

# **FANNIN COUNTY** **EMPLOYEE HANDBOOK**

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**COUNTY OF FANNIN**  
**COMMISSIONERS COURT ORDER**

**WHEREAS** the Fannin County Commissioners Court desires to provide the employees of Fannin County with a uniform format for dealing with various employment related issues; and

**WHEREAS** the Fannin County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County:

**THEREFORE**, BE IT RESOLVED that the Fannin County Commissioners Court do hereby approve, and adopt, the FANNIN COUNTY EMPLOYEE HANDBOOK.

**ADOPTED THIS 13TH DAY OF MAY, 2025**

  
\_\_\_\_\_  
County Judge

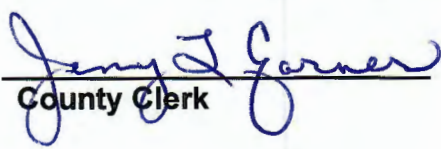
  
\_\_\_\_\_  
Commissioner Pct. 1

  
\_\_\_\_\_  
Commissioner Pct. 3

  
\_\_\_\_\_  
Commissioner Pct. 2

  
\_\_\_\_\_  
Commissioner Pct. 4

**Witnessed and Attested By:**

  
\_\_\_\_\_  
County Clerk




## COMMISSIONERS RESOLUTIONS

I, the undersigned, have read the Fannin County Employee Handbook that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Handbook, as witnessed by my signature below.

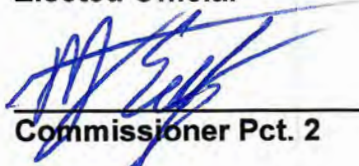
**Elected Official**

  
Commissioner Pct. 1

I, the undersigned, have read the Fannin County Employee Handbook that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Handbook, as witnessed by my signature below.

**Elected Official**

  
Commissioner Pct. 2

I, the undersigned, have read the Fannin County Employee Handbook that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Handbook, as witnessed by my signature below.

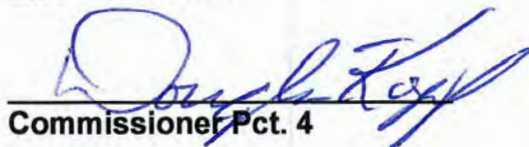
**Elected Official**

  
Commissioner Pct. 3

I, the undersigned, have read the Fannin County Employee Handbook that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Handbook, as witnessed by my signature below.

**Elected Official**

  
Commissioner Pct. 4

### ELECTED OFFICIAL RESOLUTION FOR FANNIN COUNTY

I the undersigned have read the Fannin County Employee Manual that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Manual. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Manual as witnessed by my signatures below.

Newt Cunningham  
Printed Name of Elected Official

[Signature]  
Signature of Elected Official

County Judge  
Office of Elected Official

5/16/25  
Date Signed

### ELECTED OFFICIAL RESOLUTION FOR FANNIN COUNTY

I the undersigned have read the Fannin County Employee Manual that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Manual. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Manual as witnessed by my signatures below.

Troy Waggoner  
Printed Name of Elected Official

Troy Waggoner  
Signature of Elected Official

Commissioner, Pct 1  
Office of Elected Official

5/15/25  
Date Signed

### ELECTED OFFICIAL RESOLUTION FOR FANNIN COUNTY

I the undersigned have read the Fannin County Employee Manual that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Manual. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Manual as witnessed by my signatures below.

Allen J. Self

Printed Name of Elected Official

[Signature]

Signature of Elected Official

Commissioner, Pct 2

Office of Elected Official

5/14/25

Date Signed

**ELECTED OFFICIAL RESOLUTION FOR FANNIN COUNTY**

I the undersigned have read the Fannin County Employee Manual that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Manual. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Manual as witnessed by my signatures below:

Kurt Fogelberg  
Printed Name of Elected Official

Kurt Fogelberg  
Signature of Elected Official

Commissioner, Pct 3  
Office of Elected Official

5-14-25  
Date Signed

### ELECTED OFFICIAL RESOLUTION FOR FANNIN COUNTY

I the undersigned have read the Fannin County Employee Manual that the Fannin County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fannin County, I endorse and approve the Employee Manual. I approve the document as it reflects my commitment to Fannin County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fannin County Employee Manual as witnessed by my signatures below.

Doug Kopf

Printed Name of Elected Official

Doug Kopf

Signature of Elected Official

Commissioner Pct 4

Office of Elected Official

5-14-25

Date Signed

## WELCOME TO FANNIN COUNTY

We are excited to have you as an employee of Fannin County. You were hired because the elected official, appointed official or department head believes you can contribute to the success of Fannin County, and share our commitment to serving the public and our constituents with excellence.


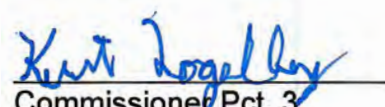
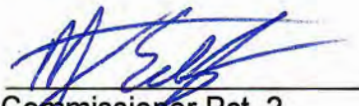
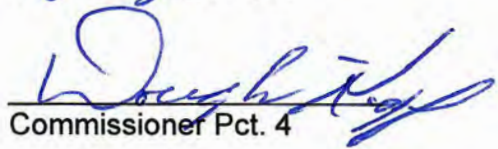
Fannin County is committed to providing excellent service to the public in all of our county offices. As part of the team, we hope you will discover that the pursuit of excellence is a rewarding aspect of your career here.

This employee handbook contains some key policies, benefits, and expectations of Fannin County, and other information you will need. Each elected or appointed official may have detailed policy and procedures manuals for their office.

Your job is essential to fulfilling our mission of serving our county constituents each and every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Fannin County employee. You should use this handbook as a ready reference as you pursue your career with Fannin County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this employee handbook.

Welcome aboard!

Sincerely,

  
County Judge  
Commissioner Pct. 1  
Commissioner Pct. 3  
Commissioner Pct. 2  
Commissioner Pct. 4

## POLICY LISTING

<b><u>Policy Name</u></b>	<b><u>Date Revised</u></b>	<b><u>Approved &amp; Adopted</u></b>
Acknowledgement		
Resolution	10/24/2023 AW)	10/24/2023 CC
Introduction		
Dissemination of Policies		
Implementation & Administration		
Employment at Will		
Employee Status		
Equal Employment Opportunity	5-13-2025 (AW)	5-13-2025 CC
ADAAA		
Personnel Files	5-13-2025 (AW)	5-13-2025 CC
Nepotism	5-13-2025 (AW)	5-13-2025 CC
Attendance	5-13-2025 (AW)	5-13-2025 CC
Dress Code	5-13-2025 (AW)	5-13-2025 CC
Smoke Free Workplace	10-24-2023(AW)	10-24-2023CC
Conflict of Interest		
Solicitation	5-13-2025 (AW)	5-13-2025 CC
Harassment	5-13-2025 (AW)	5-13-2025 CC
Sexual Harassment		
Political Activity	5-13-2025 (AW)	5-13-2025 CC
Outside Employment	3-7-2023 (AW)	3-7-2023 CC
Meals and Breaks	5-13-2025 (AW)	5-13-2025 CC
Grievances	5-13-2025 (AW)	5-13-2025 CC
Discipline	5-13-2025 (AW)	5-13-2025 CC
License and Certifications	5-13-2025 (AW)	5-13-2025 CC
Weather Closings & Emergencies	10-27-2020(AW)	10-27-2020 CC
Confidentiality	10-27-2020 (AW)	10-27-2020 CC
Whistleblower		
Rules of Conduct	5-13-2025 (AW)	5-13-2025 CC
Fraudulent Policy	5-13-2025 (AW)	5-13-2025 CC
Crown Act	5-13-2025 (AW)	5-13-2025 CC
County Property Usage	5-13-2025 (AW)	5-13-2025 CC
County Vehicle Usage	5-13-2025 (AW)	5-13-2025 CC
Cell Phone Usage	10-27-2020 (AW)	10-27-2020 CC
Computer and Internet Usage		
Travel Policy	9-17-2024 (AW)	9-17-2024 CC
Social Media	10-24-2023 (AW)	10-24-2023 CC
Key Control	5-13-2025 (AW)	5-13-2025 CC
Cybersecurity		

