile department, Auditor’s office, court reporters, district court bailiffs, and any other applicable positions. Salaries that are set apart from the County’s grade and step plan are not eligible for anniversary increases under this policy.

Pay increases will be based on continuous employment. Rehired employees will receive pay increases based on their most recent hire date. Previous service time will not be counted to determine eligibility under this policy.

Approved by Commissioners Court: 09/25/2023
Effective: 10/01/2023

LONGEVITY PAY	5.09
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Upon completion of one (1) year of service, each employee receives longevity pay. Longevity pay is paid at a rate of one hundred dollars (\$100.00) per year of service to the county. This longevity pay is paid as a lump sum on a separate check the first payday in December.

The total amount paid will be determined by years of service as of November 1 of the applicable fiscal year.

Persons whose employment with the County is terminated prior to the longevity payment being made will not receive any longevity pay.

The longevity pay rate is set by the Commissioners Court.

Approved by Commissioners Court: 09/25/2023
Effective Date 10/01/2023

CERTIFICATION PAY	5.10
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The Commissioners Court sets the rate of Certification Pay for full time Peace Officers and Jailers only, employed by Midland County, who receive required certification as follows:

Intermediate Certification for a Peace Officer or Jailer	\$600.00 annually
Advanced Certification for a Peace Officer or Jailer	\$1,200.00 annually
Master Certification for a Peace Officer or Jailer	\$1,800.00 annually

This annual amount is divided by 2080 hours to get an hourly rate, and that additional amount is added to the hourly rate of pay for that employee. Additions or changes in the rate of Certification Pay will always be effective on the first day of a pay period. Elected Officials will not receive Certification Pay for Peace Officers or Jailers.

Approved by Commissioners Court: 10/12/2015

CLASSIFICATION PLAN	5.11
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The county maintains a classification plan which assigns each class of positions to a pay group based on the principle of equity among positions requiring similar knowledge, skills, and abilities, and similar levels of responsibility. The plan also takes into account market rates for similar jobs.

PAY PLAN	5.12
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Pay ranges for each grade are established by a pay plan which is approved by the Commissioners Court.

PAY GROUPS AND STEPS	5.13
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Within the general guidelines of the pay plan and the budget, the Commissioners Court is authorized to determine the appropriate pay group to which each position is allocated and the pay to which each particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the Commissioners Court.

A new employee normally is hired on step one of the pay group to which the position is assigned. A new employee may not be hired above step one without specific approval by the Commissioners Court. In determining an employee's starting salary, the following factors will be considered:

- The applicant's knowledge, experience, and education as compared to the minimum qualifications for the job;
- If the employee is a rehired employee of the county, the previous salary he or she earned prior to leaving employment, as well as additional experience and knowledge gained subsequent to his or her prior service with the county; and
- Any unusual external market factors affecting the job.

A promotion is a change in the duty assignment of an employee that results in advancement to a higher position requiring higher qualifications and involving greater responsibility. The following rules apply to a pay increase due to a promotion:

1. A promoted employee at Step 1 of any pay grade promoting to a new pay grade **will** start at Step 1 of the higher pay grade.
2. A promoted employee at Step 2 and above promoting to the next pay grade **may** receive a pay increase in the amount of difference from one pay grade to the next, plus 1 step (approximately 5%).

Example: A clerk at a Grade 11, Step 3 is to be promoted /to a lead clerk at a Grade 12. He/she will be put a Step 2 (which is a pay increase) plus 1 Step. The promoted employee's salary will be placed at Grade 12, Step 3.

3. A promoted employee at Step 2 and above promoting up more than one pay grade **may** receive a pay increase to the step closest to an approximate 5% pay increase on the higher pay grade.

Example: A detention jailer at a Grade 15, Step 4 is to be promoted to a detention corporal at a Grade 17. The promoted employee's salary will be placed at Grade 17, Step 3.

4. In those instances in which an employee is promoting to a vacant position with more responsibilities in their same pay grade, they **may** receive a pay increase not to exceed one step in that current pay grade **if funds for that step are budgeted**.

Promotions are approved by the elected or appointed department head within the staffing pattern and budget limits authorized and approved for that department by the Commissioners Court and consistent with the classification and pay policies established by the Commissioners Court.

Approved by Commissioners Court: 03/09/2009

LATERAL TRANSFERS

5.16

A lateral transfer is the movement of an employee between positions in the same pay group within the county. Lateral transfers may be made within the same department or between departments.

Lateral transfers may be requested by the employee, the elected official, or department head to whose department the employee will be transferred, and must be approved by the Commissioners Court.

An employee will not receive a pay reduction when making a lateral transfer provided that the employee's current salary is within the range approved by the Commissioners Court for the transfer position and is within the department's annual budget. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and health leave.

Approved by Commissioners Court: 08/24/2009

DEMOTIONS

5.17

A demotion is a change in duty assignment of an employee to a lower paid position.

Demotions may be made for the purpose of voluntary assumption of a less responsible position; as a result of a reclassification of the employee's position; or as a disciplinary measure, because of unsatisfactory performance in a higher position.

Disciplinary demotions **always** involve a decrease in pay.

APPROVING AUTHORITY	5.18
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The Commissioners Court is the approving authority for all payrolls and payroll transfers granted under the terms of

- (1) these policies,
- (2) the classification and pay plans, and
- (3) the annual budget.

The appropriate elected official or appointed department head approves performance-based pay increases provided that funds have been specifically set aside for that purpose by the Commissioners Court.

Any performance-based increases granted by department heads must be consistent with

- (1) these policies,
- (2) the classification and pay plans, and
- (3) the annual budget.

The department head must notify the Commissioners Court of the change(s), which are entered into the court records.

TRAINING/PROFESSIONAL DEVELOPMENT	5.19
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PURPOSE

The Purpose of this policy is to reduce and mitigate risk to save the taxpayers of Midland County potential monetary losses due to accidents, incidents, and other unwanted events. Midland County highly recommends employees view and participate in all available training opportunities for not only growth and development in their own jobs, and for the betterment of Midland County as an organization.

GENERAL

Midland County supports both career-related and job-related professional development activities. Employees are strongly encouraged to take advantage of professional development opportunities and workshops that Midland County provides at no expense of their own, and to assist in the employee’s career growth. It is expected that employees and supervisors mutually agree to discuss professional development issues and opportunities. Elected Officials or department heads may support an employee’s request to participate in a

professional development activity by approving flexible or alternate work schedules, leave without pay, leave at full or part pay, full or part payment of fees and expenses, and temporary or part-time reassignment in another department provided that:

- The employee is in a regular status appointment, and
- The employee's performance is satisfactory.

A. County Approved or Required Professional Development. When an employee is required to attend a development program, the time spent in attendance shall be counted as time worked, and the full fees and related costs, i.e., materials, travel and per diem, etc. shall be paid by the department.

B. Elective Professional Development. When employee requests time off to attend a non-County supported training or professional development program, the time spent in attendance shall be counted as time off or non-compensable, and not subject to reimbursement i.e., materials, travel and per diem, etc. and paid by the employee.

PROFESSIONAL DEVELOPMENT WORK TIME

An employee who wishes to request professional development work time shall develop a written plan for approval by first the immediate supervisor, and ultimately the Elected Official or department head. The supervisor, Elected Official or department head shall approve the work time subject to scheduling, staffing and budget considerations.

A. Professional Development Work Time Plan. For professional development work time requests, the employee and supervisor, Elected Official or department head develops a mutually agreed-upon, written plan that addresses the following:

- (1) A description of the activity or activities to be undertaken by the employee during the work time.
- (2) The requested period for the activity.
- (3) The relation of the activity to the employee's current job responsibilities.
- (4) How the activity may assist the employee's transition into career-related positions at Midland County.

- (5) The quality of the training activity as compared to similar activities, and/or an assessment of the reliability of the institution, organization, or other sponsor providing the training.
- (6) The relation of the activity to the department's mission and goals.
- (7) The impact, if any, on employee workload and the workload of colleagues within the department.

The copy of the approved professional development work time plan is placed in the employee's Elected Official's or Department Head's file.

Approved by Commissioners Court: 08/09/2021

6.00 WORK SCHEDULE AND TIME REPORTING

WORK HOURS	6.01
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Normal working hours for most county employees are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek.

Working hours for regular part-time county employees must total less than 30 hours per workweek.

Morning and afternoon breaks of 15 minutes each may be authorized by the responsible elected official, but, if authorized, this time does not accumulate if not taken, and this time cannot be used to alter an employee's work hours.

Sheriff's Department officers, and Sheriff's Department and Juvenile Department jailers work varying shifts in order to provide services 24 hours each day.

Road and Bridge employees work Monday through Thursday, 7:00 a.m. to 5:30 p.m. with 30 minutes for lunch, for a total of 40 hours per workweek.

Elected officials and department heads may, within the limits of state and federal law, make adjustments to these schedules.

The Commissioners Court encourages that offices remain open from 8:00 a.m. to 5:00 p.m. and during the noon hour to serve the public better. Some employees may have their lunch hours staggered so that the county can provide this service.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established.

(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

Approved by Commissioners Court: 08/23/2021

NUMBER OF HOURS WORKED	6.02
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The Commissioners Court determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the county's budget.

OFFICIAL WORK PERIOD	6.03
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The official work period for county employees is a seven-day workweek beginning at 12:01 a.m. on Sunday and ending at 12:00 midnight on the following Saturday.

EMERGENCY CLOSINGS

6.04

Short-term emergency closings of Midland County offices/departments may be officially declared due to unexpected inclement weather, prolonged power failure, or other emergency situations.

In the event that a situation occurs during non-working hours which would necessitate emergency closings of Midland County offices/departments, local radio and television stations will be asked, by the County Judge's order, to broadcast an official closing modification statement, and the County's Emergency Phone-In Line will reflect the same statement.

If a closing is not officially declared by 7:30 a.m., Midland County offices/departments will operate under normal working conditions.

Approved by Commissioners Court: 03/12/2018

COMPENSATION DURING EMERGENCY CLOSINGS

6.05

When an emergency closing has been officially declared by the County Judges Office, employees will receive regular pay for the hours they were scheduled to work.

When an emergency closing is not officially declared, employees who do not report to work will not be paid, unless the employee elects to use vacation leave for the period not worked. Employees who are not entitled to vacation leave will be docked for the working hours they miss.

If an early emergency closing is officially declared during a workday, all full time employees who are at work will be compensated for their regularly scheduled work day, regardless of the number of hours actually worked. Employees who are not at work will not be compensated unless absent on paid leave.

When an opening of county offices/departments has been officially declared, full time employees who report for work at the established time will be compensated for the normal work day regardless of the number of hours worked. Employees who do not report to work will be charged with vacation leave or docked as appropriate.

Employees who are on prior authorized vacation or sick leave will be charged with the appropriate leave.

Approved by Commissioners Court: 11/14/2022

The county's policy is to allow overtime only when necessary to perform the duties of the county, and when specifically authorized by the department head or elected official. Employees may be required to provide services in addition to normal operating hours including weekends or holidays.

Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA), which is 40 hours per seven-day workweek for non-law enforcement employees and 86 hours per 14-day work period for certain certified law enforcement officers and certified jailers.

Overtime begins to accrue after the 40th hour worked during the seven-day workweek for non-law enforcement employees.

Employees must have the approval of their direct supervisor and/or department head/elected official before working overtime. Working excess hours without approval could result in disciplinary action up to and including termination.

(Legal reference: U.S. FLSA of 1938, as amended.)

Approved by Commissioners Court: 09/25/2023
Effective: 10/01/2023

Department heads and other executive, administrative, and professional employees are **exempt** from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation.

The salaries of these positions are established with this condition in mind. Some additional county positions are exempt from FLSA because of the close relationship of the position and the elected official for whom the employee works.

(Legal reference: U.S. FLSA of 1938, as amended.)

Extra hours worked by executive, administrative, and professional employees and elected officials' closest staff members may be used as a factor in granting or denying paid leave other than vacation or sick leave.

Employees engaged in recreational, seasonal activities which do not operate for more than seven months in any calendar year and meet the other statutory prerequisites are also exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees.

Each county job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by (political appointee) the overtime provisions of FLSA.

Applies to Exempt Employees Only. An employee will be considered to be paid on a "salary basis" within the meaning of these regulations if the employee regularly received each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. An exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work. An employee is not paid on a salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the business. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

There are no partial day deductions for Salaried, Exempt employees, however, deductions may be taken in full day increments.

Deductions from pay are allowed:

- When an employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;

EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION) CONTINUED

6.07

- To offset amounts employees receive as jury or witness fees, or for temporary military duty pay;
- For penalties imposed in good faith for infractions of safety rules of major significance;
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- In the employee's initial or terminal week of employment if the employee does not work the full week, or
- For unpaid leave taken by the employee under the Federal Family and Medical Leave Act.

If an Exempt employee HAS a vacation and/or sick leave balance, the employee may take time in any increments. In an instance where the Exempt employee DOES NOT have enough leave time to cover an 8 hour shift (combination of time worked and time out), the employee may not be docked for a partial day (less than a one day increment), and the situation should be addressed as an attendance issue. The employee will be compensated for the full day.

Approved by Commissioners Court: 02-26-2021

OVERTIME COMPENSATION – NON-EXEMPT EMPLOYEES

6.08

Non-exempt employees are compensated for overtime worked by being given (listed in order of the county's policy preference):

1. Equal time off within the same work period (one week for most employees, 14 days for certain law enforcement officers and jailers); or
2. Payment for hours worked over the applicable threshold at a rate no less than one and one-half times the employee's regular rate of pay.
3. Compensatory time off at one and one-half times the number of hours worked, up to the maximum number of hours which may be accrued (see section of these policies entitled USE OF COMPENSATORY TIME 6.09). Compensatory time must be adopted by the department head/elected official for their entire department before it will be accrued. Notice of compensatory time adoption must be sent in writing to the Treasurer's office.
4. If the employee has exceeded the maximum accrual limit for compensatory time (40 hours for all employees) then payment will be made for the hours exceeding the maximum accrual limit out of that department's overtime budget

Active Shooter Training Exception Effective 10/14/19:

Non-exempt employees who participate in active shooter training that has been previously approved by the Commissioners Court will receive payment for any hours spent participating in the training as follows:

Employees will be paid at straight time **or** time and one-half based on overtime rules for that employee by the FLSA and our current policy concerning overtime.

In order to receive payment, the employee's Department Head or Elected Official must approve of the participation and must notify the Treasurer's Office of the approval in writing prior to the dates of the training. If the Treasurer's Office does not receive notification prior to the dates of training, the overtime will be subject to paragraphs 1-3.

Hours participating in active shooter training must be in addition to regular scheduled work hours to receive compensation.

Example: If your regular scheduled workday is a Saturday, and you participate in the training on that Saturday, you will not be compensated **extra** for those hours spent at the training.

Sheriff's Department, Warrant Services, and Juvenile Detention Departments Exception Effective 09/19/2021:

Certain Law enforcement officers not working in the Detention Facility of the Sheriff's Department or Juvenile Detention Department who work on a 14 day, 80 hour schedule are compensated for overtime worked as follows: If an employee works (vacation, holiday, and sick leave hours are not included) over 80 hours in a 14 day schedule, the employee receives compensatory time at straight time for up to 6 hours (if they worked between 80 and 86 hours), and is compensated at one and one-half times the number of hours worked over 86.

Certain Law enforcement officers and jailers of the Sheriff's Department and Juvenile Detention Department who work in a Detention Facility on a 14 day, 80 hour schedule are compensated for overtime worked as follows: If an employee works (vacation, holiday, and sick leave hours are not included) over 80 hours in a 14 day schedule, the employee is compensated at straight time for up to 6 hours (if they worked between 80 and 86 hours), and is compensated at one and one-half times the number of hours worked over 86.

State or Federal Task Force Exception Effective 11/20/2022:

Certain law enforcement officers working overtime due to work under a State or Federal task force who work a 14 day, 80 hour schedule are compensated for overtime worked as follows: If an employee works (vacation, holiday, and sick leave hours are not included) over 80 hours in a 14 day schedule, the employee is compensated at straight time for up to 6 hours (if they worked between 80 and 86 hours), and is compensated at one and one-half times the number of hours worked over 86.

Pretrial Bonding Department Exception:

Pretrial Bonding employees are approved to be paid at time and one-half for overtime hours worked on weekends in excess of 40 hours per seven-day workweek. Overtime worked Monday through Friday will be treated in accordance with rules 1 and 2 listed in this section. If Pretrial Bonding employees work on a scheduled paid County Holiday, those employees are approved to be paid at time and one half for those hours worked on the Holiday and those hours will be counted as straight time towards their 40 hour workweek.

Elections Office Exception Effective October 1, 2021:

All non-exempt Midland County employees, who are employed by the Midland County Elections office, will be paid overtime hours, directly associated with any election for the hours worked in excess of 40 hours per week beginning 45 days before early voting starts and including election day only, at the overtime rate.

This does not apply to **exempt** Midland County employees working overtime hours during an election. Nor does it apply to non-exempt employees from other departments of the county, who have agreed to work "contract hours" for the election office. ("Contract hours" for the purpose of this policy, are defined as the hours worked by an individual who is not an employee of the Midland County Elections Office, but agrees to assist with the election process for a specified hourly rate of pay, with no change in the hourly rate, regardless of the number of hours worked.)