<b><u>Policy Name</u></b>	<b><u>Date Revised</u></b>	<b><u>Approved &amp; Adopted</u></b>
Public Information Act		
Return to Work	5-13-2025 (AW)	5-13-2025 CC
Employee Safety		
Seatbelt Policy	5-13-2025 (AW)	5-13-2025 CC
Drug & Alcohol-All Employees	5-13-2025 (AW)	5-13-2025 CC
Drug & Alcohol-CDL	5-13-2025 (AW)	5-13-2025 CC
Workplace Violence		
Animal Collison		
Parking and Backing		
FLSA – Safe Harbor	10-24-2023 (AW)	10-24-2023 CC
IRS Fringe Benefits	9-17-2024 (AW)	9-17-2024 CC
Compensation		
Payroll Deductions		
Work Weeks & Work Periods	10-24-2023 (AW)	10-24-2023 CC
Timesheets	10-24-2023 (AW)	10-24-2023 CC
Pay Periods		
Pay Checks		
Work Schedules		
Hours Worked		
Law Enforcement Pay & Overtime	10-24-2023 (AW)	10-24-2023 CC
Overtime Calculations & Rules	10-24-2023 (AW)	10-24-2023 CC
Recruitment	5-13-2025 (AW)	5-13-2025 CC
Selection	5-13-2025 (AW)	5-13-2025 CC
Disqualification		
Demotions	5-13-2025 (AW)	5-13-2025 CC
Transfers		
Promotions	10-27-2020 (AW)	10-27-2020 CC
Separations	5-13-2025 (AW)	5-13-2025 CC
Retiree Rehires		
Starting Salary	10-24-2023 (AW)	10-24-2023 CC
Telework	5-13-2025 (AW)	5-13-2025 CC
Medical & Dental Insurance	10-27-2020 (AW)	10-27-2020 CC
Retiree Health Insurance		
Other Plans – Life, Supplemental		
Vacation	10-27-2020 (AW)	10-27-2020 CC
PTO	9-17-2024 (AW)	9-17-2024 CC
Holiday	5-13-2025 (AW)	5-13-2025 CC
Jury Duty	5-13-2025 (AW)	5-13-2025 CC
Bereavement Leave	10-24-2023 (AW)	10-24-2023 CC
Military Leave	5-13-2025 (AW)	5-13-2025 CC
Paid Quarantine Leave	5-13-2025 (AW)	5-13-2025 CC
Paid Mental Health	10-24-2023 (AW)	10-24-2023 CC

<b><u>Policy Name</u></b>	<b><u>Date Revised</u></b>	<b><u>Approved &amp; Adopted</u></b>
Retirement		
Social Security/Medicare		
FMLA/MFL	10-24-2023 (AW)	10-24-2023 CC
Leave of Absence - Other	5-13-2025 (AW)	5-13-2025 CC
Wellness Incentive		
Pregnant Workers Fairness Act		5-13-2025 CC

# SECTION 1: GENERAL POLICIES

## **PERSONNEL POLICIES DISSEMINATION**

A master copy of the Fannin County Employee Policy Manual, which contains the original of all personnel policies for Fannin County, will be maintained in the County Auditor's office. The most current adopted employee manual will be on the County website. All employees at their request will be given a copy of the personnel policies on or before their first day of employment. Each employee must sign an Acknowledgment Letter on the first day of employment.

All future changes to the personnel policies will be emailed to all County employees with the County email address. Each employee must sign an Acknowledgment Letter for each change initiated. The department head of each department will forward the signed acknowledgement letters to the County Auditor's office for placement in employee's personnel file.

The personnel policies shall apply consistently and uniformly to all County employees.

Any employee who knowingly and intentionally violates any personnel policy of Fannin County may be subject to disciplinary measures up to and including termination.

## **PERSONNEL POLICY IMPLEMENTATION AND ADMINISTRATION**

Each Elected/Appointed official of Fannin County should be responsible for the administration and implementation of these personnel policies in all departments for which he/she has administrative, managerial or supervisory responsibility.

## A. COUNTY EMPLOYMENT

### 1A-1 EMPLOYMENT AT-WILL

All employment with Fannin County shall be considered “at will” employment. No contract of employment shall exist between any individual and Fannin County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your employment at will status.

Fannin County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice.

The Fannin County Commissioner’s Court shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of Fannin County shall have the right to leave their employment with the County at any time, with or without notice.

### 1A-2 EMPLOYEE STATUS POLICY

Each county position has an employee status that identifies how the position is paid and how benefits are granted by the Commissioner’s Court. This policy defines both health insurance and retirement benefits. **The status of an employee cannot be changed without the approval of the Commissioner’s Court.** Full time employees will be eligible for health insurance.

**Regular Full Time:** A fulltime employee shall be any employee in a position who has a normal work schedule of at least thirty (30) hours per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Fannin County makes exempt status determination based on the Fair Labor Standards Act.

**Regular Part Time:** A part time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

**Temporary Seasonal:** A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. The county must define and document the season that the employee is being hired for. Seasonal employees can be either part time or full time, and they do not qualify for health insurance through the county under the Affordable Care Act. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**Regular Variable Hour:** A variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee’s start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee’s schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**Temporary Part Time:** A temporary short-term part-time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short-term part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

### **1A-3 EQUAL EMPLOYMENT OPPORTUNITY**

Fannin County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, and disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. Nor may any Department Head or employee limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect their status as employees, because of **his/her** race, color, religion, sex, sexual orientation, gender identity, national origin, age, pregnancy, disability, genetic information, or any other protected class in accordance with applicable federal and state laws. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, or department head.

### **1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of Fannin County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee’s disability with confidentiality.

It is Fannin County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the County. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official, or department head. Reasonable accommodation shall be determined through an interactive process of consultation.

#### **1A-5 PREGNANT WORKERS FAIRNESS ACT (PWFA)**

**It is the policy of Fannin County to prohibit any harassment of, or discriminatory treatment of employees based on known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, or department head. All elected officials, appointed officials, department heads, and employees with responsibilities requiring knowledge are instructed to treat the employee's limitation with confidentiality.**

**It is Fannin County's policy to reasonably accommodate applicants and employees with known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions unless the accommodation would impose an undue hardship on the county. If you require an accommodation, please contact your elected official, appointed official, or department head. Reasonable accommodation shall be determined through an interactive process of consultation.**

#### **1A-6 PERSONNEL FILES**

The Fannin County Auditor's department will retain employee information in a master, individual personnel file. This file will include all pertinent employment documents such as resume, application, as well as, records concerning performance, discipline and compensation. Elected/Appointed Officials and Department Heads may retain employee files but anything in a departmental file must be copied sent to Auditor's Office for filing in the employee's master file.

It is important that the personnel records of Fannin County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Fannin County requests employees to promptly notify the appropriate personnel representative (Auditor's Office) of any change in name, home address, telephone

number, marital status, number of dependents, or of any other pertinent information. This will be done by the employee logging into ESS (Employee Self Service) and making the appropriate changes.

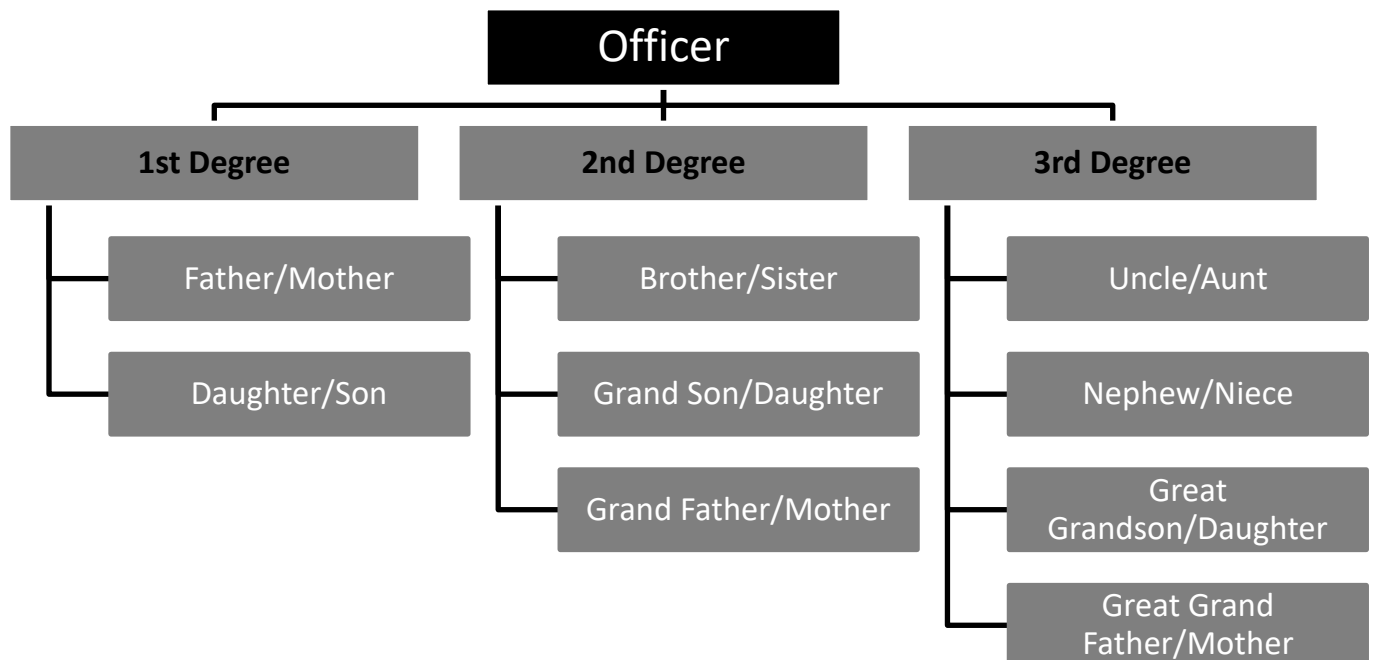
The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether you have family members confidential. You may keep this information private by completing the County employee/elected/appointed official Public Information Act Election Form no later than 14 days after your first day of employment. The Public Information Act Election Form will be given to new employee in new hire paperwork. The form will also be found in the form section of the employee manual.

### **1A-7 NEPOTISM**

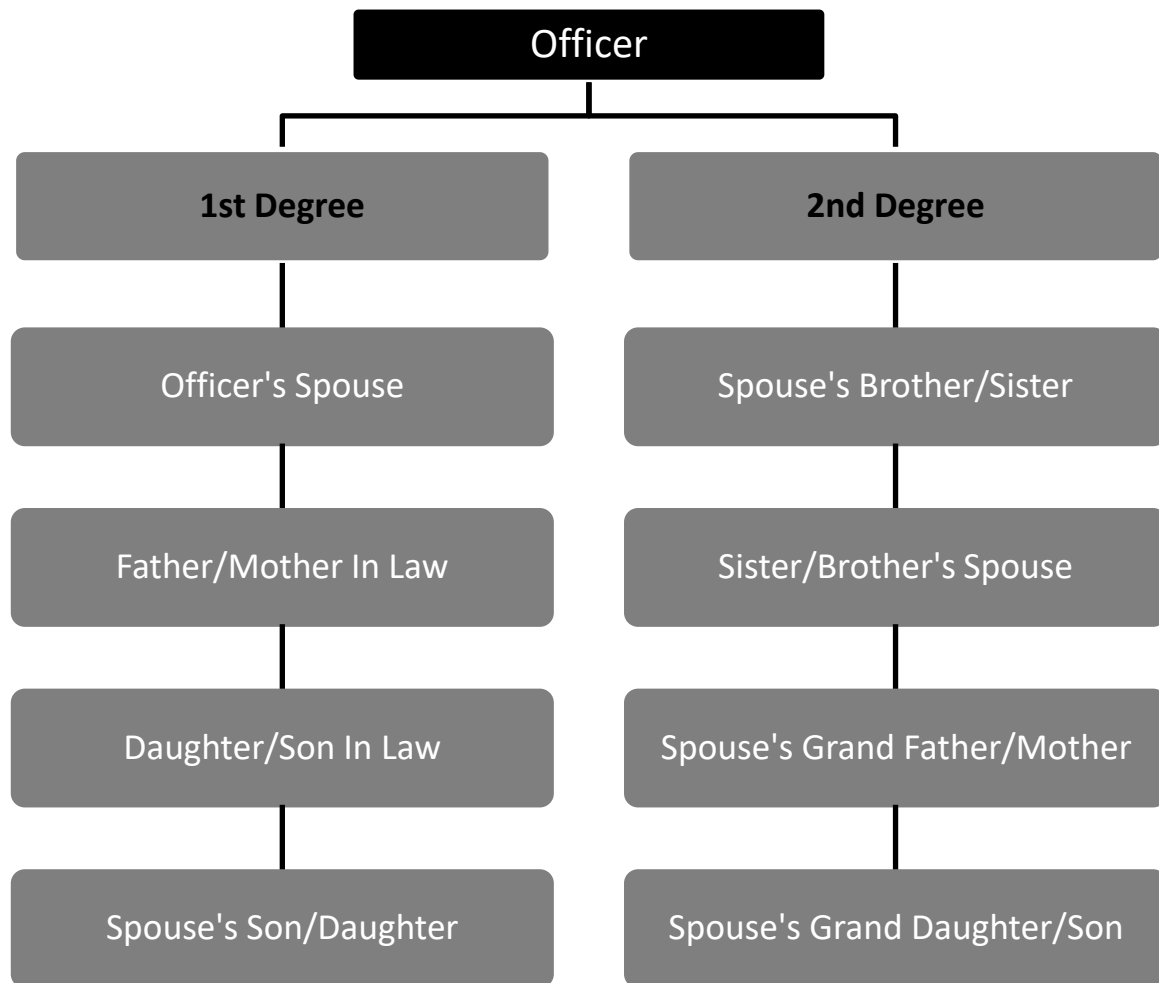
Texas Government Code Chapter 573, states that a Public Official of Fannin County is prohibited from hiring a relative related in the second degree of affinity (marriage) or the third degree of consanguinity (blood) to work in a department that he or she supervises or exercises control over.

A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

## **CONSANGUINITY KINSHIP CHART**



## AFFINITY KINSHIP CHART(Relationship by Marriage)



## **B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

### **1B-1 ATTENDANCE**

As a Fannin County employee, you are expected to be punctual and demonstrate consistent attendance.

Each employee shall report to work on each day **he/she is** scheduled to work and at the starting time unless prior approval for absence is given by the supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

If an employee is unable to be at work at **his/her** normal reporting time, they shall be responsible for notifying their supervisor at least one (1) hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Each employee **may** remain on the job until the normal quitting time unless permission to leave early is given by the supervisor.

Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.

Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

An employee who does not report for work for three (3) consecutive scheduled work days, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment.

### **1B-2 DRESS CODE**

Appearance is often viewed as a direct reflection of the level of professionalism of the workplace. All employees contribute personally to the image of Fannin County by **his/her** individual attire and grooming. Each Fannin County employee is expected to follow these basic minimum guidelines:

- a. Maintain an appropriate appearance that is businesslike, neat and clean as determined by the requirements of the area in which the employee works.
- b. Clothing should be in good repair and fit appropriately.
- c. Sweatshirts, t-shirts, sport shoes, flip flops and like attire are generally not considered appropriate in most work environments.
- d. Employees whose jobs require that **him/her** wear a uniform are expected to keep their uniforms in good repair and laundered.

If in the opinion of the Elected/Appointed Official or Department Head, an employee is not dressed appropriately, the employee may be immediately sent home to change.