Emergency Management Exception Effective September 25, 2023:

Employees who are deployed by the state as part of the Texas emergency management assistant team, will be paid their hourly rate from deployment until return. Hours that exceed 40 in a work week will be paid at the employee's one and one-half times regular rate. Payment will be made regardless of the employee's FLSA status when this exception applies. Once the employee returns to their county position, their regular payment and FLSA status will resume.

**Approved by Commissioners Court: 09/25/2023
Effective Date 10/01/2023**

USE OF COMPENSATORY TIME	6.09
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As a general rule, any compensatory time earned should be used before other accrued leave is used.

The maximum compensatory time accrual allowed for all employees is 40 hours.

Upon termination of county employment, the employee will be paid at the employee's regular, straight-time rate of pay for the total number of hours on the employee's compensatory time record at the time the termination occurs.

**Approved by Commissioners Court: 09/25/2023
Effective Date 10/01/2023**

HOLIDAYS WORKED	6.10
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The county's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies.

In most instances, if a regular employee is required to work on a scheduled holiday, or is required to work 40 hours in a week in which a holiday occurs, he or she will be given an alternate day off, accrued in their holiday leave bank, according to the Holiday Leave Policy. (See "Work During Holidays" Section 9.02 for a more detailed discussion of this policy.)

An employee subject to the overtime provisions of FLSA, who is required to work a full 40-hour week during a week in which he or she takes a paid holiday will receive straight-time pay for the hours worked, since a paid holiday is not considered as time worked for the purpose of determining when an employee has reached his or her maximum allowable hours (40 per week for non-law enforcement personnel; 86 hours per 14-day work period for certain certified law enforcement officers and certified jailers) and is subject to overtime pay.

(Legal reference: U.S. FLSA of 1938, as amended.)

Approved by Commissioners Court: 06/28/2021

LEAVE OR HOLIDAYS TAKEN AND OVERTIME	6.11
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If a full-time employee, who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used accrued leave, or there is a declared county holiday or an Officially Declared Emergency closing, the employee will be given either hour-for-hour time off or pay for the extra hours at the employee's regular straight-time rate of pay. Other release times where an employee is given paid time off without using their leave accruals, does not count as time worked, or leave used. An employee who works extra hours during a week with this type of release time does NOT earn hour-for-hour time off or overtime pay for those extra hours.

However, if the extra hours worked are more than the number of leave time hours taken, the employee will be compensated at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken. (See "Work During Holidays" Section 9.02 of these policies for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday.)

Approved by Commissioners Court: 03/12/2018

I. POLICY

Midland County maintains an accurate recording of and proper payment for all time worked by Midland County employees, in compliance with the Fair Labor Standards Act.

II. PROCEDURE

- a. All Midland County employees shall accurately record their hours worked in Midland County's timekeeping system at least bi-weekly. The data recorded in the system shall be considered as the "official" record of time worked and leave taken. The official record will be used to resolve any disputes.
- b. Leave such as vacation, sick and other approved leave shall also be recorded in the timekeeping system.
- c. All employees shall use the timekeeping system.
- d. Non-exempt employees shall use either biometric time clock device or a web access link via the mobile app or computer (for ONLY those employees approved and specifically designated to use them by the Treasurer's Office and I.T.) to "clock in" or "timestamp" at the beginning and end of their workday and as necessary, within the workday, as to appropriately record their meal breaks or approved leave time.
- e. Exempt employees will only record any leave time taken. If an exempt employee works less than 80 hours in a time period, the employee will need to record leave time taken in the timekeeping system.
- f. In the case of clock malfunction or other technological problems, it may be necessary to correct or enter missing data. These changes shall be documented and manually added to the employee's timecard as necessary by a manager/supervisor to accurately report the employees' hours. Any clock or web access malfunctions should be promptly reported to the County Treasurer's Office.
- g. Employees should not clock or timestamp in earlier than 5 minutes before their scheduled start time, unless the employee has supervisor approval for early arrival.
- h. An employee should not clock or timestamp out any later than 5 minutes after their scheduled end time, unless the employee has supervisor approval for working late.
- i. All employees are required to view their timecards to ensure accuracy of their official recorded time. Employee should report discrepancies to their supervisor immediately. All employees are required to approve their timecard at the end of the pay period.
- j. Supervisors or department timekeepers are required to approve their employee's timecards at the end of each pay period. The required deadlines will be specified by the Treasurer's office.

- k. Departmental timekeepers shall ensure that employees and supervisors have accurately completed timecards. At the end of each pay period, departmental timekeepers will "Sign Off"/approve on all employee timecards in the timekeeping system, therefore releasing the recorded data to Payroll for processing.
- l. Departmental timekeepers must perform "sign off"/approval by 10:00 a.m., on the dates specified by the County Treasurer. In the case of holidays, the Treasurer's Office will send proper notification of the amended due time and date.
- m. Falsifying timekeeping records is a serious offense subject to disciplinary action up to and including termination.
- n. Tampering or interfering with a Midland County clock and/or other Midland County timekeeping equipment is considered a serious offense, subject to disciplinary action up to and including termination.
- o. Manual edits to hourly employee timecards should be limited. If a manual edit is performed, then a comment must be added on the in/out punch to explain why the edit was performed.
- p. Managers should limit editing in/out punches to avoid the accrual of overtime. If an employee is punching too early/late, then the employee should be counseled. If the employee continues inappropriately time stamping/punching, then disciplinary action should be considered. Employees can clock in 5 minutes prior to and up to 5 minutes after their shift is supposed to start without incurring potential overtime.
- q. Managers should never edit a punch-in to correct a time entry for employees who are tardy.
- r. Employees should use just enough accrued leave time in their timecards to make their work week or pay period whole.

Midland County supports the practice of expressing breast milk and as described below will make reasonable accommodations for the needs of employees who express breast milk.

COUNTY RESPONSIBILITIES

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive for up to one year:

- A. Milk Expression Breaks- Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use accrued leave or may flex the time as agreed upon with their supervisors.
- B. A Place to Express Milk- A private area (not a toilet stall or restroom) shielded from view and free from intrusion shall be available for employees to breastfeed or express milk.

EMPLOYEE RESPONSIBILITIES

- A. Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the County.
- B. Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's items. Each employee is responsible for the proper storage of her milk. Department owned refrigerators located in break rooms may be used for this purpose.
- C. Breastfeeding employees are responsible for keeping milk expression areas clean.
- D. Employees needing information regarding private locations to express milk may contact their supervisor or the Human Resources Department.

Approved by Commissioners Court: 01/11/2016

7.00 BENEFITS

HEALTH / DENTAL INSURANCE	7.01
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Regular full-time employees are provided general medical, hospitalization, and dental insurance coverage. Employees may obtain coverage under the group plan for family members at their own expense. Employees become eligible for this coverage on the **91st** day of employment.

Retirees may participate in the Midland County insurance plan at a reduced premium rate. They may also carry their spouse and children on the insurance plan. The retiree must make the election to remain in the county insurance plan on or before their last date of employment. Retiree insurance premiums are due in the Treasurer's office during the month prior to coverage.

Approved by Commissioners Court: 06/10/2002

LONG TERM DISABILITY	7.02
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Regular full-time employees working over 30 hours per week are eligible for long-term disability benefits. This benefit becomes effective on the 1st day of the month following six months of continuous employment with the county.

CAFETERIA PLAN	7.03
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All regular full-time employees are eligible to enroll in the supplemental insurance portion of the county cafeteria plan on the 91st day of employment, or annually during an enrollment period for the following plan year of January 1 through December 31. They will not be eligible for enrollment in the Flexible Spending Accounts for medical reimbursement and/or dependent care until the first annual enrollment for the plan year beginning after 1 full year of employment.

Approved by Commissioners Court: 12/13/2004

DEFERRED COMPENSATION PLANS	7.04
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Midland County offers five deferred compensation plans. These plans are administered by Nationwide Retirement Solutions (PEBSCO), Hartford Life Insurance, VALIC, Cargile and Associates, and American Financial Retirement Services (Allianz Life and Jackson National Life). Enrollment in one of these plans can be done at any time after the 91st day of employment.

Approved by Commissioners Court: 08/08/2011

RETIREMENT PLAN	7.05
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The county is a member of the Texas County & District Retirement System (TCDRS). Regular employees are required to become members of TCDRS and are eligible for this benefit immediately upon employment. Temporary employees are not eligible to become members of TCDRS. The county matches 200% of employee deposits and interest at retirement. An employee is vested after 8 years of service.

An employee may retire with full benefits after 8 years of service and attainment of age 60, or after 20 years of service, or at the time the employee qualifies under the "Rule of 75". The "Rule of 75" is defined as when the employee's age combined with years of service (rounded down to whole years) equal to 75 or more.

Approved by Commissioners Court: 11/21/2023
Effective: 01/01/2024

DEATH BENEFIT PLANS	7.06
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There are two (2) types of death benefit plans provided by Midland County to all employees who participate in the Texas County and District Retirement System.

SUPPLEMENTAL DEATH BENEFITS FUND

If an employee dies, his or her beneficiary will receive a lump sum payment equal to one year's compensation, based on the employee's most recent regular rate of pay for the employee's regular position. Midland County pays the full premium to T.C.D.R.S. (retirement plan) for this death benefit.

The total amount of the life insurance coverage under the program for retired employees is \$5,000, paid in a lump sum payment to the beneficiary of the retired employee.

SURVIVOR ANNUITY DEATH BENEFIT

To be eligible for this death benefit, the employee must be a participant in T.C.D.R.S. and must have completed at least four (4) years of service with Midland County. In simplified terms, this plan provides for monthly payments to an employee's beneficiary with optional periods of lifetime, 10 year or 15 year payouts. More detailed information can be found in the T.C.D.R.S. Member Information Guide or by calling T.C.D.R.S. 1-800-823-7782.

Approved by Commissioners Court: 12/13/2004

SOCIAL SECURITY	7.07
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All employees of the county are covered by social security. The county also contributes to the social security system on behalf of each employee.

WORKERS' COMPENSATION	7.08
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All employees of the county are covered by the workers' compensation insurance program, and the county pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries.

Detailed information about workers' compensation benefits is found in the sections of this manual under the main heading **Health and Safety**.

(Legal reference: Article 8306-8309, V.T.C.S.)

UNEMPLOYMENT INSURANCE	7.09
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All employees of the county are covered under the Texas Unemployment Compensation Insurance program, and the county pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

(Legal reference: Article 5221b, V.T.C.S.)

LEAVE TIME	7.10
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Regular full-time county employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of this manual under the main headings **Leave Time** and **Holidays**.

DEFINITIONS	8.01
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- **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
- **Holidays.** Holidays are days designated by the Commissioners Court when county offices are closed on what otherwise would be regular business days.
- **Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or appropriate elected official or department head. Employees are not paid for unauthorized absences and such absences may result in disciplinary action up to and including termination.

APPROVAL OF LEAVE	8.02
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All leave taken by county employees must be approved by the employee's supervisor and the appropriate elected official or department head.

Attendance records are recorded in the Midland County Time Clock automated system. County payroll records are verified against these records.

Elected officials and department heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. Important Note: Leave accruals earned each pay period are not available for use until the following pay period.

In addition, they are responsible for ensuring that all time usage is recorded in the Midland County Time Clock automated system for use by the County Treasurer for payroll purposes.

Approved by Commissioners Court: 09/25/2017

VACATION LEAVE	8.03
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All regular full-time county employees are eligible to accrue paid vacation leave. County employees are encouraged to take regular vacations at least annually.

VACATION LEAVE ACCRUAL**8.04**

Regular, full-time employees earn vacation leave according to the following schedule based on length of service:

Length of Service	Vacation Days
0 through 60 months (5 years)	3.335 hours per pay period, accrued 24 pay periods per year (10 working days per year). Time cannot be taken before the end of the first six months of employment.
Beginning the 1 st full pay period following 61 months through 120 months (10 years)	5.00 hours per pay period, accrued 24 pay periods per year (15 days per year).
Beginning the 1 st full pay period following 121 months through 180 months (15 years)	6.68 hours per pay period, accrued 24 pay periods per year (20 days per year).
Beginning the 1 st full pay period following 181 months and beyond	8.335 hours per pay period, accrued 24 pay periods per year (25 days per year).

If a month has three pay periods, vacation hours will be credited on the 1st and 2nd pay periods of the month. The appropriate number of vacation hours are credited to an employee's account after the 1st and 2nd pay periods of each month beginning with the first paycheck. The maximum vacation leave accrual balance is 240 hours. Should an employee's vacation leave balance reach 240 hours, vacation accrual would continue until the end of the calendar year. However, the maximum number of vacation accrual hours that may be carried forward to the next calendar year beginning January 1st would be 240 hours.

Approved by Commissioners Court: 10/12/2015

Employees who are on a Leave of Absence or Leave Without Pay for any full pay period, do NOT accrue vacation leave during that pay period.

**PAYMENT OF VACATION LEAVE UPON SEPARATION
FROM COUNTY EMPLOYMENT**

8.05

When an employee leaves the services of the county, he or she will be paid for accrued but unused vacation leave. To qualify for payment of vacation leave an employee must have completed a minimum of six months employment with the county.

The rate of pay will be determined by the salary rate in effect at the time of termination.

Approved by Commissioners Court: 07/24/2000

SCHEDULING VACATION LEAVE

8.06

Appropriate elected officials and department heads should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate the county's work schedule.

Provided departmental workloads permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with seniority.

If the desired leave schedules conflict with county requirements, the county's requirements are given first consideration.

A vacation leave request in excess of 10 working days must be submitted by the employee at least two weeks in advance and must be approved by the department head.

MAXIMUM VACATION LEAVE ACCRUAL

8.07

The maximum amount of vacation leave, which can be carried forward, from one year to the next is 240 hours.

Any balance in excess of this current maximum accrual rate is reduced to the maximum without compensation at January 1 of each year, beginning the first January 1 following adoption of these policies.

USE OF VACATION LEAVE

8.08

Employees must notify their supervisor and get permission in advance of taking leave.

Appointed department heads who report to the Commissioners Court must notify the members of the Court at least one day in advance of taking leave. The leave time requested and taken is recorded on the cover sheet of the time sheet as well as on the time sheet.

Accrued vacation leave can be used by a regular employee only after completion of the employee's sixth month (6) of employment.

Approved by Commissioners Court: 03/26/2007

SICK LEAVE	8.09
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An employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness or death of a member of the employee's immediate family who requires the employee's personal care and attention.

For this purpose, immediate family is defined as the employee's spouse, child(ren), parent, step-parent, or any other relative of the employee who resides in the employee's household and/or is dependent on the employee for care.

ACCRUAL OF SICK LEAVE	8.10
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Sick leave accrues at the rate of four (4) hours per pay period, for 24 pay periods per year, for full-time, regular county employees. If a month has three pay periods, sick leave hours will be credited on the 1st and 2nd pay periods of the month.

The appropriate number of hours of sick leave are credited to an employee's account after the 1st and 2nd pay periods of each month, beginning the first paycheck until the employee has reached the maximum.

Employees who are on a Leave of Absence or Leave Without Pay for any full pay period, do NOT accrue sick leave during that pay period.

Approved by Commissioners Court: 10/12/2015

USE OF SICK LEAVE	8.11
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Accrued sick leave can be used by a regular employee, only after completion of the employee's first month of employment.

If an employee is absent with permission because of illness during the first month of employment, the missed number of hours' pay will be subtracted from the employee's regular pay before a paycheck is issued.

Approved by Commissioners Court: 03/26/2007

NOTIFICATION REQUIREMENTS

8.12

Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance.

In all other instances of use of sick leave, the employee must notify his or her supervisor or the appropriate elected official or department head, not later than the time the employee is scheduled to begin work on the first day of absence, unless emergency conditions exist, and must request that approval of sick leave be granted.

Some departments may require earlier advance notification.

The employee must also call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Employees must complete a request for approval of sick leave prior to non-emergency appointments or immediately request for approval of sick leave upon return to work in other instances, as applicable.

Departments must promptly report authorized use of sick leave to the County Treasurer's office with the payroll.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee.

Employees are expected to return to work as soon as their reasons for leaving have been accomplished.

MEDICAL STATEMENT

8.13

When an employee is absent due to illness for three or more consecutive workdays, an elected official or department head may request an employee to furnish, and the employee must provide upon request, written verification by a physician of medical disability precluding availability for duty.

MAXIMUM ACCUMULATION OF SICK LEAVE

8.14

FOR EMPLOYEES HIRED ON OR BEFORE SEPTEMBER 30, 2010:

Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 120 days (960 hours).

Once an employee has reached the maximum of 120 days, he or she does not accrue additional sick leave unless or until his or her sick leave account falls below the 120 days maximum.

FOR EMPLOYEES HIRED OCTOBER 1, 2010 AND AFTER:

Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 60 days (480 hours).

Once an employee has reached the maximum of 60 days, he or she does not accrue additional sick leave unless or until his or her sick leave account falls below the 60 days maximum.

Approved by Commissioners Court: 09/27/2010

EXHAUSTION OF SICK LEAVE

8.15

An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

In the event that all accrued leave has been exhausted, the employee will be required to pay the county portion of health/dental insurance premiums the first full pay period where no paid leave is available.

ILLNESS WHILE ON VACATION LEAVE
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8.16

When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such substitution must be supported by a medical certificate or other acceptable evidence.