All Fannin County employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

### **1B-3 SMOKE FREE WORKPLACE**

Fannin County endeavors to provide a healthy environment. Therefore, any form (cigarettes, cigars, chewing tobacco, snuff, dip, snus and e-cigs) of tobacco consumed in county buildings is strictly prohibited by employees, elected or appointed officials, vendors and the public. Additionally, County buildings located inside the city limits of Bonham must adhere to no smoking being allowed within twenty (20) feet of the exterior entranceways to comply with city ordinance 1322 which amended ordinance 1318. Employees who violate this policy may be disciplined up to and including termination.

### **1B-4 CONFLICT OF INTEREST**

Employees of Fannin County shall not engage in any employment, relationship, or activity which could be viewed as a conflict of interest because of the potential or appearance of affecting the employee's job efficiency, or which would reduce his/her ability to make objective decisions in regard to his/her work and responsibility as a Fannin County employee.

Employees involved in conflict-of-interest situations shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees.

Activities which constitute a conflict of interest shall include but not be limited to:

- 1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
- 2) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- 4) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the County

- 5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

## **1B-5 SOLICITATION**

Fannin County employees shall not solicit or be subject to solicitation from other employees or otherwise be coerced to make donations to any cause or organization during working hours or on county property, except that solicitations for charitable purposes within a department may be allowed if the employees first obtain the consent of his/her Department Head. Solicitation for commercial purposes is expressly prohibited. Violations of this policy will result in discipline up to and including termination.

Individuals entering county buildings to sell or solicit for any cause are strictly prohibited and should be reported immediately to your supervisor.

## **1B-6 HARASSMENT**

Fannin County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on **sex orientation, including lesbian, gay, bi-sexual or gender identity**, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Fannin County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business.

Employees who feel they have been harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which **he/she** work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge, County Auditor or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim. **While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.**

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge, County Auditor or to the County Attorney.

Remedial action will be taken in accordance with the circumstances when the county determines unlawful harassment or retaliation has occurred, up to and including termination.

## **1B-7 SEXUAL HARASSMENT**

Sexual harassment is strictly prohibited by Fannin County, whether committed by elected official, appointed official, department head, co-worker or non-employee the County does business with. It is the policy of Fannin County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where:

- (1) the submission to such conduct is either an expressed or implied condition of employment; or
- (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge, County Auditor or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

Use the following procedures so that your complaint maybe resolved quickly and fairly.

- A. When practical, confront the harasser and ask them to stop the unwanted behavior.
- B. Record the time, place and specifics of each incident, including any witnesses.
- C. Report continuing sexual harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge, County Auditor or the County Attorney.
- D. If a thorough investigation reveals that unlawful sexual harassment has occurred, Fannin County will take effective remedial action in accordance with the circumstances, up to and including termination.

Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge, County Auditor or to the County Attorney.

Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to sexual harassment charges.

## **1B-8 POLITICAL ACTIVITY**

Employees of Fannin County shall have the right to support candidates of their choice and to engage in political activity during their personal time.

County employees shall not:

- Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or

- Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

## **1B-9 OUTSIDE EMPLOYMENT**

Fannin County employees are expected to give their full and undivided attention to their job duties. They should not use Fannin County facilities, equipment or **his/her** association with Fannin County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, county employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Fannin County that interferes with the employee's assigned duties with Fannin County.

Law Enforcement – SO will assign a supervisor to coordinate the “Extra Duty” program. The supervisor will ensure that all deputies interested in working are provided an equal opportunity for assignment via a rotating list or other mechanism to ensure fairness in the assignments.

Limitations for LE – The following are examples of limitations upon “Extra Duty” that **WOULD NOT** be approved.

- Deputies are not permitted to work more than 24 additional hours per week unless approved in writing by the Sheriff or his/her designee. If approved written consent should be in master file
- Deputies shall not be eligible while on sick leave or within (8) eight hours of a sick leave use.
- Deputies who have received an unsatisfactory evaluation in the previous rating period are not eligible for assignment.
- Deputies who are under suspension, relieved of duty, or placed on administrative leave are not eligible for assignment.
- Deputies who have not completed the FTO program are eligible for assignment.

Prohibitions for LE – Employment will not be approved for the following types of details:

- Private Clubs requiring bouncers are related duties.
- Private investigation agencies.
- Any use of Agency personnel that is not in the best interest of the Agency.

Approval to engage in any outside employment will be submitted through the employee's chain of command, requiring final approval by the Sheriff. Permission can be withdrawn at any time.

Annual Approval LE – A deputy who has obtained written approval for outside employment must re-submit application for re-approval on an annual basis.

All Fannin County employees are expected to give their full and undivided attention to **his/her** job duties. Under no circumstance should outside employment by any County employee interfere with their ability to be effective in their employment with Fannin County.

## **1B-10 MEALS AND BREAKS**

Employee meal periods shall be **determined** by the department head or his/her designee to facilitate the serving of the public and permitting efficient department operations. The normal length of the meal period shall be one hour. Employees are required to take scheduled lunch breaks. Employees shall be considered to be off duty during meal periods unless circumstances require them to remain in an on-duty status during the meal period as defined by the Fair Labor Standards Act. If a non-exempt employee is not completely relieved of duty during the meal period, then the time must be paid. Therefore, it is strongly encouraged for employees not to eat at their desk so **he/she isn't** doing any work-related activities.

Employees may take a 15-minute break in the morning and in the afternoon “work permitting”. This means if you are behind in your work or customers are waiting for service, the break may be forgone. Department heads will decide if, and when, breaks may be taken in their departments. If your department provides you with a break, it may not be accumulated or used for time off.

The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. Fannin County supports the practice of expressing breast milk.

Fannin County will provide reasonable paid breaks for nursing mothers to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

The mother will be given a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case-by-case basis.

Fannin County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break. A reasonable accommodation will be given for the needs of employees who express breast milk. Employees of the county who need to express breast milk may not be discriminated against.

The Fair Labor Standards Act does not require any breaks other than for nursing mothers, however if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

## 1B-11 GRIEVANCES

The grievance process is a way to settle grievances between the County and an employee as quickly as possible to promote efficient operations and maintain positive morale in the workplace. These procedures apply to all County employees (not volunteers).

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Try to resolve complaints using all available avenues within your department before filing a formal, written grievance. We encourage Department Heads and supervisors to work with employees to resolve grievances informally. Efforts at informal resolution are unrelated to the formal grievance procedure and do not extend the time limits as set out below. Grievances filed after the time limit(s) are automatically denied.

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A grievance is a violation, misinterpretation, misapplication, or disparity in the application of a specific law, ordinance or resolution, written or unwritten policy. Or rule regarding wages, hours of work, or conditions of work that negatively affects an employee.

- a. Examples of grievable matters include, but are not limited to:
  - Unfair treatment of a department job bidding policy
  - Misinterpretation or Violation of the County overtime policy
- b. Examples of matters that are not grievable include but are not limited to:
  - Employee performance evaluations that are not directly related to wages;
  - Written reprimands
  - Terminations
  - Promotion decisions

If at any point in the grievance process the Department determines that the subject of the grievance is not grievable as defined above, the Department is to notify the employee in writing before the next applicable deadline. Employees may appeal that determination to the Commissioners Court by submitting written notice to the County Grievance Coordinator (HR) within 5 days of receiving it. The Grievance Coordinator or designee has 5 days from receipt of the appeal to schedule a hearing before the Commissioners Court to evaluate the appeal and issue a response. If the Court determines that the issue is grievable, the grievance resumes at the point it left off. If the Court determines the issue is not grievable, the grievance process ends. The Court's decision is final.

The grievance procedure does not apply to allegations of violation of law, harassment, discrimination based on race, color, religion, sex, national origin, age, pregnancy, disability, genetic information or any other protected class in **accordance with federal**

and state laws, or unlawful retaliation. Discrimination allegations are handled under the County's Non-Discrimination Policy.

### **General Provisions for Formal Grievances**

To file a grievance you must follow these steps in the order given. You have 5 days to take the first step in the Grievance Process. If a supervisor, Grievance Coordinator, or Department Head fails to respond within the time limits, the employee must take the next step in the procedure to continue with the grievance process.

Time limits begin on the first day after the applicable occurrence, initial notification, filing, response, or recommendations. Working days do not include weekends or County Holidays.

Employees must use the County Grievance forms.

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor.

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.

The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all grievances.

The employee may request an informal hearing from the Commissioners' Court in either closed or open session. This step allows the employee to voice **his/her** grievance to a wider audience but no decision or comment will be made by the court

### **1B-12 DISCIPLINE**

Each Elected/Appointed Official, department head or supervisor shall have the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior, or any other behavior or activity which the supervisor feels is not acceptable as it relates to the employee's job or the best interest of the department or County.

Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.

## **SUSPENSION**

An employee may be suspended if the Elected/Appointed Official or Department head determines the employee should be removed from their position or if an investigation is warranted.

Suspension or demotion shall mean the removal of an employee from **his/her** duties with or without pay for a time set by the Elected/Appointed Official, but no more than 30 days, or placing the employee in a position of lesser responsibility, where available. A suspension may be paid or unpaid, at the discretion of the relevant Elected/Appointed Official.

All County employees are “at will” employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in his/her job.

Fannin County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without notice. **The County retains the right to change any condition, benefit, privilege, or policy of employment at any time, with or without notice.**

## **1B-13 LICENSE AND CERTIFICATIONS**

Fannin County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, **he/she** must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

## **1B-14 WEATHER CLOSINGS AND EMERGENCIES**

As a general practice, Fannin County does not close its operations unless the health, safety, and security of county employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing.

The County Judge’s Office will notify the following entities for a public announcement: KXII TV and KTEN. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. Closures will also be posted on the home page of the County website.

Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency

closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

### **1B-15 CONFIDENTIALITY**

Fannin County is a public entity; however, some county employees acquire confidential (confidential, non-public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personal information on employees of Fannin County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. Employees have the option of having certain personal information remain confidential. Any new or former employee may complete the Public Information Act Election Form to have their home address, home telephone number, emergency contact information, social security number and whether the employee has family members remain confidential. The Public Information Election Act Form must be completed within fourteen (14) days of the beginning of employment or end of employment. This form can be obtained from the Human Resource Representative. The county will adhere to the Public Information Act requirements.

### **1B-16 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Fannin County Policy or federal or state law to his or her supervisor, department head, or elected official, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the county attorney, district attorney, sheriff or the district judge. The County will investigate the reported activity.

An official, supervisor, department director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.

An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact: HR (auditor), county attorney, district attorney, county judge or the district judge.

An employee with a question regarding this policy should contact the Auditor's office.

## **1B-17 RULES OF CONDUCT POLICY**

It is impossible to create a list of all activities that could be considered illegal or contrary to good business practices. The prohibited activities listed below are not intended to be all inclusive, but to serve as examples. Employees are also prohibited from any other similarly serious actions. Any act or omission which is contrary to this policy may lead to disciplinary action, up to and including termination. **This also applies to off duty conduct.**

### **PROHIBITED ACTIVITIES**

Fannin County employees are prohibited from doing the following:

- a. Willfully causing damage to or removing County property without authorization or wasting public supplies through negligence or willful misconduct;
- b. Committing an act of violence on County premises;
- c. Engaging in an action which causes you to be convicted of a criminal offense involving moral turpitude. The word "convicted" means a finding of guilt by either the judge or jury without regard to subsequent disposition of the case by suspension of sentence, probation, and deferred adjudication or otherwise. The word "moral turpitude" means any act of baseness, vileness or depravity; or any act done with deception, or through corrupt motives, or as defined by State law and/or decisions made under State law;
- d. Being dishonest; lying about or concealing a material fact concerning a matter under investigation and/or relating to public services under the employee's responsibility;
- e. Engaging in any conduct which adversely affects the morale or efficiency of the office in which **he/she is** employed, or which has the tendency to adversely affect, lower or destroy the public respect and confidence of the office or the employees of the office in which **he/she is** employed;
- f. An employee's conduct at all times, both on the clock and off the clock, should be of a quality which reflects most favorably on the office in which **he/she is** employed. Conduct, (which includes speech) unbecoming an employee or detrimental to good order includes conduct which tends to bring the Office into disrepute, reflects discredit upon the employee as an Office employee, or which tends to impair the operation of the Office or the effectiveness of the employee.
- g. Repeatedly being tardy or absent; being absent without legitimate cause, or failing to inform **his/her** supervisor of absence within a reasonable time period;
- h. Refusing to work as directed, willful neglect of duty, malingering, or shirking of duties;
- i. Falsifying employment applications, time sheets, and/or accounting, personnel, or other records, including the omission of pertinent data;

- j. Willfully violating or disregarding safety, health, fire security or employment regulations, signs, and notices;
- k. Divulging information which the employee has been told is confidential and not to be shared with others;
- l. Attempting to undermine or discredit an Elected/Appointed Official, Department Head, and/or Supervisor;
- m. Shall not publicly conduct themselves in an immoral, obscene, indecent or lewd manner;
- n. Using their public offices for private gain;
- o. Making any unauthorized commitments or promises of any kind purporting to bind the County or any of its components.

## **EXPECTED BEHAVIOR**

Fannin County employees shall:

- a. Act impartially and not give preferential treatment to any private or public organization or individual;
- b. Protect and conserve public property and use it for only authorized activities;
- c. Promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
- d. Adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, *including lesbian, gay, bi-sexual or transgender status*, national origin, age or disability
- e. Avoid actions that would create the appearance that they are violating the law or the ethical standards of the Texas Ethics Commission.

## **1B-18 FRAUDULENT POLICY**

Fraudulent behavior is strictly prohibited. Fraud is broadly defined and may include any type of intentional deception for the purpose of personal or business gain or damage to an individual or organization.

### **Examples of fraudulent behavior include:**

- Accepting compensation for speaking engagement connected with your Fannin County position or regarding information you received due to your Fannin County position.
- Lying on employment application or falsifying records such as time sheets, etc.
- Providing false receipts for mileage or travel reimbursement.

You must be a good steward of the resources entrusted to you and exercise due diligence to prevent and detect criminal conduct and non-compliance with laws and policies. Fraud, waste, abuse, or non-compliance must be reported to the appropriate supervisor or manager. Engaging in acts of fraud may result in disciplinary or civil or criminal liability.

Employees who report suspected fraud, waste or abuse can do so without the fear of retaliation. Retaliating against any employee for reporting suspected ethical violations or fraud is strictly prohibited. All reports will be promptly and thoroughly investigated. The investigation may include individual interviews with the parties involved to the alleged conduct. Employees must cooperate in all investigations. Department Heads will be notified of the findings.

Department Heads are responsible for administering appropriate discipline to any employees found to have committed an ethical violation to prevent similar offenses in the future. The appropriate discipline should be based on all the facts and circumstances surrounding the situation and may range from oral or written warning, re-training, suspension, demotion or transfer, up to immediate dismissal.

## **1B-19 CROWN ACT**

Fannin County values **its** employees and prohibits discrimination based on hair texture and style. This includes but is not limited to, hair texture, hair type, or protective hairstyles such as afros, braids, locks, and twist. This does not alter the ability of Department Heads to restrict certain hairstyles due to the bona fide occupational qualification or that directly interfere with an essential job function or a safety/security precaution. (HR 2116, 117<sup>th</sup> Congress)

## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C-1 COUNTY PROPERTY USAGE**

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County owned equipment assigned to him/her. County employees shall only use equipment, tools, and other County property that **he/she is** authorized to use. Personal use of county equipment, supplies, tools, and any other county property is not permitted and may result in discipline up to and including termination. Improper use may subject you to criminal prosecution.

### **1C-2 COUNTY VEHICLE USAGE**

Elected Officials and/or employees that will operate a County owned vehicle will have a MVR (motor vehicle record) conducted at the start of employment and each year from date of original as long as employed with the County.

Elected Officials and/or employees who are assigned or use county vehicles are responsible for proper use and maintenance. Employees may only use the vehicles **he/she is** authorized to use. County vehicles are only to be used within the scope of official duties and assigned tasks. Under no circumstances are they to carry passengers, which are not employees and /or directly related to **his/her** job

responsibility and authority. Employees may not allow other individuals to operate the vehicles **he/she** have been assigned.