BUY-BACK UPON RETIREMENT**8.17**

Employees who were hired on or before September 30, 2010 and retire from service with Midland County after six or more years of continuous service will receive payment for unused sick leave as follows:

6-7 years	10% of unused sick leave
8-9 years	18% of unused sick leave
10-11 years	25% of unused sick leave
12 or more years	33% of unused sick leave

Employees who were hired on or after October 1, 2010 will not receive payment for unused sick leave.

Approved by Commissioners Court: 09/27/2010

MILITARY LEAVE**8.18**

Regular employees 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 a paid leave of absence from the person's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a federal fiscal year.

Requests for approval of military leave must have copies of the relevant military orders attached. The Treasurer's office will verify that the day(s) being reimbursed were normal work days not paid due to military service.

(Legal reference: V.T.C.A., Government Code, Section 431.005)

Approved by Commissioners Court: 9/13/2004

MILITARY LEAVE DURING EXTENDED ACTIVE DUTY	8.19
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Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty.

Following departure on extended active duty the employee will be paid for any remaining days of the maximum 15 not paid previously during the current federal fiscal year. No additional payments will be made during that term of extended active duty. After return to county service the employee will again be eligible for future military leave but always subject to the maximum 15 workdays during any federal fiscal year.

The applicable federal law is 38 USCS §4312, which states the employee is entitled to reemployment after he is released from active duty. §4313 provides that if the person is in service for less than 91 days, he shall be reemployed in the position of employment in which he would have been employed if he had not been called to active service.

If the employee is in the service for more than 90 days, he shall be returned to the position of employment in which he would have been if he had not been called into active service, or a position of like seniority, status, and pay, or a position of employment in which he was employed on the date of the commencement of the service, or a position of like seniority, status and pay.

In other words, if the person would have been promoted to another position if he had not gone into the service, he must be put into that position. If he would not have been moved into another position, he must be reemployed in the position he was in when he went into active service. If the person is in service for more than 90 days, we must either put him in one of those positions, or a position of like seniority, status and pay.

The employee may elect to continue county health insurance coverage for up to 18 months. Should the employee elect to keep this coverage, he/she would be required to pay 102% (Cobra rate) of the premium. However, the employee can discontinue the coverage during his absence and upon return to county employment would NOT be required to complete the 91 days waiting period for the insurance to be active. It would be active immediately.

(Legal reference: V.T.C.A., Government Code, Section 431.005 and Section 613.001-613.005; Fed. 38, U.S. Code Ann., Chapter 43.)

Approved by Commissioners Court: 09/13/2004

CIVIL LEAVE

8.20

Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, for the purpose of voting, and for the purpose of working as a paid election worker in any election conducted by the Elections Administrator of Midland County.

Civil leave for working as an election worker must be approved by the employee's supervisor and the appropriate elected official or department head. Employees must notify the appropriate supervisor within two working days prior to taking civil leave. When an employee has completed civil leave, he or she must report to the county for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

Approved by Commissioners Court: 09/12/2005

PERSONAL LEAVE

8.21

At the discretion of the Elected Official and/or Department Head employees may use up to three (3) days per year as personal leave. Any time used as personal leave will be taken from an employee's sick leave balance. Any leave time used as personal leave requires advance approval by the Elected Official and/or Department Head.

Personal Leave may be used for: personal business, funerals, emergencies, etc.

Approved by Commissioners Court: 01/13/2003

According to HB 2073, and effective June 15, 2021, Midland County will provide paid quarantine leave for employed, appointed, and elected peace officers, detention officers, and other persons covered by Texas Local Government Code Section 180.008, who are employed by Midland County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. Paid quarantine leave will not be provided to any other employees or officials of Midland County.

“Detention officer” means an individual appointed or employed by a political subdivision as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county or municipal jail.

“Health authority” is the appointed Health Authority for the City of Midland.

“Peace officer” means an individual described by Article 2.12, Code of Criminal Procedure.

“Supervisor” is the elected official or department head in charge of the department in which the employee works. In the case of an elected or appointed official, only the health authority may order quarantine or isolation covered by this policy.

A Supervisor may not order quarantine or isolation pursuant to this policy without first confirming with the Health Authority that quarantine or isolation is suggested or required by CDC or Health Authority guidelines.

Off-duty exposures will not be covered under this policy. To be eligible for paid quarantine leave, the employee must identify the source of the possible or known exposure.

Paid leave under this policy will cease when the ordered quarantine or isolation ends.

While on paid quarantine leave, eligible employees will receive:

- A. all employment benefits and compensation, including leave accrual, pension benefits, and health benefits plan for the duration of the leave; and
- B. reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation

While on paid quarantine leave, a qualified individual’s sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance will not be reduced in connection with leave taken in accordance with this policy.

Approved by Commissioners Court: 08/23/2021
Effective: 06/15/2021

Midland County will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. Midland County posts the mandatory FMLA Notice and the DOL supplementary information concerning Military Family Leave in the Midland County Treasurer's Office. Upon hire, Midland County provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Act.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you may contact the Midland County Treasurer's office in writing.

Under this policy, Midland County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Approved by Commissioners Court: 08/10/2009

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for Midland County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The employee must work in a worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Approved by Commissioners Court: 08/10/2009

Under this policy, the definition of family members listed below are: A "child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or an individual 18 years of age or older who is incapable of self-care because of a mental or physical disability. A "spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage. A "parent" refers to an employee's parent.

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below.

- 1) The birth of a child and in order to care for that child.*
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.*
- 3) To care for a spouse, child or parent with a serious health condition (described below).*
- 4) The serious health condition (described below) of the employee.*

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- A period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- Any period of incapacity due to pregnancy, or for prenatal care; or
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,

- Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three

consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what this FMLA policy or under the company's sick leave policy should consult with the Midland County Treasurer's Office.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

FMLA - Type of Leave Covered - CONTINUED

8.32

6) *Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.*

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

Approved by Commissioners Court: 08/10/2009

FMLA - Amount of Leave

8.33

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The 12-month period for eligibility for leave is calculated on an individual employee basis in a uniform manner for all employees. The 12-month period is measured forward from the date any employee's first Family and Medical Leave Act (FMLA) leave begins. An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the 12-month period is measured forward from the date any employee's first FMLA leave begins. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Approved by Commissioners Court: 08/10/2009

Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

Under current County policy, the employee pays a portion of the health care premium for dependents. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail to the Midland County Treasurer's Office. The payment must be received in the Midland County Treasurer's Office by the 25th day of each month preceding the month to be covered. If the payment is 30 days late, the employee's dependent health care coverage may be dropped for the duration of the leave.

If the employee contributes to a supplemental insurance plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave. Payments for a supplemental insurance plan must be received in the Midland County Treasurer's Office by the 25th day of each month preceding the month to be covered.

Approved by Commissioners Court: 08/10/2009

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Approved by Commissioners Court: 08/10/2009

FMLA – Use of Paid and Unpaid Leave
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8.36

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, compensatory leave, holiday leave, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, compensatory leave, holiday leave, personal or sick leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation, compensatory leave, holiday leave, personal or sick leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, compensatory leave, holiday leave, personal or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.

During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation, holiday, or sick leave, or any other type of leave. Upon returning to work after an unpaid portion of an employee's family leave period, an employee receives an adjusted employment date and adjusted anniversary date, which reflect the period of time that the employee was on unpaid family leave.

Approved by Commissioners Court: 10/11/2010

FMLA – Intermittent Leave or a Reduced Work Schedule

8.37

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the elected official or department head and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must reach agreement with the elected official or department head before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Approved by Commissioners Court: 08/10/2009

The County will require certification for the employee’s serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee’s Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>).

The County may directly contact the employee’s health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee’s direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee’s permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County may require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Approved by Commissioners Court: 08/10/2009

The County will require certification for the family member’s serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member’s Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf>).

The County may directly contact the employee’s family member’s health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee’s direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee’s family member’s permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee’s family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County may require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Approved by Commissioners Court: 08/10/2009

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).

Approved by Commissioners Court: 08/10/2009

FMLA – Certification of Health for Military Family Leave

8.41

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

Approved by Commissioners Court: 08/10/2009

FMLA – Recertification

8.42

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Approved by Commissioners Court: 08/10/2009

FMLA – Procedure for Requesting Leave
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8.43

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Midland County Treasurer's Office. Within five business days after the employee has provided this notice, the Midland County Treasurer's Office will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>).

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Approved by Commissioners Court: 08/10/2009

FMLA – Designation of Leave

8.44

Within five business days after the employee has submitted the appropriate certification form, the Midland County Treasurer's office will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH-382.pdf>).

Approved by Commissioners Court: 08/10/2009

FMLA – Intent to Return to Work from Leave

8.45

On a basis that does not discriminate against employees on FMLA leave, the County may require an employee on FMLA leave to report periodically to their supervisor on the employee's status and intent to return to work. Failure to report as required is grounds for disciplinary action.

Approved by Commissioners Court: 08/10/2009

Pregnant Workers Fairness Act (PWFA)

8.45(a)

The Pregnancy Workers Fairness Act (PWFA) is a federal law that requires employers with 15 or more employees to provide reasonable accommodations for the known limitations of a qualified individual related to pregnancy, childbirth, or related conditions, unless it would cause undue hardship.

PWFA complies with all applicable laws requiring accommodating individuals with known limitations related to pregnancy, childbirth, post-childbirth (first 6 months) or related conditions. This is in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission. Midland County does not discriminate against qualified individuals with known limitations related to pregnancy, childbirth, post-childbirth, or related conditions regarding application procedures, hiring, advancement, discharge, compensation, training, reasonable accommodation requests, and other terms, conditions and privilege of employment.

Midland County will reasonably accommodate qualified individuals with known limitations related to pregnancy, childbirth, post-childbirth, and any medical condition related to the employee's pregnancy or childbirth (including, but not limited to;

- lactation or the need to express breast milk for a nursing child
- morning sickness
- medical complications (pregnancy/birth/post-birth recovery/birth complications with baby such as time in the NICU).

Reasonable accommodations can be made unless the requested accommodation results in an undue hardship to Midland County or the request is unreasonable.

Requests need to be made in collaboration with HR and the employees' immediate supervisor (Elected Official, Department Head, Supervisor, Manager, etc.).

Requests should be made at least 30 days in advance (for non-emergency)

Emergency requests can be handled on an as-needed basis.

Examples of reasonable accommodations for pregnancy, childbirth or related medical conditions may include, but are not limited to:

- Allowing for job restructuring;
- Instituting part-time or modified work schedules;
- Instituting flexible work hours (within reason)
- Instituting remote/telework work (within reason)
- Allowing for more frequent breaks;
- Acquiring or modifying equipment, uniforms (including safety apparel), or devices;
- Allowing seating for jobs that require standing or standing in jobs that require sitting;
- Implementing appropriate adjustments to or modifications of examinations or policies;
- Permitting the use of paid leave (whether accrued, short-term disability, or another type of employer benefit) or providing unpaid leave, including to attend health care-related appointments and recover from childbirth;
- Assigning an individual to light duty; and

Qualified individuals may be entitled to reasonable accommodations under the PWFA even if they are not experiencing a pregnancy-related disability, as defined under the Americans with Disabilities Act.

Midland County will not take retaliatory action against an individual who requests or receives reasonable accommodation related to pregnancy, childbirth or related conditions.

PWFA accommodations do not have to run concurrent to FMLA. PWFA accommodation can last over the 12 weeks allocated for FMLA. The PWFA dictates that reasonable accommodation requests can cover the time of conception, birth, and up to the infant's 6-month age mark.

Human Resources is responsible for implementing this policy, including the resolution of reasonable accommodation, collaborating with Supervisors and Employees, and providing professional recommendations for either reasonable accommodations and/or denial of accommodations based on safety and/or undue hardship issues.

***Enacted 6/27/2023
Adopted by Commissioner's Court 5/21/2024***

REQUEST FOR LEAVE WITHOUT PAY IMMEDIATELY FOLLOWING FAMILY AND MEDICAL LEAVE	8.46
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If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension granted will be under the terms set out in the section of these policies headed **Other Leaves of Absence Without Pay**. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

DOCUMENTATION (FMLA)	8.47
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All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files and is accessible to a limited number of persons only on a "need-to-know" basis.

(Legal reference: U.S. Americans with Disabilities Act of 1990.)

ADMINISTRATIVE LEAVE	8.50
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The Commissioners Court may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

LEAVE OF ABSENCE / LEAVE WITHOUT PAY	8.60
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Leave of absence without pay is an approved absence from duty in a non-pay status for not more than six (6) months, unless an extension is approved by the Commissioners Court.

Extensions of leave, including using this type of leave to add to the 12 week limit on family and medical leave, may be authorized by the Commissioners Court in no more than one-month intervals, and a careful review must be conducted prior to authorizing any extension. The reason(s) for granting the extension must be documented in writing in the employee's medical file, as appropriate, if the leave without pay is for medical reasons, or in the employee's personnel file if the leave without pay is for non-medical reasons.

Granting a leave of absence without pay is at the discretion of the elected or appointed department head. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the county at the end of the approved period. Approval of the leave must be documented with a copy of the documentation placed in the employee's personnel or medical file, as set out above.

Employees on leave of absence without pay receive no compensation and accrue no additional vacation leave, sick leave, or any other type of leave. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs or by these policies.

Medical insurance may be continued, if the employee pays the premiums (including the county's portion) in full in a timely manner. The county's insurance company may limit the length of time the medical benefits may be continued.

Approved by Commissioners Court: 12/08/2008

REVOCATION OF LEAVE WITHOUT PAY	8.61
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A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented, or has ceased to exist.

A leave of absence without pay may be appropriate for the following reasons:

- Military service (see also the section on this type of leave);
- Overseas Police service;
- Recovery from extended illness or temporary disability, including using leave without pay in lieu of or to add to the allowable 12-week period of family leave. Pregnancy is treated in the same manner as any other extended illness or temporary disability (see also the section on **Family and Medical Leave**);
- Educational purposes when successful completion will benefit the county;
- Public service assignments;
- Seeking public office;
- Personnel exchange programs which emphasize intergovernmental relations; or
- Any other reason approved by the Commissioners Court, which, in the judgment of the Commissioners Court, merits a leave of absence without pay.

Should any employee be granted a leave of absence without pay and begin drawing a salary equal to or greater than his/her county salary, the employee may continue county health and dental insurance coverage, but will be required to pay the full premiums at the C.O.B.R.A. insurance rates.

If the employee should become covered under any other medical insurance plan, the county coverage will cease and the employee will no longer be covered under the county medical insurance plan.

However, if the employee's family is not covered by the other insurance carrier, the employee's family may remain covered under the county insurance at the C.O.B.R.A. insurance rates.

Approved by Commissioners Court: 09/25/2000

CONDITIONS	8.63
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An employee requesting an unpaid leave of absence must provide the elected or appointed department head and the Commissioners Court with a statement from an appropriate third party. This required statement must include the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed.

In addition, the employee must furnish the county with a written statement from the employee concerning his or her intentions about returning to work at the county. In determining whether or not to approve the request for leave without pay, the department head or the Commissioners Court will consider:

1. the employee's length of service with the county and past performance
2. the department's needs,
3. the prospect for temporary replacement of the employee or reassignment of the employee's duties.

REPORTING REQUIREMENTS	8.64
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An employee on extended leave must contact the appropriate county supervisor at least once each week to report on his or her status unless another schedule is agreed to in writing.

Failure to provide required status reports or to contact the office on the schedule required by the county may result in the county revoking the leave and taking disciplinary action up to and including dismissal.

DOCUMENTATION	8.65
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A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave will be prepared by the department head, the Commissioners Court, or a designee and placed:

1. in the employee's medical file, if the reason for the leave is medical
2. in the employee's personnel file if the reason for the leave is non-medical in nature.

RETURN TO WORK AFTER LEAVE WITHOUT PAY	8.66
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At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. (See also sections on **Family and Medical Leave** and on **Military Leave** for specific provisions relating to leaves of absence for those purposes.)

Approved by Commissioners Court: 11/07/2023

INJURY LEAVE	8.70
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For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see the sections in this manual under the main heading **Health and Safety**.

USING LEAVE IN COMBINATION

8.80

A regular employee who is requesting extended leave to add to family and medical leave beyond the 12-week limit must exhaust all of his or her accrued sick and vacation leave in order to be eligible for leave without pay.

Use of appropriate leave balances may be required as a condition of other leaves of absence without pay. A request for this type of leave without pay must be approved in advance by the Commissioners Court.

If an employee is sick or temporarily disabled for non-work-related reasons, and he or she exhausts accrued sick leave, the county will automatically begin applying any accrued vacation leave credits unless notified differently by the employee.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the appropriate elected official or department head, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of both the county and the employee.

ABANDONMENT OF POSITION

8.81

An unauthorized absence from work, for a period of three consecutive working days, may be considered by the elected official or department head as a resignation.

Approved by Commissioners Court: 09/22/2014

SICK LEAVE POOL POLICY
Approved by Commissioners Court: 12/08/2008

SICK LEAVE POOL POLICY	8.82
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To establish guidelines for the creation and operation of a sick leave pool to benefit county employees who suffer catastrophic injury or illness.