If personal use of a county vehicle is permitted the employee will be required to keep a log of all personal miles driven, including to and from work, lunch breaks or personal errands, **this applies to law enforcement with take home vehicles that are not officially on call**. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with **IRS 5137 rules and regulations**. Employees are to report these miles to the Auditor's Office for yearly reporting and payment.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If **he/she has** any change in status of **his/her** license **he/she** must immediately notify their supervisor. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion or termination if that license is suspended or revoked.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle liability carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change, demotion or termination.

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and County Auditor.

Any employee violating this policy will be disciplined and may be terminated depending upon the nature of the violation. Elected officials who violate this policy will be sanctioned to the extent possible under the law and in keeping with the infraction.

This section applies to non-law enforcement personnel employed by the County; all Law Enforcement employees should refer to your agencies "Standard Operating Procedure for County Vehicle Usage".

### **1C-3 CELL PHONE USAGE**

Fannin County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Fannin County bans all employees from texting while operating any county owned vehicle. County employees who are driving their own personal vehicle are also banned from texting while driving on county business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL.

Each department may set their own rules and regulations regarding personal cell phone usage while at work.

#### **1C-4 COMPUTER AND INTERNET USAGE**

Fannin County provides computers and Internet connections ("facilities") to further its official County business, interests and purposes. The County has the right, to monitor all communications and downloads that pass through its facilities, at its sole discretion, **there is no expectation of privacy. Assume that what you do while on duty or using County equipment is not private.** Any information retained on the County's facilities may be disclosed to outside parties or to law enforcement authorities. County personnel may not load or download any unauthorized software or material from the Internet or elsewhere in violation of software licenses, or the copyright trademark and patent laws. In addition, County personnel may not add any unauthorized hardware on any County computer provided. Requests for any additional software and/or hardware should be made to the Official or Department Head, as well as the IT Director. Fannin County provides Internet access to certain individuals, Officials, Department Heads and their designated personnel. This Internet access is provided for County business purposes. At no time is any employee authorized to use this access for personal financial gain or pornographic sites or any other sites which could compromise the ethics of Fannin County. County personnel shall not access adult websites on the county network. "Adult websites" includes not only pornographic websites but also any website that may violate the counties sexual harassment policy. Authorized users may not use the County's facilities for personal or commercial advertisements, solicitations or promotions. The use of the Internet can and will be monitored and violations will be reported to the appropriate Official or Department Head for disciplinary action.

As determined by the Official or Department Head, personnel may be authorized to use e-mail. Such authorization allows for the non-official use of e-mail, provided such communication does not disrupt or interfere with official county business and is kept to a minimum during business hours. Authorized users may not disseminate or knowingly receive harassing, sexually explicit, threatening or illegal information by use of the County's facilities, including offensive jokes or cartoons. The use of personal e-mail to transfer any County data is strictly forbidden. All county related emails will need to be sent via county email accounts. It is forbidden to transfer any county data or discuss any county confidential information via personal email accounts. The person you are emailing can have a non-county email address. The use of county emails can and will be monitored and violations will be reported to the appropriate Official or Department Head for disciplinary action.

The use of personal media/equipment is prohibited to use on county computers and county network unless approved by your office holder and deemed safe for network use by the IT dept. This includes, but is not limited to, CDs, thumb drives, and network equipment. County data is strictly forbidden on any personal media. If county data is to be on any media it will need to be county owned. County data is strictly prohibited to be transferred offsite, to your home or anywhere else, unless the office holder is aware. For

example: You have a county laptop with county data on it and bring it home. This data must be on county owned equipment. Use of personal equipment to transfer county data is forbidden. If you bring county property home, such as a laptop, you must not leave it in the car overnight. Safeguards must be put in place to protect data in case of lost or stolen equipment. The IT dept. will put these safeguards in place but you have to inform the IT dept. you are using the equipment in other places other than county property.

Any IT-related (information technology related) purchase above \$500 must be consulted through the IT department before obtaining a purchase order unless such purchase is not subject to the officeholder's discretion. IT-related items shall include but not be limited to printers, computers, servers and/or software.

The use of Fannin County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Fannin County business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of Fannin County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination. Fannin County owns the rights to all data and files in any computer, network, or other information system used in the county. Fannin County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Fannin County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws or download any illegal or unauthorized downloads. Fannin County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

Employees should not bring personal computers to the workplace or connect them to Fannin County electronic systems, unless expressly permitted to do so by their supervisor and or IT department. Violation of this policy may result in disciplinary action, up to and including termination of employment.

## **1C-5 TRAVEL POLICY**

This policy as adopted by Commissioner's Court (CC) is meant to provide guidance as to appropriate travel methods and reimbursable expenses while traveling on County business. Whenever unusual circumstances are involved or this published policy does not provide clear guidance, please secure approval from the Commissioners Court concerning those items prior to the trip or they may not be reimbursable.

### **Overview**

Fannin County realizes the benefits to the County that accrue when its employees attend conferences, seminars, and professional training activities. The County will bear expenses incurred by County Officials and employees to attend such activities provided that the following procedures are followed. However, conferences, seminars, and training must be directly related to the work of the County office involved.

### **Procedure**

Advance approval of travel for County officials and employees must be obtained from Department Head on a travel request form in order to have such travel paid or reimbursed. A copy of the agenda for each meeting or conference to be attended must be attached to the form. The travel request form is available on our web site, [www.co.fannin.tx.us](http://www.co.fannin.tx.us), in the forms section of this book, or from the auditor's office. Total travel is further limited by individual department budgetary constraints. The following types of travel are exempted from requirement of prior approval of Commissioners Court:

- Interviewing witnesses
- Investigations
- Delivery of testimony
- Return of prisoners

### Registration Fees:

Travel/conference registration fees will be paid in advance by the County. A completed registration form must be submitted to the County Auditor's Office for fees to be paid. The approval of the travel by Department Head must be obtained prior to the payment of registration fees. If a request for prepaid fees is not received in the Auditor's Office in time for regular processing, then the registration fees will be paid by the County Official or employee and reimbursed by the County.

### Expense Reimbursement:

Within thirty (30) days of the event, individuals must submit the "Out of County Travel Reimbursement Request" form with all appropriate substantiating documents to the County Auditor's office for final accounting and auditing. For reimbursements, the

request form must account for all expenses related to the trip and be completely filled out.

To receive your travel checks in advance of meetings, you must turn in your Fannin County reimbursement form with required, supporting documents, by the Wednesday two weeks prior to travel to allow for Commissioners court approval. Each reimbursement form must be signed by both Department Head/Elected Official and requesting Fannin County employee.

The following documents should be attached to the request form:

- Original itemized hotel bill (reimbursement)

- Copy of form submitted for any reimbursement received from another source

- Copy of conference material containing agenda (including dates, times and any meals included) and list of hotels (host hotel and any overflow hotels)

When receiving advance travel checks, hotel receipt must be turned into auditor's office upon returning from the approved trip.

## **Reimbursable Expenses**

### **Travel:**

For conferences, reimbursement for the use of private automobiles on authorized trips for County business outside of Fannin County will be allowed at current State/Federal mileage reimbursement rate using mileage shown online by the electronic mapping service, Google Maps ([www.maps.google.com](http://www.maps.google.com)). The number of miles traveled that are eligible for reimbursement may not exceed either the shortest distance between the county employee's normal county office location or home address, if departure is from home, and to the final conference, meeting, or training location, whichever is the lesser. While attending the conference, intra-city mileage will not be reimbursed.

### **Lodging:**

The maximum allowable reimbursable rate for attendance at an annual conference/meeting of the Texas Association of Counties, Conference of Urban Counties, or a statewide or regional association of any County official shall not exceed:

- The regular room rate charge (as negotiated by the hosting association) for the hotel at which the conference is held; or

- The regular room rate charge (as negotiated by the hosting association) for any designated "overflow/alternate" conference hotel/s.

The maximum allowable reimbursable amount for all other purposes (unless otherwise specifically designated by order of the Commissioners Court prior to the expense being incurred) shall not exceed \$189.00 per room per night.