SICK LEAVE POOL DEFINITIONS	8.83
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CATASTROPHIC ILLNESS OR INJURY: A severe condition or combination affecting the mental or physical health of the employee or the employee's immediate family that requires the service of a licensed practitioner for a prolonged period of time. The illness must be of a severity to cause the employee to exhaust all leave and compensatory time earned or accrued by that employee and to lose compensation from Midland County

A catastrophic injury or illness is defined by the Midland County Commissioners Court as including but not limited to:

- Acquired Immune Deficiency Syndrome (AIDS) or other related complicating conditions.
- Amputations, Severe Fractures, Major Injuries, Severe Burns
- Brain Injuries, Coma
- Cancer (when diagnosis has long term treatment plan)
- Spinal Cord Injuries
- Central Nervous System Disorders, Multiple Sclerosis, Muscular Dystrophy, Lou Gehrig's Disease, Guillain-Barre Syndrome
- Cerebral Vascular Accident (CVA) (Stroke, Aneurysm)
- Organ Transplant
- Congenital Abnormalities
- High Risk Premature Infants
- Heart/Lung Disorders
- Liver/Kidney Disorders
- Major surgeries that would be detrimental to withhold and determined to be medically necessary by a licensed physician.
- Other major illnesses or injuries requiring an extended rehabilitation or recuperative period or that require in-patient hospital care, Hospice Care, prolonged outpatient care, or home health care as determined to be medically necessary by a licensed physician and is approved by the Plan Administrator or the Sick Leave Pool Review Board.

Approved by Commissioners Court: 06/28/2010

EMPLOYEE:

Employee means a district, county, or precinct employee with 12 or more months of continuous employment with the district, county or precinct who is paid from the general fund of Midland County, from a special fund of Midland County or from special grants paid through Midland County.

LICENSED PRACTITIONER:

Licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.

IMMEDIATE FAMILY:

Immediate family is defined as those individuals related by kinship, adoption, marriage or foster children, who are so certified by the Texas Department of Human Services, who are living in the same household as the employee. Should the person suffering from the catastrophic illness NOT reside in the employee's household, the person MUST be totally dependent upon the employee for personal care on a continuing basis.

ADMINISTRATION OF THE POOL	8.84
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The Midland County Commissioners Court will designate the Sick *Leave* Pool Administrator who will be responsible for developing rules and procedures for the operation of the pool; and developing forms for contribution to or withdrawal requests from the pool. Upon development of such rules, procedures and forms, the Sick *Leave* Pool Administrator shall submit these items to the Midland County Commissioners Court for approval.

SICK LEAVE POOL REVIEW BOARD	8.85
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The Review Board shall consist of the Plan Administrator and *five* persons, one employee or Department Head (eligible to accrue and use sick *leave*) from each of the following categories:

- LEGAL: County Attorney, District Attorney
- JUDICIAL: District Courts, County Courts-At-Law, Justice of the Peace Court
- LAW ENFORCEMENT: Sheriff, District Attorney Investigator, *Juvenile* Probation, CS&CD
- ADMINISTRATIVE: District Clerk, County Clerk, Tax Assessor/Collector
- SERVICES: Library, Road & Bridge, Information Systems

The decision for denying or approving the use of leave from the Sick Leave Pool, shall be the sole responsibility of the Sick Leave Pool Administrator. However, when the request is outside the specific guidelines of the Sick Leave Pool Plan the Pool Administrator shall at his/her discretion ask the Sick Leave Pool Review Board to review the request and submit a written recommendation to the Sick Leave Pool Administrator.

Should the employee requesting the leave be supervised or employed by, or related to a member of the Review Board, that Review Board member shall be excluded from the Review Board recommendation process.

SICK LEAVE POOL RECORDKEEPING

8.86

The Plan Administrator shall keep permanent records of:

HOURS DONATED TO THE POOL: Date of Donation
 Name of Donor
 Department of Donor
 Number of Hours Donated

HOURS GRANTED FROM THE POOL: Name of Employee
 Date of Request
 Number of Hours Requested
 Number of Hours Granted
 Illness Requiring Leave

REVIEW BOARD DECISIONS: Date of Required Review Board Meeting
 Pool Request Requiring Vote
 Final Decision of Review Board

SICK LEAVE POOL REPORTING

8.87

The Plan Administrator shall provide the Midland County Commissioners Court with a quarterly report of the Sick Leave Pool donations, withdrawals, ending balance and any necessary decisions by the Review Board.

SICK LEAVE POOL GENERAL PROVISIONS

8.88

Any employee of Midland County who is entitled to accrue sick leave and has completed 12 months of continuous service with the County and is eligible to use and to be compensated for personal accrued leave may apply to use leave from the Sick Leave Pool. If an employee is separated from employment with Midland County and then returns to Midland County employment, the employee must complete another 12 months of continuous service to be eligible to use the Sick Leave Pool. Employees may use pool leave for their own personal catastrophic illnesses or injuries as defined by the Commissioners Court or for those of a member of their immediate family as defined above.

Employees seeking to utilize time from the Sick Leave Pool **must** exhaust all accrued sick leave, vacation leave and compensatory leave **before** they are eligible to withdraw leave from the sick leave pool.

Employees will continue to accrue vacation and sick leave while on leave under the Sick Leave Pool. However, accrued personal leave balances **must** be exhausted prior to withdrawal of hours from the sick leave pool.

Employees are not required to contribute sick leave hours into the pool before they are eligible to apply for pool leave.

Employees who use pool leave are not required to pay back such pool leave.

CONTRIBUTING TO THE POOL

8.89

Contributions to the pool are strictly voluntary.

Employees may contribute not less than eight (8) hours or more than forty (40) hours of sick leave to the pool each fiscal year. Leave must be earned and recorded on the books at the time of the contribution. All donations to the pool must be in whole hours only.

Contributions shall be made through the Sick Leave Pool Administrator. Contributions will be accepted to the pool two (2) times each fiscal year. However, should the pool balance fall below a level that would only allow for eighty (80) hours or less available to be granted, the administrator may declare an "Open Season" to accept additional donations of hours to the pool.

Employees leaving the employ of Midland County, who have **not** donated the forty (40) hour maximum in the current fiscal year, **may** donate any portion of their sick leave balance not to exceed the allowable fiscal year maximum, prior to their departure from Midland County service.

Employees who make contributions to the pool may not restrict their contributions for use by a specific person; nor may they restrict their contributions from being used by any specific person.

Employees who contribute to the pool cannot recover that leave unless they are eligible to use the pool due to illnesses or injuries described above.

REQUESTING LEAVE FROM THE POOL

8.90

Employees must apply for pool leave with the Pool Administrator. All requests will be considered by the administrator on an individual first-come, first serve basis. Request for pool leave should be on the form prescribed by the Sick Leave Pool Administrator and must be accompanied by appropriate medical documentation from a licensed practitioner. The documentation must include a physician's statement outlining the injury or illness, treatment required and expected duration of the injury or illness.

The Sick Leave Pool Administrator will have five (5) business days from the date he/she receives a request in which to approve all or part of the request or deny the request.

Leave from the pool may **not** be applied to any date that is more than one pay period prior to the application date. EXAMPLE: If the application date is March 31, 2000, the hours from the pool may **not** be applied to the pay period ending February 15, 2000.

The Pool Administrator will determine the amount of pool leave granted for each catastrophic illness or injury. The amount of the pool leave granted may **not** exceed one-third (1/3) of the balance of available in the pool or ninety (90) days (720 hours), whichever is **less**. The maximum leave granted in any fiscal year is ninety (90) days.

Any unused balance of pool leave granted to an employee returns to the pool. The estate of a deceased employee is **not** entitled to payment for unused pool leave. Exceptions to the sick leave pool policy requirements **may** be made by Sick Leave Pool Review Board, after review of the merits of an individual case. However, exceptions to the following requirements may **not** be granted:

1. Maximum number of hours available to be granted.
2. Twelve (12) month continuous employment with Midland County.
3. Minimum and/or maximum number of hours acceptable by donors.

GENERAL POLICY

9.01

Paid holidays are established each year by the Commissioners Court. The following are normally observed as paid holidays for regular county employees:

- New Year's Day;
- Martin Luther King, Jr. Day;
- President's Day
- Good Friday;
- Memorial Day;
- Independence Day;
- Labor Day;
- Veteran's Day;
- Thanksgiving Day and the Friday following Thanksgiving; and
- Designated Christmas holidays.

CHRISTMAS HOLIDAY SCHEDULE	
When Christmas falls on:	Days off are:
Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday and Tuesday
Wednesday	Tuesday, Wednesday, and Thursday
Thursday	Wednesday, Thursday, and Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

In addition, the Commissioners Court may declare holidays for special events. A list of holidays approved by the Commissioners Court for the current year, specifying days of the week and dates, may be obtained from your department head or the County Treasurer's office.

Temporary employees and part-time employees who work fewer than 40 hours per week are not paid for holidays not worked.

An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the Commissioners Court.

WORK DURING HOLIDAYS**9.02**

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts in an "around-the-clock" operation.

Any elected official or department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday.

When a regular, non-exempt full-time employee is required to work on a holiday, he or she will be compensated as follows:

1. Paid his or her regular paycheck for the period including the holiday, and given an alternative day off.
2. If workload, or lack of staffing, makes it impossible to schedule an alternative day off the holiday time will be accrued, not to exceed 240 hours. Effective January 1, 2012 the maximum allowable accumulation is 96 hours. Once an employee has reached the maximum of 240 hours, or 96 hours effective October 1, 2022, he or she will be paid any time above the 96-hour threshold, should the additional holiday time exceed the 96-hour maximum. This holiday time will be paid out during the next payroll cycle if there are no adjustments.
3. Upon termination of county employment, the employee will be paid at the straight-time rate of pay for the holiday hours accrued.

Temporary employees and part-time employees who work fewer than 40 hours per week are not eligible for holiday pay.

Approved by Commissioners Court: 9-12-2022

HOLIDAYS FALLING ON NON-WORKDAYS

9.03

This section applies to employees who work on shifts other than Monday through Friday.

Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will be paid his or her regular salary amount for the pay period involved, and will receive an alternate day off subject to the procedures described in Section 9.02.

Approved by Commissioners Court: 12/13/2004

HOLIDAY DURING VACATION

9.04

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

SAFETY POLICY	10.01
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It is the policy of the county to make every effort to provide healthful and safe working conditions for all of its employees.

EMPLOYEE RESPONSIBILITIES AND REPORTS	10.02
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Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor immediately, and the supervisor reports the incident to the County Treasurer, who in turn notifies the Workers' Compensation Commission, at least within 24 hours of when the accident occurred. The elected official or department head in charge is responsible for filing a written accident report immediately with the county safety director and the County Treasurer.

The following rules are designed to promote the safety and well-being of county employees and are to be observed by employees at all times:

- No employee may engage in horseplay, wrestling, or practical joking while on duty or operating county equipment;
- Employees should maintain awareness of potential dangerous situations that may cause injury to themselves, fellow employees, or the public;
- Employees must report immediately to their supervisors any conditions that in their judgment threaten the health or safety of employees or the public;
- An employee who is unable to perform his or her duties safely due to illness must promptly notify his or her supervisor; and
- Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries, and must immediately report all injuries to their supervisor unless emergency circumstances exist.

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

EMPLOYEE SUGGESTIONS	10.03
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Employees are encouraged to make suggestions to their supervisors for improvements that would make the county workplace safer or more healthful.

ON-THE-JOB INJURIES - MEDICAL ATTENTION	10.04
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An employee who sustains a compensable, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice within the parameters of the county's health plan. The county encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work to the County Treasurer's office. As determined by the Commissioners Court, at the county's expense, an employee may be required to submit to examination by an independent physician. *(Legal reference: Workers' Compensation Act, V.T.C.S. Article 8308.)*

Approved by Commissioners Court: 03/26/2007

ON-THE-JOB INJURIES - INSURANCE	10.05
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The county provides workers' compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a compensable, on-the-job, work-related injury for more than one week. All workers' compensation insurance claim forms must be submitted to the County Treasurer's office immediately for appropriate action to be taken.

(Legal reference: Workers' Compensation Act, V.T.C.S. Article 8308.)

Approved by Commissioners Court: 03/26/2007

ON-THE-JOB INJURIES - STATUTORY BENEFITS

10.06

Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments, medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s), and/or death benefits.

State law provides that an employee will be eligible for weekly indemnity payments beginning on the eighth calendar day of lost time following an occupational injury. Weekly indemnity payments for compensable injuries are temporary benefits, which will continue until the doctor certifies that the employee has received maximum medical improvement or the employee returns to work. Weekly indemnity payments for compensable injuries are made at 70 percent of the difference between the employee's average pre-injury weekly wage and the employee's earnings after the injury. For employees who earn less than \$8.50 per hour, the rate of payment for the first 26 weeks of temporary benefits is 75 percent of the difference between the employee's average weekly wage before the injury and the employee's earnings after the injury. Under the "low wage earner" provision, temporary benefits cannot exceed 100 percent of the employee's actual wages for the previous year.

Compensation benefits are subject to a seven-calendar-day waiting period. After 14 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation.

Approved by Commissioners Court: 03/26/2007

ON-THE-JOB INJURIES - EXCLUSION
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10.07

Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

(Legal reference: Workers' Compensation Act, V.T.C.S. Article 8308.)

ON-THE-JOB INJURIES - INITIATION OF INJURY LEAVE

10.08

An employee who is put on leave for a compensable, on-the-job, work-related injury will be provided with a copy of the initial report of injury, all supplemental reports, and the Employee Rights and Responsibilities as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the Commissioners Court.

Approved by Commissioners Court: 08/11/2014

ON-THE-JOB INJURIES - COMPENSATION

10.09

If a full-time employee sustains a compensable, on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, that employee may elect to supplement his or her workers' compensation payments with sick and/or vacation leave payments from the county, provided that the employee has adequate accrued sick and/or vacation leave.

An employee receiving workers' compensation payments does **not** accrue vacation or sick leave and is not entitled to receive holiday pay.

Approved by Commissioners Court: 03/26/2007

ON-THE-JOB INJURIES – CONTINUATION OF GROUP MEDICAL AND DISABILITY INSURANCE FOR EMPLOYEE AND/OR DEPENDENT

10.10

To continue medical and disability insurance for the employee and/or the employee's dependent(s) when the employee is on injury leave and no longer receiving a regular county paycheck, the county will continue to pay the county's portion of the employee's medical insurance for a period of time not to exceed 90 days following the employee's injury. Thereafter, the employee must pay both the employee's and the county's portions of these insurance premiums to the county on the schedule established by the County Treasurer's office in order to maintain coverage.

ON-THE-JOB INJURIES – REPORTING REQUIREMENTS

10.11

While on leave because of a compensable, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the County Treasurer's office.

Any change in the employee's condition, which might affect his or her entitlement to workers' compensation payments, must also be reported to the County Treasurer's office. In addition, the injured employee must contact his or her supervisor periodically to report on his or her condition.

Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the elected official or department head is grounds for revoking the employee's leave and for taking disciplinary action.

Approved by Commissioners Court: 08/11/2014

ON-THE-JOB INJURIES – DURATION OF INJURY LEAVE

10.12

The maximum duration of occupational disability or injury leave is six months unless an extension is expressly authorized by the Commissioners Court. Requests for extension may be authorized, after careful review by the Commissioners Court, in no more than 30-day increments.

ON-THE-JOB INJURIES – TERMINATION OF INJURY LEAVE
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10.13

Injury leave with pay may be terminated at any time without prior notice. Evidence that an employee is able to return to work and has not done so will be submitted to legal and medical advisors prior to terminating the leave.

ON-THE-JOB INJURIES – RETURN TO SERVICE
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10.14

A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing, as well as any limitation(s), must be received by the county before an employee may return to work. All employees on injury leave must report to work after approval of either the employee's attending physician or an independent physician paid by the county. Failure to return to work when directed will result in appropriate disciplinary action, up to and including discharge. Written statements must be turned in to the County Treasurer's office.

The employee's supervisor must notify the County Treasurer's office upon the employee's return to duty so that the County Treasurer may resume record keeping for purposes of payroll, benefits, and leave and length-of-service accruals.

ON-THE-JOB INJURIES – TEMPORARY LIGHT DUTY STATUS	10.15
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During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a position is available in which the county can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return to his or her previous job.

An employee who is able to return to work in light duty status is a temporary employee and may be required to work in a different department and perform duties not contained within his or her current job duties. When an employee is assigned to temporary light duty status and performing different duties, he or she will be paid according to the level of pay that he or she would receive for the temporary light duty job if the assignment were the result of a reorganization. A light duty assignment cannot exceed 90 days. In addition, the employee may be eligible for workers' compensation payments in a reduced amount.

ON-THE-JOB INJURIES – INACTIVE STATUS	10.16
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At the end of the initial six-month period after the injury, an injured employee unable to return to regular duty will be placed on inactive status unless an extension of injury leave is expressly authorized by the Commissioners Court. At the time the employee is placed on inactive status, the department head is free to hire or promote a temporary replacement.

Temporary replacements may be used for a period of six months. If at the end of that six-month period the injured employee remains unable to return to work, the temporary replacement may become a regular employee. The injured employee will remain on the county's records in an "inactive" status (not terminated).

When the injured employee has reached maximum recovery, the county will consider the employee for employment in a capacity for which the employee is qualified, if a position is available.

ON-THE-JOB INJURIES – TOTAL DISABILITY/RETIREMENT	10.17
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A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the County Treasurer's office, in consultation with the Commissioners Court, will make the necessary arrangements for the employee's retirement under the "disability retirement" clause of the coverage provided by the county's retirement plan.

ON-THE-JOB INJURIES – REASONS FOR TERMINATION OF EMPLOYMENT DURING INJURY LEAVE
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10.18

An employee may be terminated while on leave for an on-the-job injury for the following:

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician;
2. Failure to accept a "light duty" assignment;
3. Failing to follow prescribed treatment including medical appointments; and
4. Participating in activities, which, according to the county's medical and legal advisor, justify termination because they are injurious to recovery or they do not aid in healing.

ON-THE-JOB INJURIES – FINAL RELEASE
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10.19

At the time of final release of a workers' compensation claim, the employee must furnish the county with a certificate from the employee's physician stating that the employee is able to return to work.

The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s). The county will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held.

If (a) the employee cannot perform his or her previous duties, or
(b) no vacancy exists, or
(c) no other suitable position is available, and
(d) a reasonable effort has been made to place the employee in a suitable position,
then he or she will be separated and paid accrued benefits.

If the employee is separated from county employment at this point, the County Treasurer's office will:

1. Send him or her a certified, return receipt requested, letter;
2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from county employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

Approved by Commissioners Court: 03/26/2007

10.2 DRUG FREE WORKPLACE

DRUG FREE WORKPLACE - PURPOSE

10.20

All Employees-Midland County is committed to protecting the safety, health, and well-being of its employees and all people who are exposed to its workplaces and property. Recognizing that drug and alcohol use pose a direct and significant threat to this goal, Midland County is committed to assuring a drug-free working environment for all of its employees as well as ensure conformance with all state and federal laws pertaining to a drug-and alcohol-free workplace. Each employee will be given a copy of this policy and be asked to sign and return an acknowledgment.

DOT Employees- Midland County must ensure compliance with U.S. Department of Transportation regulations. It is understood that within this policy any references to "DOT employee" refer to U.S. Department of Transportation (DOT) covered employees

Approved by Commissioners Court: 10/27/2014

DRUG FREE WORKPLACE - DEFINITIONS
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10.21

- A. **County Premises/Property** -All county property including buildings, offices, vehicles, lockers, and parking lots, desks, closets, etc.
- B. **Controlled Substances** -Any substance listed in Schedule I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S812) as amended.
- C. **Drug** -A drug is any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
- D. **Drug Paraphernalia** -Equipment, product, or material that is used or intended for use in concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug.
- E. **Illegal Drug** -Any drug or derivative thereof which the use, possession, sale transfer, attempted sale or transfer, manufacture or storage of is illegal or regulated under any law. In addition, a prescription drug used for any reason other than a legitimate medical reason. Included is marijuana or cannabis in all forms.
- F. **Testing**-Is generally defines as a urine, breath or hair follicle test to determine chemical or drug content.
- G. **Under the Influence** - The state of not having the normal use of mental or physical faculties resulting from the voluntary introduction of an alcoholic beverage or a controlled substance.
- H. **Vehicle** - As defined in Texas Transportation Code 541.201

Approved by Commissioners Court: 08/14/2023

- A. The County will provide access to an alcohol/drug abuse education program. As part of that program, information will be provided about the availability of employee assistance program.
- B. Alcoholism and drug addictions are recognized as diseases responsive to proper treatment, and this will be an option as long as the employee voluntarily seeks help before receiving positive test results and continues to cooperate during the process. Employee Assistance Program (EAP) will be made available to assist employees.
- C. The manufacture, distribution, dispensing, possession, sale, purchase, or use of controlled substance, drug, or paraphernalia on company property is prohibited.
 - a. This prohibition does not extend to medications or medical devices possessed and used by an employee pursuant to a valid prescription from a licensed physician.
- D. Being under the influence of alcohol or illegal drugs on County property while representing the County is prohibited.
 - a. Employees are prohibited from consuming intoxicating beverages within four hours of reporting to duty.
- E. Employees who violate this policy are subject to appropriate disciplinary action up to and including termination.
- F. Any employee convicted of drug or alcohol charge must report such conviction to their supervisor within five (5) days of conviction and is subject to immediate termination. The County will notify funding agencies within 10 days as required.
- G. Switching, adulterating or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process is the same as refusal to test and is grounds for termination.
- H. The unauthorized use or possession on County property of prescription drugs or over-the-counter drugs that may alter work performance is prohibited.
- I. Midland County will not allow any employee to perform their duties while taking prescribed medication that are adversely affecting the employee's ability to safely and effectively perform their job duties.

DRUG FREE WORKPLACE – POLICY – CONT'D
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10.22

It is the employee's responsibility to have a written statement from the physician regarding the prescriptions effect on the job performance. When the physician's statement indicates impairing side effects are present, the employee will be directed to take leave, or may be reassigned to an existing vacant non-safety-sensitive position until the use is discontinued.

The policy applies to all employees, DOT and Non-DOT alike, of the County regardless of rank or position and includes temporary and part-time employees.

(Legal reference: U.S. Drug-Free Workplace Act of 1988, as amended; Texas Workers' Compensation Commission Act, V.T.C.S., Article 8308; and Omnibus Transportation Employee Testing Act of 1991, U.S. Department of Transportation 59 FR 7302-7625; effective date: January 1, 1996.)

Approved by Commissioners Court: 10/27/2014

DRUG FREE WORKPLACE - ZERO TOLERANCE

10.23

Any employee who registers alcohol concentration of .02 or tests positive for illegal drugs at any level on any test administered for the County will be terminated. Refusal to take a test or cooperate in taking a test when directed by their supervisor is grounds for immediate dismissal. An employee who refers themselves for an alcohol or drug problem (prior to testing positive) and who wishes to seek counseling, rehabilitation or other assistance will not be terminated and will be referred to the EAP to see a SAP for evaluation at the employee's expense.

An employee who registers an alcohol concentration of .02 or greater will not be subject to discipline under this section if the employee provides adequate proof that the test result was solely due to the consumption of a prescribed or over the counter medication properly taken for a valid illness or medical condition.

The Treasurer's Department or their designee will receive the results of all drug tests and maintain the records under lock and key separate from the employee's personnel file. Results of drug and alcohol testing will only be released to those with a need to know and those required by law.

Approved by Commissioners Court: 10/27/2014

DRUG FREE WORKPLACE - PRIVACY

10.24

The County reserves the right to conduct searches or inspections of an employee's person or personal effects including (without limitation) purses, briefcases and motor vehicles located on County property, based on reasonable cause. The County also has the right to search or inspect County property used by an employee, including (without limitation) lockers, desks, computers, and offices whether secured, unsecured or secured by a lock or locking device provided by the employee, based on reasonable suspicion. Searches of the person shall include the emptying of pockets and the production of other items concealed in clothing. Law enforcement personnel will conduct any further searches. The County may use trained drug detection dogs during random unannounced searches of County property and of employee personal property located on County premises.

The sale, use, purchase, transfer, or possession of an illegal drug or drug paraphernalia is a violation of the law. The County will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search of an individual or property. The County will cooperate fully in the prosecution and/or conviction of any violation of the law.

Approved by Commissioners Court: 10/27/2014

DRUG FREE WORKPLACE - ALCOHOL TESTING
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10.25

Alcohol testing will be conducted either on the county premises or at a specimen collection site. Two breath tests will be conducted to determine if a person has a prohibited alcohol concentration. If the alcohol concentration is 0.02 or greater on the initial test, a second or confirmation test will be conducted before any action may be taken. The county will utilize an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA).

Approved by Commissioners Court: 10/27/2014

A. Pre-employment Testing

Drug testing shall be required of all applicants. Refusal to give written consent for a drug-screening test will disqualify the candidate for consideration for employment. Job applicants will be required to undergo drug testing after a conditional offer of employment has been made and before any work is done.

DOT Employees:

Pre-employment testing is also required when employees transfer to a safety-sensitive position. The County must and will run DOT background checks from previous employers on all employees in safety positions.

B. Reasonable Suspicion Testing

Reasonable suspicion that an employee may be using drugs or alcohol may be cause for drug and/or alcohol testing. Reasonable suspicion exists when specific events or observations point to recent alcohol or drug use.

A trained supervisor, Human Resources, Department Head, or Elected Official will make all documentation. If the necessity for drug and/or alcohol testing of an individual is deemed sufficient by virtue of documented impairment, then the test(s) may proceed based on "reasonable suspicion."

The Department Head will help the employee arrange transportation to the testing facility and home. Upon completion of a drug and/or alcohol test based upon reasonable suspicion, an employee cannot return to work until the results of the test are given to the designated Department representative. The employee is placed on paid leave for the first offense and, unpaid leave for any offenses thereafter, pending receipt of the test results unless the employee desires to take vacation leave or compensatory leave as authorized under the Personnel Policy. Employees are responsible for verifying with the designated Department representative when they may return to regular working duties.

C. Post-accident

Any employee involved in an accident that meets any of the following criteria, must submit to an alcohol/drug test immediately following the accident. If the test results prove positive, the employee will be subject to appropriate disciplinary action up to and including termination.

Drug/Alcohol Testing is required if the following occurred during the accident:

- a. Loss of human life
- b. A citation is received
- c. Bodily injury occurs and results in medical treatment
- d. One or more motor vehicles have disabling damage

DOT- Employees: The Federal Motor Carriers Safety Administration (FMCSA) permits the use of police alcohol breath tests or blood tests in lieu of a motor carrier test where police or medical personnel will make results available.

D. Return-to-duty and Follow-up Testing

Alcohol and/or drug testing will be conducted after an employee has voluntarily sought help (before failing a test), completed an SAP (Substance Abuse Professional) evaluation, complied with any SAP recommended treatment, and before resuming any safety-sensitive duties.

Follow-up testing will be unannounced and at least six tests must be conducted in the first 12 months.

Follow-up testing may be extended for up to 36 months following return to duty as recommended by a substance abuse professional.

(Legal reference: Omnibus Transportation Employee Testing Act of 1991, U.S. Department of Transportation S9 FR 7302-7625; effective date: January 1, 1996).

E. Random Testing

Employees who are authorized to operate County vehicles are subject to random, unannounced test(s) for controlled substances and alcohol. Drug testing may be conducted anytime an employee is working for, or engaged in county functions. Once notified of selection for testing, an employee must proceed immediately to the collection site.

DOT Employees:

- 1.) In accordance with U.S. Department of Transportation regulations, the county will randomly test employees in DOT safety-sensitive positions i.e.: positions that require a CDL and in which an employee operates a vehicle that, weighs in excess of 26,001 lbs.; or is designed to transport fifteen or more passengers (not including the driver); or transports hazardous materials that require placarding.
- 2.) Alcohol/Drug testing may be conducted anytime an employee is working for, or engaged in County functions. Once notified of selection for testing, an employee must proceed immediately to the collection site.

(Legal reference: Omnibus Transportation Employee Testing Act of 1991, U.S. Department of Transportation S9 FR 7302-7625; effective date: January 1, 1995.)

Approved by Commissioners Court: 10/27/2014

Due to Midland County's commitment to employee safety, effective immediately the following policies are applicable to all Midland County employees until further notice concerning a pandemic. Midland County will continue to monitor the situations and provide guidance as more information on the extent and severity of an outbreak becomes available.

Objective: Midland County is and will work with Federal, State and Local authorities to ensure that measures are in place to address the evolving concerns associated with the COVID-19 pandemic and any pandemic. The County recognizes that a pandemic may significantly impact the workforce. It is imperative that essential functions and services are available for our citizens and that the health and safety of our valued employees and their respective family also remain a priority.

Eligibility: All employees, contractors, relief and temporary full-time and part-time. However, the leave guidelines are only applicable to benefits eligible employees.

Emergency Situations

The following policies are all subject to Midland County's policy that addresses emergency situations which is:

Essential Positions – Positions held by employees who provide services that are crucial to ensuring the health, well-being and safety of residents and County employees, as designated by Elected Officials or Department Heads. All positions are designated as essential in emergency situations. In the event of emergency situations, all employees are deemed essential personnel and will be required to report to work or remain on the premises if directed. Failure to do so may result in disciplinary action up to and including dismissal.

Notwithstanding, in general, and at management's discretion, an employee may be asked to telecommute if the job or some components of it can be done off site without disruption to the flow of work and communication. Employees should not assume any specified period for telecommuting, and may be expected to return to regular, in-office work at any time. It is important to note that all Midland County employees are essential employees and can be recalled to the office. However, their in-person attendance at work may not be required during a pandemic emergency.

Employee Wellness

Disinfecting Your Workspace

General Services will ensure a clean work environment, including the regular cleaning of objects and areas that are frequently used by the public, conference rooms, bathrooms, breakrooms, door handles, and railings.

All employees should take steps to reduce the transmission of communicable diseases in the workplace.

Employees are reminded of the following:

- While at work, it is strongly advised to wear a mask when outside of your workstation or office (or if your workspace isn't separated by window or plexiglass), anytime you are unable to social distance, handling community materials, occupying shared workspaces, and/or interacting with the general public.
- Stay home when you are sick.
- Wash your hands frequently with warm, soapy water for at least 20 seconds.
- Cover your mouth with tissues whenever you sneeze, and discard used tissues in the trash.
- When possible avoid face to face contact with persons that are sick with respiratory symptoms.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Clean and disinfect surfaces that are frequently touched (cell phones, desk phones, keyboards, remote controls, countertops, refrigerator and door handles, and personal workspaces etc.).

Social Distancing and Telecommuting

- Elected Officials and Department Heads are encouraged to utilize telecommuting options, where feasible and if necessary.
- Given the current state of technology and limited remote access to critical systems, immediate implementation of telecommuting arrangements may be delayed. However, employees may discuss arrangements to telecommute with their management to explore alternate telecommuting options.
- Elected Officials and Department Heads are responsible for the approval or denial of telecommuting and for monitoring telecommuting necessity and productivity.
- It is the Elected Officials and Department Heads responsibility to ensure the telecommuting arrangements are not abused.
- Cancel or postpone non-essential meetings, gatherings, workshops and training sessions.
- Use the telephone, video conferencing, email or instant messaging to conduct business as much as possible, even when participants are in the same building.
- If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room, and sit at least 6 feet from each other if possible; avoid person-to-person contact such as shaking hands or hugging.
- Follow all Center for Disease Control (CDC) guidelines.

- During a COVID-19 emergency, a special focus for telecommuting is encouraged for people who are vulnerable to COVID-19. Texas Department of Health and Human Services indicates those at high risk of severe illness from COVID-19 are people: over 65 years of age, and individuals with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems, otherwise known as 'high risk' employees. Employees are encouraged to discuss their status thereto with their supervisors.

Staying Home When Sick

Pursuant to the Center for Disease Control (CDC):

- Stay home from work, school, and all activities when you are sick with symptoms, which may include fever, cough, and difficulty breathing.
- Keep away from others who are sick.
- An employee testing positive for the COVID-19 should inform his/her supervisor of any guidance received from the Public Health Department related to himself/herself and others in the workplace. Additionally, the employee is required to contact Human Resources at 432-688-4852, as additional steps may be required pursuant to the Family Medical Leave Act (FMLA). Employees who utilize FMLA as a result of testing positive for COVID-19 will not be allowed to return to work without medical clearance for their own diagnosis or for any family member for whom the employee has provided care (under the FMLA) or completed the proper quarantine parameters as a result of a COVID-19 diagnosis.
- Limit close contact with others as much as possible (about 6 feet).
- If an employee has been exposed to someone that has tested positive for COVID-19, the employee is advised to contact the 68-Nurse phone line for further guidance. If advised to quarantine, and you are not showing symptoms of COVID-19, as Essential Employees please contact your respective Elected Official or Department Head to determine the need to quarantine.
- If a Midland County employee has tested positive for a pandemic-related virus, Midland County will follow the current Center for Disease Control (CDC) guidelines as a reference for the impacted employee to return to the workplace.
- If the Elected Official and/or Department Head is unsure how to address quarantine versus staffing issues, please contact the Emergency Management or Human Resources departments for guidance.

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- For additional guidance as to self-care during this time please follow the CDC guidance at this site:
<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- Follow Midland County's Leave Policy and keep your Elected Official or Department Head informed.
- Employees not reporting to work must notify their supervisor and or another member of their management chain no later than of the start of the work shift.

Vendors

- All contracted personnel and visitors conducting business on Midland County property will be required to adhere to County pandemic policy. Departments requesting or overseeing services are responsible for communication of pandemic practices and our safety procedures.

Approved by Commissioners Court: 09/13/2021

**11.00 USE OF AND ACCOUNTABILITY FOR
COUNTY EQUIPMENT AND PROPERTY**

GENERAL POLICY	11.01
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The county attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

TELEPHONE USE	11.02
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Telephones are to be used for county business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

County employees and officials may not place personal long-distance telephone calls on county telephone equipment unless the charges will be billed directly by the telephone company to the individual's personal account.

Under no circumstances is a county employee permitted to place personal or long distance calls on county-owned cellular or mobile phones. A call to notify family of county requirements to work unscheduled overtime is a county business call.

UNIFORMS	11.03
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Some county departments require employees to wear uniforms. Each employee is expected to keep his or her uniform neat and clean.

Midland County has established a uniform policy for general vehicle, tool, and equipment operations for the safe, effective, and efficient operation of County-owned vehicles or personal vehicles used for business. Employees should be aware that the opportunity to take a Midland County vehicle after hours is a privilege and should be aware that their actions are observed by the public, so please maintain good conduct and driving habits.