Reimbursement will only be made for days of out-of-county meetings or other County business requiring overnight travel. An additional day will be reimbursed only if the distance of travel and time of a meeting or other County business makes it necessary to be out of County before or after the date of the meeting or other County business. Expenses incurred because an individual chooses to travel for personal reasons before

or after a County business trip will not be reimbursed. Additionally, any additional costs incurred due to family members staying in the same room will not be reimbursed by the County.

Valet parking at the hotel will not be reimbursed unless there is no other type of parking available. A receipt is required for reimbursement.

#### Meals:

The reimbursement for meals shall be \$12.00 per breakfast, \$20.00 per lunch, and \$30.00 per dinner, for those out of the County on any authorized trip. These are the maximum amounts you can receive for each meal. If a meal is included as part of your registration fee, that meal will not be paid to you.

Travel which is out-of-county and does not include an overnight stay is considered to be day travel and reimbursable for mileage, parking and tolls. Per IRS Publication 5137, meal expenses during day travel are considered taxable fringe benefits and will be reimbursed through payroll for the exact cost of the meal in gross pay before payroll taxes and withholdings are deducted. The county shall report fringe benefits as income on the employee's W-2. **County will not pay for meals for day travel.**

#### Miscellaneous:

Other travel expenses will be allowed only if appropriate and adequately justified to the satisfaction of the Commissioners Court.

#### **Exceptions to this policy:**

The County Auditor's office will process all travel reimbursement requests according to this policy. Any reimbursement requested by the employee but not included in the reimbursement received should be presented to Commissioner's Court for approval as an exception. Once the exception is approved, the employee must re-submit for reimbursement and include proof of Commissioner's Court approval.

### **IC-6 KEY CONTROL**

Fannin County shall provide access and security procedures to assist key holders in maintaining the security of the Courthouse and other County buildings. It is the responsibility of each key holder to ensure that stated procedures are followed and to maintain the security of the Fannin County Courthouse and other County Buildings to which they have access. Key holders are responsible for physically securing access points upon entering or leaving a room or building after operational hours.

- All Keys issued by Fannin County shall remain the property of Fannin County.
- Door locks/systems will be installed only upon proper approval which includes a purchase request to be submitted and upon approval of funds the purchasing agent will schedule the installation. Depending on the scope of the project and funding, requirements may require approval of Commissioner's Court.
- It is a violation of policy to have any County keys duplicated by anyone other than the Fannin County Designated Lock Smith. All duplication of keys shall be

submitted by a purchase request and upon approval of funds will be scheduled by the purchasing Department. Keys will be delivered to the requesting department and must be signed for by the employee that the key is issued to.

- It is a violation of policy to have any unauthorized or altered keys. If an individual is found to have unauthorized or altered keys, disciplinary action may be taken.
- Keys that are no longer needed shall be returned to the Auditor's office. Employees leaving the employment of Fannin County must return all keys.
- Fannin County Commissioners' Court has the authority to confiscate any duplicated keys and anyone in violation of these guidelines may have their key privileges revoked and/or other disciplinary actions that may be deemed necessary in accordance with Fannin County Policy and Procedures.
- A Key Inventory List shall be maintained by the Auditor's office. Each department will conduct a physical inventory of Building keys in October and forward the completed inventory list to the Auditor's office.
- A \$30 key charge will be assessed to all key holders who fail to return keys when leaving.
- If a key is lost or stolen, it is the responsibility of the individual assigned the key to immediately notify their Elected Official and/or Department Head. Failure to do so may result in the loss of key privileges.
- Multiple incidents of lost or stolen keys may result in the loss of key privileges.
- A security breach occurs when a key is lost or stolen. In such cases it may be necessary to re-key doors. The department responsible will be charged for all incurred costs.

## **1C-7 SOCIAL MEDIA**

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as TikTok, Twitter, Facebook, LinkedIn, YouTube, and MySpace.

Fannin County recognizes the importance of social media for its employees and does not wish to infringe on OFF-DUTY TIME of its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work and/or position in the County; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Fannin County among the community at large. Fannin County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager or supervisor.

- If your posts on social media mention Fannin County make clear that you are an employee of Fannin County and that the views posted are yours alone and do

not represent the views of Fannin County or any other Elected/Appointed Official or employee of the County.

- Do not mention Fannin County Elected/Appointed Officials, supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Fannin County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
- Employees may not use Fannin County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Fannin County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws, and cite or reference sources accurately.
- Do not link to Fannin County's website or post Fannin County material on a social media site without written permission from your supervisor.
- All Fannin County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Fannin County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

It is the policy of Fannin County that supervisors do not engage in social media activities with their employees.

## **1C-8 CYBERSECURITY POLICY**

Subject to the amendment of Texas Government Code Ann. § 2054.5191, the State of Texas requires Fannin County to:

Identify all Fannin County employees, including elected and appointed officials, with access to a local government computer system or database and use a computer to perform at least 25 percent of their required duties.

Require identified Fannin County employees, including elected and appointed officials, to complete an annual certified cybersecurity training program.

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**Employees who do not complete the required annual cybersecurity training may have computer access denied.**

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Fannin County is required to verify and report the completion of a cybersecurity training program by employees and elected and appointed officials to the State of Texas by the end of the program year.

The Fannin County Auditor is required to conduct periodic audits to ensure compliance with the statute.

### **1C-9 PUBLIC INFORMATION ACT POLICY**

Any Public Information Act (PIA) requests received should be forwarded to the County PIA Officer.

Emails, texts, and other electronic communications related to official County business are subject to the Public Information Act (PIA) regardless of where they are stored.

**Thus, if you use your personal cell phone, computer or tablet to conduct County business or your personal email account to send or receive messages related to County business, that personal device or account may be subject to inspection to respond to a request for information under the PIA.** The best practice is to only use the County email for all County business. If you must use your personal email account for County business, send a copy of the message to your Fannin County Account. To comply with records retention laws, all County business messages must be stored on a County email account no matter where the email was originated.

If you text anything about County business other than transitory information, copy the text to your county email account. Texts to set up a meeting, say you are running late, or asking someone to call you are examples of transitory information.

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**We do not want to search your personal computer, cell phone, or email account for public information, but should we receive a request under the PIA or in discovery request during litigation involving the County, we may be required to do it.**

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## **D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY**

### **1D-1 WORKERS COMPENSATION**

All Fannin County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses.

Employees may use paid leave for all workers' compensation time off less than 8 days.

All employees who are placed on Worker's Compensation leave will fall under the Family Medical Leave Act. Fannin County runs FMLA and Worker's Compensation concurrently.

Any employee who suffers a job-related illness or injury is required to notify his/her supervisor as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

An employee who has lost time because of a work-related accident or illness is required to provide a release from the attending physician before being allowed to return to work.

An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

### **1D-2 RETURN TO WORK**

This policy covers employees who are on leave due to a work-related injury or illness. Because employees are our most valuable resource, Fannin County attempts to help its employees return to work as soon as possible.

An employee on leave due to a work related injury or illness may return to work only when Fannin County receives a medical release from the treating doctor. It is a violation of County policy for any employee receiving worker's compensation benefits of any kind to be employed with a third party on a full-time or part-time basis. Violation of this policy will result in termination.

#### **Return to work options:**

- Return to prior position at full duty with doctor release stating that the injured employee can perform the job functions without restrictions.
- Light Duty – for any employee who is not able to return to **his/her** prior position and perform the regular duties of that job but can return with certain restrictions, Fannin

County will try to accommodate light duty when possible but cannot guarantee the availability of light duty.

Employees on light duty are not guaranteed the rate of pay received for the position they held at the time of injury or illness. The pay rate for light duty is based on the knowledge skills and abilities required for that job, as well as general market conditions. Employees in a light position are not permitted to supplement **his/her** workers' compensation benefits by using **his/her** vacation, holiday or PTO leave.

**Four (4) week limit** - Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a period of four (4) weeks and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA is still available).