No part of a department policy may supersede the Midland County Vehicle, tools, equipment, and property policy. For the duration of this policy use of the term "County Vehicle" means vehicles, tools, and/or equipment owned by Midland County. Violation of any part of this policy may result in disciplinary action, up to and including termination.

Rules for use of County owned vehicles and/or property:

1. County vehicles and property are to be used solely for County business and are not to be used for private or personal use. Excluding peace officers, county vehicles will not be used during outside employment, unless pre-authorized by the Commissioners' Court.
2. County vehicles will only be operated by County employees that are at least 18 years of age. This does not prevent road testing of vehicles being repaired by fleet management or authorized vendors.
3. During vacations or extended periods of absence County vehicles should be parked off the street according to the direction of the Department Head or Elected Official.
 - a. Upon return to work, the employee is responsible for inspecting the county vehicle to ensure no damage has been sustained. Damage shall be reported, **in writing**, to the Department Director or Elected Official **and** the Risk Manager prior to moving the vehicle.
4. All County vehicles shall be secured or locked when unattended.
5. Items, equipment, and alterations not authorized by the Commissioners' Court will not be mounted on or attached to any County vehicle. All equipment alterations, additions, and removals must be made by fleet management or an approved vendor. Any unauthorized alterations, additions, and removals may be deemed destruction of government property and criminal charges may be pursued.

6. Repair to all county vehicles must be made in accordance with purchasing policy by fleet management or other approved vendor.
 - a. All employees assigned a vehicle are responsible for its proper upkeep and maintenance, including regular vehicle inspections to check fluid levels, tire pressure, and overall vehicle condition. Any concerns regarding the vehicle's performance or condition must be promptly reported to the appropriate department head/elected official or fleet management personnel.
 - b. Vehicle accidents are to be reported to the appropriate department head/elected official, Risk Management, and Fleet Management.
 - c. Compliance with this policy and adherence to the established guidelines for vehicle maintenance is mandatory for all employees. Refusal to comply will be subject to Commissioner's County Action.
7. Tobacco product, herbal or clove cigarette, hookah, e-cig, and/or vape use is not permitted in County vehicles.
8. No persons may ride or be transported in County vehicles unless otherwise approved by the Department Head or Elected Official.
 - a. County vehicles will not be used as a primary family car.
 - b. Unless otherwise approved by Commissioners' Court no one other than fleet management, county extension agents, reserve deputies, CIU volunteers, or a county employee be allowed to drive County vehicles.
9. Except for Law Enforcement, employees must reside within a 30-mile radius of the Midland County Courthouse (hereby defined as a work portal), to be assigned a take home County vehicle.
10. To be assigned a Midland County vehicle is a privilege, and not a right, as officials must authorize all take home vehicles. If assigned, priority should be given to those Midland County employees with an on-call status. If there is no on-call status tied to the employee, then it is not recommended for the department to assign a vehicle. Authorization or use may be denied, revoked, or suspended at any time for any reason or for no reason.
11. Except for Law Enforcement, weapons will not be allowed in County vehicles or property at any time for any reason without direct authorization of the County Commissioners' Court or Sheriff. If a weapon is authorized to be carried the person must be licensed to carry said weapon.
12. Employees assigned county vehicles, will be taxed for personal use according to the Internal Revenue Service guidelines. It is the responsibility of the department head or elected official to notify the Treasurer's department when an employee is allowed personal use of a county vehicle so the taxable amount can be applied to the employee's pay. Personal use includes commuting, running errands, or other uses unrelated to county business. Clearly marked law enforcement vehicles, unmarked vehicles used by investigators, or vehicles that are impractical for personal use due to type or size are generally exempt from tax requirements. The Treasurer's office will be responsible for reviewing the IRS guidelines and updating tax requirements as necessary.

Rules for use of any vehicle for Midland County purposes:

1. All vehicles shall be operated in a safe, courteous, lawful manner.
2. Safety belts are always required to be used by all occupants in vehicles in accordance with State Law. No one may ride in a County vehicle without a proper restraint, for any reason.
3. No employee shall engage in negligent or reckless actions, while in a vehicle, which may damage property or injure persons. Employees are responsible for the consequences of their actions.
4. Employees doing county work in a vehicle will not presume any special privileges including but not limited to parking the County vehicle in handicapped areas, reserved, no-parking spaces or zones, fire zones, or other areas not designated for the type of vehicle being driven.
5. Use of a vehicle is strictly prohibited when consuming, or while under the influence of alcoholic beverages, or when it can be reasonably expected that alcoholic beverages will be consumed. The effects of legal prescription or over-the-counter medications on an employee's ability to operate a vehicle should be considered before driving.

Approved by Commissioners Court: 04/02/2024

The Global Positioning System (GPS) tracking of County Vehicles will assist in the efforts to maximize the value of the County's assets while reducing the cost of the vehicle fleet and providing a mechanism to monitor driving activities and behavior. The system will allow supervisors to monitor geographic location, speed, hours of operation and other related data relevant to the vehicles utilization; assist in investigating allegations of misconduct/abuse/traffic violations, and/or auto damage claims; automatically generate reports of vehicles that demonstrate excessive speeds or unusual amounts of idle time.

Employees authorized to operate a county vehicle must sign an acknowledgement form wherein they receive notice that the vehicle that they operate may be equipped with a GPS tracking device, and shall be monitored for geographic location, speed, hours of operation and other related data relevant to the vehicle's utilization. No person other than fleet management employees may install, remove, or alter the GPS on any vehicle. No person other than the commissioners' court or purchasing agent may authorize the installation, removal, or alteration of a GPS.

When approved drivers who take vehicles home are found to be driving on non-work-related business (without prior approval by the Department Head or Elected Official), it is expected that the Department Head and/or Elected Official must provide the Midland County Commissioner's Court with an exception report at the subsequent Midland County Commissioner's Court meeting to discuss revocation of privileges. Any employees found to be in violation of Midland County policy 11.04(a) will also be subject to disciplinary action, up to and including termination of employment.

Drivers are allowed to use the take home vehicle for non-work-related activities that normally occur during the workday, or on the way to work or on the way home from work. These include but are not limited to taking children to school or school activities or daycare, picking up children on the way home, and medical appointments during the workday.

If no departmental exception report is presented to the Midland County Commissioner's Court, a periodic review will be run on behalf of all departments, with anomalies communicated to and in a future Commissioner's Court.

Risk Management will run reports monitoring for geographic location, speed, hours of operation and other related data relevant to the vehicle's utilization. Reports shall be provided to the Department Heads and Elected Officials as requested. GPS tracking may be used to determine violations of the Midland County Policy, which may subject the employee to disciplinary action, up to and including termination.

Approved by Commissioners Court: 05/09/2022

VALID DRIVER'S LICENSE

11.05

All operators of county vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and to keep the department head or elected official informed of any changes in status of their licenses. Elected officials or department heads will periodically check the driving records of all employees who operate county vehicles or are required to use their personal vehicle to conduct county business. Failure to maintain a safe driving record may result in disciplinary action. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator will result in a demotion or discharge.

VEHICLE INSURANCE

11.06

The county maintains up to date insurance coverage on all vehicles owned by the county. Elected or appointed officials or employees who drive a personal vehicle on county business are required to maintain up-to-date automobile liability insurance as required by the State of Texas. All employees will be required to sign an acknowledgement which will be kept on file with the Treasurer's Office. All officials or employees who drive a personal vehicle are required to keep an up-to-date copy of their vehicle insurance on file with the county. Copies for Department heads and their employees will be kept in Human Resources, while Elected Officials can choose to keep theirs in their own office or with Human Resources.

Employees should note their private automobile liability insurance will be primary and the county's liability insurance will be secondary when the employee is driving their personal vehicle on county business.

Approved by Commissioners Court: 03/14/2011

Accident Reporting:

County employees must immediately report all accidents, property damage, and liability incidents, no matter how minor.

IN CASE OF EMPLOYEE INJURY (including traffic and non-traffic related incidents), section 10.02 of this policy also applies. Refer to section 10.26 of this policy for mandatory post-accident drug/alcohol testing.

Immediate reporting procedures are as follows:

- (1) Employee's supervising Elected Official or Department Head;
- (2) -Traffic-related incidents ONLY- Local law enforcement (dispatch or 9-1-1 if an emergency);
- (3) Midland County Office of Risk Management.

A Midland County Accident Damage Report form shall be submitted to Risk Management as soon as possible, but no later than 24 hours post-incident. The Midland County Risk Manager will present all accident / incident reports to the Commissioner's Court monthly, for the prior month, for acknowledgment.

USE OF COUNTY CREDIT CARDS

11.08

Credit cards are issued to authorized employees by their supervising elected official or department head upon approval of Commissioners Court, which will monitor use of the credit cards and will submit documentation of usage to the county auditor's office at the end of each month.

Unauthorized or personal use of county credit cards is strictly prohibited.

SALE OF SURPLUS PROPERTY

11.09

No county employee is allowed to purchase or receive as a gift, county office supplies, equipment, or machinery for personal use other than through surplus property sales via public auction or sealed bid.

CELL PHONE POLICY
Approved by Commissioners Court: 12/08/2008

CELL PHONE POLICY	11.10
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Eligible Midland County Employees now have the option to either have cellular phones provided by the County or to accept a cellular phone allowance. The County provided phone is limited to official Midland County business. If you choose to take the allowance, employee may use phone for both business and personal use. Both policies enforce "open records" policy for Midland County business calls.

COUNTY PROVIDED CELLULAR PHONE	11.11
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Employees are responsible for all calls placed using County cellular phones, including calls made by anyone using the phone.

Cellular phones provided by the County are to be used for official Midland County business. Personal use on County cellular phones should be limited. Employees should promptly reimburse Midland County for any personal use (including air time, associated taxes, and other incurred fees) by sending a check payable to "Midland County" to the County Auditor. Employees are responsible for identifying all personal calls upon request. Audits which reveal an inordinate amount of personal use will be brought to the attention of the Midland County Commissioner's Court who shall be authorized to reconsider the cellular phone privileges to that employee.

Cellular phones may not be used for personal or political gain; illegal, fraudulent or malicious activity; political activity; entertainment (including games, radio, and video); or activity on behalf of organizations or individuals having no affiliation with Midland County.

All cellular phones must be budgeted for during the budget process. All cellular phone charges will be charged to each individual department. The County reserves the right to assign the appropriate usage plan for all County paid cellular phones.

Replacement of damaged, stolen or lost equipment due to employee negligence is the responsibility of the employee.

CELLULAR PHONE ALLOWANCE

11.12

Midland County offers a monthly taxable allowance to cover business related costs for cellular phone services to employees whose duties require the frequent use of cellular phones. The County will not purchase or provide technical assistance for personal cellular phone devices and service plans. Cellular phone service plans purchased with the monthly allowance may be used for both personal and business purposes. All business related information is subject to open records. The allowance is intended to defray the cost of conducting County business and may not cover the total cost of a cellular phone plan or usage. A cellular phone allowance form will need to be filled out and turned in to the Treasurer's Office.

Approved by Commissioners Court: 12/13/2010

CRITERIA FOR CELL PHONE ALLOWANCE
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11.13

The allowance is granted per the following criteria by approval of the Elected Official or Department head taking into consideration the budget approved by Commissioner's Court:

- Job function requires considerable time outside of the office or work area and it is essential to the County that the employee be accessible.
- Job function requires continuous accessibility beyond scheduled or normal working hours.
- Job function requires access to e-mail outside of the office or beyond normal schedule working hours and it is essential for the County that the employee has the ability to receive and send e-mail during those times.
- Not a part-time employee.

ALLOWANCE PAID FOR CELL PHONE

11.14

The allowance will be provided as taxable income to the employee, but will not be considered part of the employee's base salary or considered for calculation of retirement benefits. The cellular phone allowance is processed through the Midland County Treasurer's Office. Cellular phone allowances do not constitute an increase in base pay and will not be included in any percentage calculations for increased base. Payments will be equally divided among Midland County's designated 26 pay periods. No retro payments will be made. Payments will begin the month following submission of the cellular allowance form.

An employee is prohibited from continuing to collect a cell phone allowance when his/her cellular phone is no longer active or needed for the performance of the employee's job responsibilities. Cellular contract termination fees will not be paid or reimbursed by the County. This includes employees who are terminated, quit, or transfer to another office or department, or are moved into another position not requiring use of a cellular phone. The Treasurer's Office should be contacted immediately by the Elected Official or Department head when the allowance is no longer needed.

The allowance is as follows:

- \$36.92 per pay period: Blackberry with Corporate/Enterprise Data Plan, or
- \$36.92 per pay period: Smart phone with data plan that includes Corporate/Enterprise Activesync support, or
- \$23.08 per pay period: Cellular Phone

Proof of plan is required for the cellular phone allowance and an allowance form should be completed and submitted to the Treasurer's Office.

Employee must receive county email and conduct county business on the smart phone in order to participate in the cell phone allowance.

Approved by Commissioners Court: 10/12/2015

PROCEDURE FOR CELL PHONE ALLOWANCE

11.15

- 1) Review the employee's job function to verify justification or request for a cellular phone allowance to be used for County business purposes.
- 2) If it is determined that the employee should receive a cellular phone allowance:
 - Determine the appropriate monthly allowance.
 - Review the department's budget to ensure funds are available for the allowance.
- 3) The Treasurer's Office will maintain and review reports of employees receiving cellular phone allowances and approved amounts monthly.

This policy applies to e-mail used within departments and e-mail used conjointly with the internet, and does not supersede any state or federal laws, or any other County or Department policies regarding confidentiality, information dissemination, or standards of conduct. Generally, e-mail should be used only for legitimate County business; however, brief and occasional e-mail messages of a personal nature may be sent and received if the guidelines are met under General Guidelines for Email (11.17) and Restrictions For Email (11.18).

Information required by the Texas Open Meetings Act and official county business may be sent without permission. Permission from the County Judge's office is required prior to sending emails of a personal nature, involving a non-county sanctioned community event, or other related information. Violation of the E-Mail Policy may subject an employee to disciplinary action including, but not limited to, termination.

Approved by Commissioners Court: 5/21/2024

GENERAL GUIDELINES FOR EMAIL**11.17**

Permission from the County Judge's office is required prior to sending emails of a personal nature, involving a non-county sanctioned community event, and/or other related information. If you are unsure if the information requires permission the best practice is to ask.

Personal use of e-mail is a privilege, not a right. Abuse of the privilege may result in appropriate disciplinary action including, but not limited to, termination. Employees should keep in mind that all e-mail is recorded and stored along with the source and destination.

Management has the ability and right to view employees' e-mail.

Recorded e-mail messages are the property of the County and therefore the taxpayers of Midland County, Texas. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to County records retention.

E-mail signatures, as part of an employee's professional role, in Midland County may only contain the following information:

- Name
- Title
- Department
- Midland County
- Midland County Website
- Office Number
- Work Cell
- Address/Location
- Appropriate Disclaimers
- Logo's related to Official Midland County Business

Employees should be aware that when sending an e-mail message of a personal nature, there is always the danger of the employees' words being interpreted as official agency policy or opinion. Therefore, when an employee sends a personal e-mail, especially if the content of the email could be interpreted as an official county statement, the employee should use the following disclaimer at the end of the message:

"This e-mail contains the thoughts and opinions of (employee name) and does not represent official Midland County policy."

If the content of the e-mail contains sensitive or confidential information the employee may use the following message at the end of the message:

"This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in this message. If you have received the message in error, please advise the sender by reply e-mail and delete the message."

Approved by Commissioners Court: 5/21/2024

RESTRICTIONS FOR EMAIL**11.18**

- Emails of a personal nature, involving a non-county sanctioned community event, and/or other related information that has not received permission from the County Judge's Office.
- Personal e-mail should not impede the conduct of county business; only incidental amounts of employee time – time periods comparable to reasonable coffee breaks during the day – should be used to attend to personal matters.
- Emails of a personal nature, involving a non-county sanctioned community event, and/or other related information should not be written in such a way that employees' words could be interpreted, by a reasonable person, as official agency policy or opinion.
- Emails negatively referencing any of the protected classes under Title VII.
- Racist, sexist, threatening, harassing, or otherwise objectionable language is strictly prohibited.
- E-mail should not be used for any personal monetary interests or gain.
- E-mail should not be used to promote any political monetary interests or gain.
- E-mail should not promote religious favoritism or affiliation.
- Illegal, fraudulent or malicious activity; political activity; religious promotion; or activity on behalf of organizations or individuals having no affiliation with Midland County.

- Employees should not subscribe to mailing lists or mail services strictly for personal use.
- Personal e-mail should not cause the county to incur a direct cost in addition to the general overhead of e-mail.
- Intentional introduction of, or experimentation with, malicious code such as computer worms or viruses.
- Transmission of material in violation of applicable copyright laws or patents.
- The intentional sending of messages that are likely to result in the loss of recipient's work or system and any other types of use which could cause congestion of the network or otherwise interfere with the work of others.
- Generation, storage, transmission or other use of data or other matter which is abusive, profane, or offensive to a reasonable person.
- Passwords used to gain access to non-County Internet sites must not be the same passwords used on any Midland County computer system.
- E-mail signatures, as part of an employee's professional role, in Midland County may not contain the following information:
 - Political campaign slogans
 - Religious affiliated language
 - Threatening and/or harmful messaging

Approved by Commissioners Court: 5/21/2024

This policy applies to any and all forms of use of the Internet but does not supersede any state or federal laws nor any other county policies regarding confidentiality, information dissemination, or standards of conduct. Internet use by Midland County Employees is primarily for legitimate county business only. Violation of the Internet Policy may subject an employee to disciplinary action including, but not limited to, termination. The following conditions also apply to County Internet usage:

GENERAL GUIDELINES FOR INTERNET	11.20
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- Employees should keep in mind that all Internet usage is recorded and stored, along with the source and destination.
- Employees have no rights to privacy with regard to Internet use. Management has the ability and right to view employees' usage patterns and take action to assure that County Internet resources are devoted to maintaining the highest levels of productivity.
- The Internet path record is the property of Midland County and, therefore, the taxpayers of Midland County. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to County records retention.
- Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development.
- Each employee using the Internet shall identify themselves honestly, accurately, and completely (including one's County affiliation and function, where requested). However, criminal investigators, while performing assigned duties involved in a criminal investigation, are exempt from the identification requirement of this policy for security reasons.
- Only those employees or officials who are authorized to speak to the media, to analysts, or in public gatherings on behalf of the County may represent the County within any news group or chat room.

RESTRICTIONS FOR INTERNET	11.21
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- Internet usage is primarily for legitimate county business;
- Accessing, posting, or sharing any racist, sexist, threatening, harassing, illegal or otherwise objectionable material (i.e., visual, textual, or auditory entity) is strictly prohibited, except during an authorized criminal investigation;
- Any use of the Internet that violates current copyright laws is prohibited. The County retains the copyright to any material posted to any forum, news group, chat or World Wide Web page by any employee in the course of his or her duties.
- The Internet may not be used for any personal pecuniary interests or gain;
- Internet usage should not involve partisan party politics;
- Employees will not subscribe to mailing lists or mail services for personal use;
- Employees will not participate in electronic discussion groups (i.e., list server, Usenet, news groups, chat rooms) for personal purposes;
- Employees may not use the Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect privacy or security of another user;
- Employees shall not use the Internet to view videos or to listen to music or radio stations;
- The Internet may not be used to harass employees, vendors, customers, and others;
- Employees may not use county facilities to download or distribute pirated software or data;
- Employees may not use the county's Internet facilities to deliberately circulate any virus, worm, Trojan horse, or trap-door program code;

RESTRICTIONS FOR INTERNET – CONTINUED
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11.21

- The County's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, or other local jurisdiction in any material way;
- The release of misleading, distorted, untrue, or confidential materials regarding County business, views, or actions is prohibited;
- The use of an alias while using the Internet is prohibited, except during an authorized criminal investigation. This includes;
 - The sending of anonymous messages;
 - The misrepresentation of an employee's job, job title, job description, or position within the County;
- Files may not be downloaded from the internet until a request has been made to and approved by the IT Department.
 - Any software or files downloaded via the Internet into the County's network become the property of the county.
 - Any such files or software may be used only in ways that are consistent with their licenses or copyrights.
 - Employees with Internet access may not use the County Internet facilities to download entertainment software or games or to play games against opponents over the Internet.
 - Employees with Internet access may not use the County Internet facilities to download images or videos unless there is an explicit business-related use for the material.
 - Employees with Internet access may not upload any software licensed to the County or data owned or licensed by the County without explicit authorization from the Director of Information Systems.

SOCIAL NETWORKING

11.22

The use of social media presents certain risks and carries with it certain responsibilities. These guidelines include but are not limited to instant messaging, texting, Facebook, MySpace, blogs, chat rooms, YouTube, Integra, LinkedIn and Twitter, whether or not associated with Midland County.

When no guideline exists, we expect employees to use their professional judgment and be prudent.

1. **Off-duty** - The County considers social media activities to be a personal endeavor, and employees may use them to express their thoughts or promote their ideas as long as they do not conflict with County policies or business. Employees should use social media on their own time using their own facilities and equipment. Employees must ensure that social media activities do not interfere with their work. All County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to harassment, code of conduct, and confidentiality.

2. **On-duty** - Employees may not engage in social media activity during work time, unless it is work related and the Department Head/Elected Official approves it. The County monitors employee use of County computers, telephones, and the Internet.
3. **County Identification and E-mail** –The County prohibits employees from using their County e-mail address to register on social networks, blogs, or other online tools. Unless given written consent from their department head/elected official, employees are not to use the County's logo, individual department logos, link to the County's website, or post County material.
4. **Representation** - Under no circumstances should an employee represent themselves as an official spokesperson or representative of Midland County or any County department. If posts on social media mention the County, its services, employees, or customers, employees are required to make clear that the views posted are the employee's alone, and do not represent the views of the County.
5. **Confidentiality** - Employees may not identify, reference, post pictures or videos of County clients, customers, co-workers or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential, personal, private, or proprietary information. Remember not to violate copyright laws and privacy policies.
6. **Respect** – Midland County expects employees to demonstrate respect for the County, its customers, vendors, and employees. A social media site is a public place so avoid ethnic slurs, personal insults, obscenity, or foul language. Even if a message is anonymous, it may be possible to trace it back to the sender.
7. **Accountability** - Ultimately, employees are responsible for their own social networking media activity and are solely responsible for any liability created by posting any defamatory or untruthful information. As such, employees will be responsible for the information they share and must exercise caution. Remember that anything posted may be publicly available for an indefinite period (even with attempts to modify or delete it).
8. **Disciplinary Action** - Any violation of this policy, including activity that occurs outside the workplace, is subject to discipline up to and including termination. Midland County prohibits taking negative action against any employee for reporting a possible policy violation or for cooperating in an investigation, and is subject to discipline up to and including termination.

Approved by Commissioners Court: 09/22/2014

12.00 DISCIPLINE

GENERAL	12.01
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Employees of the county serve "at will" and, within the requirements of state and federal law regarding employment, can be dismissed at any time, with or without notice for any reason or no reason. Some of the actions that may result in discipline include, but are not limited to, the following:

- Insubordination;
- Absence Without Leave or Excessive Absence including absence without permission, failure to notify a supervisor of sick leave, repeated tardiness, or early departure;
- Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;
- Use of Alcohol or Illegal Drugs while on duty or in a county vehicle;
- Alcohol or Drug Abuse which may affect the performance or safety of the employee or other persons;
- Involvement with Alcohol or Drugs in the workplace in violation of the county's Drug-Free Workplace Policy;
- Unauthorized Use or Theft of Public Funds or Property;
- Conviction of a felony, or class A or B misdemeanor;
- Conviction of Official Misconduct, oppression, or perjury;
- Falsification of Documents or Records;
- Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- Unauthorized or Abusive Use of Official Authority;
- Violation of the Sexual Harassment Policy;
- Incompetence or Neglect of Duty;
- Disruptive Behavior which impairs the performance of others; or
- Other Violation of any of the Requirements of these Personnel Policies or any departmental policies not in conflict with these policies.

An elected or appointed department head may take disciplinary action, including dismissal, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. The county may, but not necessarily will, use a progressive discipline system.

The progressive discipline includes, but is not limited to, the following:

- Oral Warnings with records of each warning maintained by the appropriate elected official or department head;
- Conference with Elected Official or Appointed Department Head, employee, and supervisor, with a written summary of the conference to be prepared by the supervisor, with one copy to the employee and one copy to the employee's personnel file;
- Written Reprimands which the employee's supervisor must in all cases cause to be transmitted through the elected official or department head to the employee's personnel file;
- Reduction in Pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances;
- Demotion; and/or
- Separation by involuntary dismissal.

Actions other than oral or written warnings require the advance approval of the appropriate elected official or department head, normally in consultation with the County Human Resources Director, unless an emergency situation exists.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see the following sections of this manual relating to **Separations**.

Approved by Commissioners Court: 12/08/2008

13.00 SEPARATIONS

TYPES OF SEPARATIONS	13.01
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All separations of employees are designated as one of the following types:

- Resignation;
- Retirement;
- Reduction in Force;
- Dismissal;
- Disability; or
- Death.

RESIGNATION	13.02
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An employee who intends to resign is required to notify his or her supervisor in writing at least ten (10) working days prior to the last day of work. The supervisor is responsible for notifying the appropriate elected official or department head immediately.

Approved by Commissioners Court: 12/29/2020

RETIREMENT	13.03
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The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice is required to start retirement payments promptly.

Contact the Texas County and District Retirement System, or the County Treasurer's Office for additional information on retirement.

Approved by Commissioners Court: 12/29/2020

REDUCTION IN FORCE

13.04

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering

- (1) the relative necessity of each position to the organization,
- (2) the performance record of each employee,
- (3) qualifications of the employee for remaining positions with the county, and
- (4) the employee's length of service with the county.

DISMISSAL

13.05

Midland County operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason.

The county will attempt to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute an or imply a contract, agreement, promise, or guarantee of employment or of continued employment.

The county has the right to change these policies at any time, without prior notice to employees.

DISABILITY	13.06
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In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the county to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the county, the employee will be separated from employment with the county. *(Legal reference: U.S. Americans with Disabilities Act of 1990.)*

(See sections of this manual under the main heading of **Health and Safety** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.)

DEATH	13.07
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If a county employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

EXIT INTERVIEWS AND RECORDS	13.08
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During a Midland County employee's separation (including transfers), each employee is required to complete exit paperwork in the Midland County Treasurer's Office. Although an elected official or department head may conduct an exit interview within their department, Human Resources will conduct a final and confidential exit interview at the separation of an employee.

Elected officials and department heads are asked to allow a separating employee to set an appointment with Human Resources around their last day of employment to do the exit interview. This interview will include reasons for separation, future job plans, etc. Interviews will use an approved Midland County Exit Interview Form and be signed by the leaving employee and the interviewer. This form will not become a part of the employees personnel file. In cases where employees did not report for their interview, a printed form, return envelope, and instruction letter will be mailed to their last known address.

Human Resources will submit an exit interview report to the Commissioner's Court on a regular basis. This Report will include, statistics regarding the number of employee departures and their primary reasons for leaving, an analysis of any trends suggested in the interviews, and any actions Human Resources feels necessary to address concerns identified through the interviews.

If a Human Resources employee is separating, the exit interview will be conducted by the Treasurer's Office.

Approved by Commissioners Court: 08/11/2014

CONTINUATION OF GROUP INSURANCE
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13.09

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health and dental insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate. Insurance information from the county's group insurance carrier is given each employee at the time of employment and explains these options under the county's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance information distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the County Treasurer's office of any change in family status separation, divorce, or a child becoming eligible or ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for county-supplemented group insurance, the county will provide an "Insurance Coverage Continuation Form" to be completed by the appropriate person(s). In order to qualify for continued coverage, specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

(Legal reference: U.S. C.O.B.R.A. of 1985.)

If the affected person's payment for continuation of group health insurance is not received by the 25th of the month, the county will notify the insurance carrier that the payment was not received. If this occurs, the county will neither pay the person's premium nor enter into payment arrangements for this coverage.

PAY AT SEPARATION

13.10

Employees who are separated from employment with the county will normally be paid on the next regularly scheduled payday. Any unused leave accrued will normally be paid after the first full pay period following separation. Sick leave accruals are paid at separation according to Section 8.17 of these policies.

Approved by Commissioners Court: 6/12/2023

14.00 GRIEVANCES

POLICY	14.01
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It is the policy of the county, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A grievance may be filed by a regular employee on one or more of the following grounds: improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin; improper application of fringe benefits; or improper working conditions.

The county follows a progressive grievance procedure which ensures regular employees due process in the county's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

Approved by Commissioners Court: 08/24/2009

FINAL AUTHORITY	14.02
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Grievances can be appealed through the employee's supervisor to the appropriate elected official when an elected official is the department head. If the department head is appointed by the Commissioners Court, the matter may be appealed to the Commissioners Court, whose decision is final.

If the grievance alleges either discrimination on the basis of race, age, gender, religion, color, disability, national origin, or sexual harassment, and the matter is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the Commissioners Court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or department head.

PROCEDURE	14.03
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The following procedures are applicable to regular employees. For procedures to be followed in the event of a grievance by an elected county official, see Chapter 149, Sec. 152.014, Local Government Code.

PROCEDURE – INFORMAL GRIEVANCES	14.04
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The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another county employee of his or her choosing or by a representative of the organization representing the employee.

After being presented with a written and signed grievance, the supervisor will (1) meet with the employee and such other persons as may be necessary to gather the facts; (2) notify the elected official or department head; (3) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (4) communicate the decision to the employee in writing within 10 working days after receipt of the grievance, sending a copy of the proposed resolution to the elected official or department head.

If an employee whose supervisor is someone other than the elected official or department head either receives no written resolution from the supervisor within 10 working days from the date the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the elected official(s) or department head within 10 working days. The elected official(s) or department head will review the facts and the file, and will investigate the charges personally or through a committee or a designated person; and the person(s) conducting the investigation will meet with the parties involved. The elected official(s) or department head will respond in writing to the employee within 10 working days of the date the appeal was received in the elected official's or department head's office.

If the department head is appointed by the Commissioners Court, and the employee either receives no written resolution from the department head within 10 working days from the date the grievance was appealed to the appointed department head, or if the employee is not satisfied with the appointed department head's proposed resolution of the matter, the employee must file a written appeal with the Commissioners Court within 10 working days. The Commissioners Court will then review the facts and the file and conduct an investigation if deemed appropriate before rendering a decision in the matter. The Commissioners Court's decision is final.

GRIEVANCES – DOCUMENTATION

14.06

Copies of all documentation relating to the grievance will be forwarded to the County Human Resources' office immediately upon conclusion of each step in the grievance process.

Approved by Commissioners Court: 08/24/2009

GRIEVANCES RELATING TO SEXUAL HARASSMENT OR DISCRIMINATION

14.07

Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the elected official or department head, or to the Human Resources Director, as appropriate. In such an instance, to allow adequate time for investigation by the appropriate authority, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.

If a grievance alleging either discrimination on one of the prohibited grounds or sexual harassment is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the Commissioners Court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or department head.

Approved by Commissioners Court: 08/24/2009

REQUIREMENT FOR APPEAL IF DISSATISFIED

14.08

If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest resolution.

15.0 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS

JOB DESCRIPTIONS	15.01
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The Commissioners Court adopts and periodically may revise an official job description for each position in the county. The County Human Resources maintains the official set of Job Descriptions with all revisions for reference by employees.

Approved by Commissioners Court: 12/08/2008

DISTRIBUTION	15.02
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The job description for each employee's position will be

- (1) given to the employee,
- (2) reviewed by the employee, and
- (3) placed in the employee's personnel file along with a signed certification statement that the employee has reviewed it.

Approved by Commissioners Court: 12/08/2008

REQUESTS FOR CLARIFICATION	15.03
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In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position which he or she occupies.

16.00 EMPLOYEE FILES

GENERAL	16.01
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Personnel files will be maintained by each Elected Official that the employee reports to.

Human Resources will maintain personnel files for employees that report to Department Heads.

Payroll and medical records are maintained confidentially by the County Treasurer or his/her designee.

Information in an employee's personnel file is public information and must be disclosed upon request, unless specific items are excepted from disclosure by law.

No information from any record placed in an employee's payroll file will be communicated to any person or organization, except by the County Treasurer or an employee authorized to do so by the County Treasurer.

Each employee may choose whether the county discloses the employee's home address and telephone number to the public on request.

If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. However, employees may change their election for disclosure or confidentiality at any time.

A form for designating this information as confidential or public is available from the County Treasurer's office. (*Legal reference: Texas Open Records Act, V.T.C.S. Article 6252-17a.*) This form is kept in the payroll file and a copy should be kept in the departmental employee's personnel file.

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. An employee may not remove anything from his or her personnel file. The written request will be kept in the employee's personnel file.

Employees must inform their direct supervisor of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information. Employee must also notify the County Treasurer of any changes in their personal information that directly relates to their benefits and/or payroll information.

Approved by Commissioners Court: 08/24/2009

The Personnel Action Form is the official document for recording and transmitting to the payroll file each personnel action. The form is approved by the Commissioners Court as a matter of record and remitted to the Treasurer's office. This form is used to promote uniformity in matters affecting:

- Employment Category;
- Position Title and Classification;
- Pay Group and Step; and
- Other Actions Affecting the Employee's Status.

The Personnel Action Form is completed before or on the employee's first day of work and is updated when there is any change in his or her status which relates to employment or benefits.

Each Personnel Action Form becomes a permanent part of the employee's payroll file. A copy should be kept in employee's personnel file.

Approved by Commissioners Court: 01/11/2010

Elected officials and department heads must provide to the treasurer, in writing, appropriate payroll and employee information as a condition of hiring or promoting a person into a budgeted position.

An employee's official payroll file will be kept in the Treasurer's Office and may contain at least the following:

- Personnel Action Form (original);
- I-9 form along with copy of driver's license or Texas State ID and social security card;
- W-4 form;
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Signed copies of the employee's acknowledgments of having received a copy of the Personnel Policies Manual and any other policy-related materials;
- Texas Employer New Hire Reporting Program Form (original);
- Direct Deposit Form;
- TCDRS Employee Information and Beneficiary Designation Form; and
- Request to review payroll file letter from Employee.

An employee's official medical/benefit file will be kept in the Treasurer's Office and may contain at least the following:

- Medical/Dental Plan Enrollment/Change form;
- Personal Representative(s)/Responsible Party Designation;
- Cafeteria Plan Enrollment;
- Drug Screen Release and Results;
- Medical/Dental Checklist Affidavit;
- Worker's Comp forms and information;
- Doctor's Releases/Notes;
- Pre-employment Physical; and
- Accident Report.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the County Treasurer has routine access to employee medical records.

(Legal reference: U.S. Americans with Disabilities Act of 1990.)

An employee's official personnel file will be kept in the respective department if reporting to an Elected Official. If the employee reports to a Department Head the file will be located in the Human Resources Department and may contain at least the following:

- Employee Information Sheet with Emergency Contact Information;
- Employee's application for employment and all interview notes;
- Court order for appointees;
- Employment offer letter and acceptance;
- Signed copies of the employee's acknowledgments of having received a copy of the Departmental Policies and any other policy-related materials;
- Employee's job description(s) and acknowledgment of having received a copy of the job description;
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of disciplinary action(s);
- Performance evaluations;
- Any other pertinent information having a bearing on the employee's status;
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file; and
- Request to review personnel file letter from Employee;
- Per Policy 11.07 Copy of Accident Report; and
- Per Policy 11.05 and 11.06 Copy of Driver's License and Personal Auto Insurance.

Approved by Commissioners Court: 01/11/2010

LEAVE RECORDS	16.04
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The County Treasurer or his or her designee keeps official records of vacation leave and sick leave accrual and of leave usage for each employee.

Leave records are updated at the end of each pay period.

Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

17.00 TRAVEL POLICY

Approved by Commissioners Court: 12/08/2008

EDUCATION AND TRAINING	17.01
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Expenses incurred by a Midland County Official or employee for educational seminars, conferences or meetings applicable to his/her required job duties and responsibilities.

TRAVEL	17.02
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Travel expenses incurred by a Midland County Official or employee associated with the transporting of prisoners or probationers, criminal investigations, warrant service or other official county business.

ALLOWABLE TRAVEL EXPENSE	17.03
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Only those expenses defined within the adopted travel policy as reimbursable to traveling county employees.

ACTUAL EXPENSE	17.04
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The actual cost of any allowable travel expense supported by original receipts or documentation.

AUTHORIZED SIGNATURE	17.05
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The signature of an Official, Department Head, or an employee, authorized to approve claims on behalf of a county official, whose authorization is on file with the County Auditor.

OFFICIAL COUNTY BUSINESS	17.06
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Business in which an Official or employee's participation is recognized by the Commissioners Court as being official business of the county.

TRAVELING COUNTY EMPLOYEE	17.07
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The Official or employee traveling on official county business who incurs allowable travel expenses reimbursable by the county.

TRAVEL EXPENSE REPORT	17.08
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The expense form required to report ALL allowable travel incurred in connection with official county business is to be submitted to the County Auditor for reimbursement of travel expenses.

TRAVEL ADVANCE REPORT	17.09
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The form required to request a travel advance. This form must be received by the County Auditor in compliance with the posted accounts payable schedule. Based on the Local Government Code, Midland County will no longer process emergency check requests.

COUNTY PROJECT	17.10
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A county project is defined as a project authorized and managed by the Commissioners Court which is to be paid for by funds that have not been allocated to a separate department.

MAXIMUM ECONOMY AND EFFICIENCY	17.11
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County Officials and Department Heads should plan the out-of-county travel for themselves and their employees to achieve the maximum economy and efficiency. The purpose of the travel should be the same as that travel approved in the departmental budgets in any particular fiscal year. ONLY travel expenditures related to **OFFICIAL COUNTY BUSINESS** are allowable for reimbursement.

ACCURACY AND VALIDITY	17.12
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It is the responsibility of the County Official or Department Head to insure that all Travel Expense and Travel Advance Reports are properly completed and signed by the traveling county employee and to attest to the accuracy and validity of the reported travel expenditures.

TRAVEL ADVANCES

17.13

If a travel advance is requested, it is the responsibility of the Official or Department Head to insure that the form is prepared and forwarded to the County Auditor within the time restrictions set out on the travel advance form. When the person receiving the travel advance returns to the county, it is the responsibility of the Official or Department Head to submit the Travel Expense Report within fifteen (15) days. If after thirty (30) days the Travel Expense Report has not been submitted, the County Auditor may authorize the County Treasurer to hold the employee's next payroll check until the Travel Expense Report and supporting documentation is received by the County Auditor.

REIMBURSEMENTS FROM OTHER AGENCIES/ASSOC.
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17.14

It is the responsibility of the County Official or Department Head to insure that claims for reimbursements due from other agencies or associations are submitted directly to the reimbursing entity by the traveling county employee. This reimbursement should be deducted from the total travel expenses to determine the net amount due to (from) the employee and a copy of the reimbursement form should be submitted with the Travel Expense Report.

ORIGINAL RECEIPTS AND INVOICES

17.15

It is the responsibility of the person traveling on official county business to keep original invoices and receipts for all transportation and lodging costs.

COMPLETION/SUBMISSION OF TRAVEL EXPENSE REPORT

17.16

It is the responsibility of the traveling employee to complete all information requested on the Travel Expense Report and to submit this report to the County Auditor's Office with all required receipts and substantiation.

CONFERENCE PROGRAM AGENDAS

17.17

It is the responsibility of the traveling employee to obtain copies of conference program agendas as supporting documentation and submit these with the Travel Expense Report.

SUBMISSION OF TRAVEL EXPENSE REPORT
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17.18

It is the responsibility of the traveling employee to reflect ALL expenditures related to the official county business including transportation, lodging, meals and registration fees on the Travel Expense Report. Expenditures directly billed to Midland County, travel advances or reimbursements from other agencies or associations should be netted from the total travel expenses to determine the net due to (from) the employee.

AGENCY/ASSOCIATION REIMBURSEMENTS
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17.19

It is the responsibility of the traveling employee to obtain reimbursements directly from agencies or associations when provided and submit a copy of the reimbursement form with the Travel Expense Report.

COMMISSIONERS COURT AUTHORITY

17.20

Section 152.011 of the Texas Local Government Code gives the Commissioners Court the authority to set travel expenses and other allowances for all county Officials and employees. The County Commissioners Court allows reimbursement of travel expenses for county Officials and employees who travel on official county business when funds have been allocated in departmental budgets for that purpose.

The traveling county employee must request approval by the Commissioners Court for any out-of-state conference travel. Elected Officials are not required to obtain approval by the County Commissioners Court for out-of-state conference travel.

Commissioners Court approval is also required for any department sending more than two (2) employees to any ***non-certification required*** conference or training.

REQUIRED RECEIPTS AND DOCUMENTATION
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17.21

The traveling county employee must submit a Travel Expense Report and supporting receipts, invoices and documentation for the following in order to be reimbursed:

- Airline fares
- Parking garage charges
- Taxi, bus or shuttle fares
- Automobile rentals
- Automobile related charges for county vehicles
- Lodging statements
- Registration and conference fees

If requests for reimbursement on Travel Expense Reports are not supported by documentation, the County Auditor will not honor the request for reimbursement.

TRAVEL EXPENSES REIMBURSABLE BY OTHERS

17.22

Any travel expenses reimbursable to the traveling county employee by another agency or association should be filed directly with the reimbursing entity and are not allowable for reimbursement by the County.

COUNTY PROJECT RELATED TRAVEL

17.23

Midland County will not reimburse a county official or employee for travel expenses related to a county project unless the travel is pre-approved by the Commissioners Court.

REIMBURSEMENT - MOST ECONOMICAL MODE OF TRAVEL

17.24

The county will reimburse the traveling county employee for the actual cost of transportation while traveling on official county business. The traveling county employee is required to utilize the **most economical mode of transportation**. If a mode of transportation is chosen that is not the most economical, written justification should be attached to the Travel Expense Report; otherwise, the traveling county employee will be reimbursed only for the value of the most economical mode of transportation.

COMMERCIAL AIRLINES

17.25

Commercial airlines are normally the most economical mode of transportation, especially for out-of-state travel. Traveling county employees are encouraged to take advantage of reduced rates for advance reservations. Airline tickets may be purchased by the county employee on a personal credit card to take advantage of lower rates. If the employee cannot or chooses not to use a personal credit card, the information for the current travel agency can be obtained by calling the County Auditor's office. Airline ticket or other supporting documentation should be submitted with the Travel Advance/Expense Report. The county will reimburse for the most direct airline route.

TAXI, BUS OR SHUTTLE FARES

17.26

The county will ONLY reimburse the traveling county employee for taxi, bus or shuttle fares relating to official county business. The general purpose of each should be denoted on the receipt and the receipts must be submitted with the Travel Expense Report.

AUTO RENTAL

17.27

Rental automobiles are reimbursed only when airfare and taxis would be more costly, or when it is more economical to rent a car than to utilize public transportation. The traveling county employee is entitled to reimbursement for the actual cost of renting a vehicle, including motor fuel. The county will ONLY reimburse for a mid-size or economy size car. The traveling employee should ALWAYS ACCEPT the insurance offered by the rental car agency. When traveling to the same destination, ONLY one rental car is allowable for each group of four traveling employees. Car rental agreements, along with copies of receipts for fuel and other auto expenses, must be submitted to the County Auditor on the Travel Expense Report.

PERSONAL AUTOMOBILES

17.28

The county will reimburse the traveling county employee on a per mile basis when using a personal automobile on official county business. The mileage allowable must represent the actual and most direct route from the county to the destination where the county business takes place plus a reasonable reimbursement for business mileage traveled while at the destination, not to exceed 50 miles. Mileage will be verified using the Texas Mileage Guide found on the State Comptroller's website. No other automobile expense will be paid to the traveling county employee other than the fixed rate per mile.

Personal automobiles should only be used when a county owned vehicle is not available.

The fixed rate per mile is equal to the state of Texas mileage reimbursement rate.

COUNTY OWNED VEHICLES

17.29

The county will ONLY pay actual expenses, such as gas, oil or other such maintenance items. Receipts are required for all these items.

GENERAL RULE FOR REIMBURSEMENT

17.30

The county will reimburse the traveling county employee for the actual cost of lodging, at a commercial lodging facility, while traveling on official county business. The lodging statement must be submitted with the Travel Expense Report.

ITEMS ALLOWABLE FOR REIMBURSEMENT
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17.31

Those items which are allowable for reimbursement on the lodging statement are:

- Daily room charges
- Necessary hotel taxes
- Business telephone calls
- Meal charges within the maximum allowances

ITEMS NOT ALLOWABLE FOR REIMBURSEMENT
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17.32

Those items which are NOT ALLOWABLE for reimbursement on the lodging statement are:

- Cleaning or laundry services
- Alcoholic beverages
- Hotel club charges
- Recreational facility charges
- Movies and personal phone calls

Depending on the mode of travel and the meeting schedule for conferences, the county will reimburse the traveling county employee for a maximum of one-day's lodging immediately preceding the start of a conference or seminar, lodging during the conference or seminar, and a maximum of one-day's lodging immediately following the end of the conference or seminar.

Any additional lodging will be at the expense of the county employee unless written justification is presented that the additional lodging is a result of extended county business.

In any case, the traveling county employee will be expected to arrive and depart within a reasonable period of time before and after the conference, seminar or conclusion of county business. If there are extenuating circumstances, the traveling county employee must present written justification along with the Travel Expense Report.

EXAMPLES: (NONE OF THE ABOVE LODGING POLICY OR FOLLOWING EXAMPLES APPLY TO TRAVEL TO AND/OR FROM COUNTIES ADJACENT TO MIDLAND COUNTY)

If the employee is required to register for a conference at 8:00 AM on the first day of the conference, chances are the employee would need to fly or drive in on the night before. This situation would require an additional day of lodging.

If the employee is required to register for a conference at 2:00 PM, chances are the employee could catch an early flight and be at the required location in plenty of time to register by the appointed time. This situation would not require an additional day of lodging.

If the conference does not end until 6:00 PM on the final day, the employee may not be able to catch a flight home after that time or if driving may not be able to drive the required hours to return home. This situation would require an additional day of lodging.

All of these examples are dependent on the location and scheduled times of the conference, the distance from Midland, whether the employee may or may not be able to obtain a flight to and from the location or whether the employee will be required to drive.

MAXIMUM ALLOWABLE LODGING DAILY RATE	17.34
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The maximum allowable rate for lodging is equal to the In-State and Out-of-State Lodging allowable by the State of Texas.

When a host hotel or an alternate hotel for a seminar exceeds the maximum per day rate, the host hotel seminar rate will be reimbursed. Justification for the lodging rate in excess of the state rate must be stated on the Travel Expense Report and a copy of the conference materials denoting the host hotels must also be submitted. (Comptroller's website: <https://fmx.cpa.state.tx.us/fm/travel/travelrates.php>)

Approved by Commissioners Court: 10/12/2009

INTERNET FEES	17.35
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The county will reimburse a traveling county employee for internet fees incurred for valid county business approved by the employee's department head or elected official. The county will not reimburse a county employee for internet fees incurred for personal business or entertainment.

MAXIMUM DAILY RATE OF REIMBURSEMENT	17.36
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The county will reimburse the traveling county employee a per diem for meals, not to exceed the federal rates provided by the General Services Administration (GSA) for both in-state and out-of-state travel within the contiguous United States. The following is the website to be used to determine the per diem rate for your destination: <http://www.gsa.gov/portal/category/21287>

Receipts for meal costs are NOT required.

The breakdown of meals and incidental expenses can also be found on the same website (<http://www.gsa.gov/portal/content/101518>). To be reimbursed for breakfast on the first day of travel, the traveling employee must leave his/her residence prior to 7:00 AM. To be reimbursed for lunch on the final day of travel, the traveling employee must arrive at his/her residence or office no sooner than 12:00 noon. To be reimbursed for dinner on the final day of travel, the traveling employee must arrive at his/her residence after 7:00 PM.

Approved by Commissioners Court: 01/09/2012

MEALS PURCHASED FOR OTHERS	17.37
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The county will reimburse meal costs ONLY for the traveling county employee (except for meals associated with the transporting of prisoners). If the traveling county employee elects to purchase meals for other individuals, that decision will be at the expense of the county employee and will not be reimbursed by the county.

MEALS INCLUDED IN CONFERENCE REGISTRATION FEES	17.38
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The county will NOT reimburse the traveling county employee for meals that are included in the conference registration fees. If the county employee chooses to eat a meal other than the one provided for in the conference registration, that meal will be the personal expense of the employee and will not be reimbursed.

ALCOHOLIC BEVERAGES	17.39
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The county will not reimburse the traveling county employee for any type of alcoholic beverage, whether with a meal or not.

TRAVEL TO CONTIGUOUS COUNTIES	17.40
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The county will NOT reimburse the traveling county employee for meals when traveling to a county contiguous with Midland County unless a full workday of official county business is required. Those counties contiguous with Midland County are: Andrews, Martin, Glasscock, Reagan, Upton, and Ector.

MEALS NOT REQUIRING OVERNIGHT STAY	17.41
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Meals not requiring overnight stay will be reimbursed to the traveling county employee at a per diem amount not to exceed \$36. The reimbursement will be taxed and included in the employee's payroll check. In accordance with the IRS code, in order to have excludable (non-taxable) reimbursement, the travel must be substantially longer than an ordinary day's work, requiring an overnight stay. IRC § 162(a) (2). Expense reports must still be submitted to the Auditor's office.

Approved by Commissioners Court: 01/09/2012

MAXIMUM DAILY RATE	17.42
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The traveling county employee may request a travel advance with a maximum amount per day of the listed daily rates for lodging in Section 17.34 and meals in Section 17.36, if the tax and fee rates are verifiable. An advance will not be given for any meals which are provided free of charge by a conference provider. The traveling county employee may also request an advance on automobile rental or shuttle fare with proper documentation of reservation and quoted amount. All requests for travel advances must be submitted to the County Auditor in compliance with the posted accounts payable schedule.

Approved by Commissioners Court: 01/09/2012

DEADLINE FOR SUBMISSION OF TRAVEL EXPENSE REPORT	17.43
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Upon returning to the County, the traveling county employee must complete a Travel Expense Report and submit this report with all supporting documentation to the County Auditor within fifteen (15) days. If after thirty (30) days the Travel Expense Report has NOT been submitted, the County Auditor may (1) report the matter to the traveling employee’s supervisor, department head, elected official or the Commissioner’s Court, as appropriate, or (2) request the County Treasurer to take action to seek reimbursement of the entire travel advance amount from the traveling employee by any method allowed by law.

EXCESS TRAVEL ADVANCE	17.44
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If the travel advance is in excess of the reimbursable amount, the traveling county employee will submit the Travel Expense Report, supporting documentation and the amount due to the County Auditor. In the manner, the amount remitted by the employee to the county will be credited to the appropriate fund and line item.

COUNTY CREDIT CARD APPROVAL, AUTHORIZATION & USE	17.45
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All outside credit/charge cards must be approved and authorized by the Midland County Commissioners Court. Those department heads and elected officials choosing to use the credit/charge cards may make application through the Auditor’s Office. Any annual fees will be billed to the applicable departmental budget.

Use of a Midland County credit/charge card is limited to reimbursable official county business only; personal use of any county credit/charge card is expressly prohibited.