Employee refusal of work – In the event an employee refuses to return to regular or light duty work in response to a written, bona fide offer of employment by Fannin County, the employee may be separated from employment with Fannin County subject to FMLA qualification and his/her position may be filled permanently. A written, bona fide offer of employment must clearly state:

- The position offered and the duties of the position
- Fannin County's agreement to meet the conditions set out by the treating doctor
- The job's wage, working hours and location.

### **Medical Information**

All employee's medical information is held in strict confidence in accordance with the American with Disabilities Act Amendments Act (ADAAA). Medical inquiries are limited to those permitted under Texas Workers' Compensation Statute and applicable federal law.

### **Coordination with FMLA**

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law. It is Fannin County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Fannin County counts the period of any employee's light duty assignment toward the employee's FMLA entitlement.

Until employees have exhausted **his/her** twelve (12) week FMLA entitlement, **he/she has** the right to be reinstated to **his/her** original job provided they are able to perform the essential functions of the job.

### **1D-3 EMPLOYEE SAFETY**

Fannin County is committed to protecting the safety and health of its employees. Utilizing safe work practices is an integral part of every job in the County, and supervisors are encouraged to include safety as a factor in all performance evaluations.

The safety program is a shared responsibility between elected/appointed officials, supervisors and employees.

A. Management shall:

- 1) Constantly be on the alert to observe and correct safety deficiencies quickly;
- 2) Ensure that all employees are properly trained to safely perform their duties;
- 3) Ensure that all employees properly use the equipment necessary to perform their duties;
- 4) Enforce all safety rules and policies;
- 5) Counsel employees and take appropriate action related to unsafe work practices;
- 6) Report all on-the-job injuries and illnesses to Risk Management (Auditor's Office); and
- 7) Investigate or facilitate the investigation of all accidents or near accidents in their work areas.

B. Employees shall:

- 1) Abide by all safety rules established by Fannin County;
- 2) Immediately report on-the-job injuries and illnesses to their immediate supervisor;
- 3) Stop any operation or deactivate any equipment in case of imminent danger to life or health;
- 4) Report any unsafe acts or unsafe conditions to their immediate supervisor for appropriate action; and
- 5) If an unsafe condition or practice is allowed to continue, report the condition or practice to the County Treasurer or Auditors Office.

Unsafe acts and conditions can be reported to the County Auditors' or Treasurers' Office without fear of retaliation.

### **1D-4 SEATBELT POLICY**

On-the-job motor vehicle crashes are the leading cause of death for American workers today. These crashes are also responsible for tens of thousands of life-ruining, crippling permanent injuries every year. For instance, the leading cause of adult-onset epilepsy is head injury sustained in motor vehicle crashes. For many drivers and passengers each day, the difference between a "walk-away" accident and a catastrophic injury, or death, is whether or not a seat belt is worn.

It is the policy of Fannin County, and a condition of employment, that all employees who operate or ride in county vehicles; or operate or ride in personal vehicles on county business, wear properly fastened and adjusted seat belts, shoulder harnesses, and

other such similar equipment when provided in the vehicle they are operating or riding in. Employees are required to report any malfunction of seat/shoulder belts, and to have this equipment repaired or replaced as soon as possible after its discovery. Any employee found operating or riding in a county vehicle; or personal vehicle on county business without seatbelts/shoulder harnesses will be subject to disciplinary action, up to and including termination. "Operating" and "riding in" are to be defined as occupying a moving vehicle.

## **1D-5 DRUG AND ALCOHOL- ALL EMPLOYEES**

Fannin County is a drug and alcohol-free workplace. A county employee may not be present at work during a period that the employee's ability to perform his or her duties is impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

This policy applies to all employees of Fannin County regardless of rank or position and shall include full time, part time and temporary employees.

The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of **his/her** law enforcement duties.

An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property.

An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County, in a manner other than that intended by the manufacturer or prescribed by a physician.

An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his or her job duties.

If the use of a medication could compromise an employee's ability to do his or her job or the safety of the employee, fellow employees or the public, the employee must report

the condition to his or her supervisor at the start of the workday or used appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).

A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.

An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet or from the Auditor's Office.

Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program may result in termination. The post rehabilitative program will last as long as two years. If at any time the employee tests positive, or refuses the volunteer drug testing during this post rehabilitative program the employee may be terminated.

Fannin County will drug test employees who ARE NOT CDL license holders under the following conditions:

### **Suspicion-Based Testing – (Requires supervisor training)**

Under the influence shall be defined as having a blood alcohol concentration of .02 or more.

Reasonable Suspicion – If an employee is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this drug use and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to breathe test or urinalysis. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing

- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors must take action if they have reason to believe one or more of the above listed conditions are indicated and that the substance abuse is affecting **his/her** employee's job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep him/her under direct observation until the situation is resolved. Inform the employee of the problem with his/her job performance and specific violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. The employee will be given a receipt for all confiscated evidence with signatures of the elected officials or supervisors as well as the employee.
4. The elected official or supervisor will remove the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstance will the employee be allowed to drive a vehicle until a confirmed negative test result is received.

5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance or released, document the particular facts related to the Treasurer's Office for filing.

### **Post-Accident Testing –**

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment shall be required to be tested.

#### **Testing Procedures –**

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, he/she may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Fannin County.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure the employee is safely returned to his/her residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without the written consent from the employee.

Each employee is expected to cooperate to a drug test when requested under the terms of this policy. Refusal to consent to a drug and/or alcohol test when requested is cause for termination. Any employee who violates this drug and alcohol policy may be terminated.

### **1D-6 DRUG AND ALCOHOL TESTING - CDL EMPLOYEES**

Drivers are an extremely valuable resource for County business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prevent substance use or abuse from having an adverse effect in our drivers. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, drivers have a right to work in an alcohol and drug-free environment and to work with drivers free from the effects of alcohol and drugs. Drivers who abuse alcohol or use drugs are a danger to themselves, their co-workers and the County's assets.

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued

regulations, which require the County to implement a controlled substance testing program. The County will comply with these regulations and is committed to maintaining a drug-free work place. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Fannin County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. "FMCSA" stated that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and/or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each driver. Every effort will be made to maintain the dignity of the drivers or driver applicants involved.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. Fannin County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective (June, 11, 2019), and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.

This policy outlines the responsibilities of employees, supervisors and managers with regard to drug and alcohol testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Act of 1991.

## Policy Statement

It is the policy of the Fannin County to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident and follow-up drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation. This policy applies to employees whose job requires them to obtain and retain a Commercial Drivers' License (CDL) and operate a Commercial Motor Vehicle (CMV). Positions and employees covered by this Policy shall be referred to herein as "CDL positions" and "CDL employees" respectively.

It is the policy of Fannin County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online data base that provides employers with real-time information about CDL driver drug and alcohol program violations. Fannin County will conduct electronic queries as required by FMCSA's drug and alcohol use testing

program. For checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of Fannin County, as follows:

- The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, Fannin County prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
- Use of controlled substances by CDL employees covered by the Policy is prohibited and is in accordance with the regulations issued by the U.S. Department of Transportation.
- A CDL employee is performing a safety-sensitive function at the following times:
  - All time on county property, public property, or other property waiting to be dispatched to drive,
  - All time inspecting, servicing or conditioning any CMV at any time,
  - All CMV driving time,
  - All time other than driving time in or upon any CMV,
  - All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded,
  - All time spent performing driver requirements relating to accidents, and
  - All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## Definitions

**Accident:** An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene.

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**Alcohol concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

**Breath Alcohol Technician (BAT):** A person who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

***Clearinghouse:*** A secure online database that gives the county real-time information about CDL driver drug and alcohol program violations.

**Collection site** means a place where individuals present themselves for the purpose of providing breath, body fluid to be analyzed for alcohol or specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation of shipment of the samples to a laboratory.

**Commercial Driver's License (CDL):** A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- Meets or exceeds 26,001 lbs. gross vehicle weight; or
- Transports 16 or more passengers, including the driver; or
- Transports hazardous materials as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Commercial Motor Vehicle (CMV):** Any self-propelled or towed vehicle used on a highway, any roadway or passage which may be available to public transportation at any time, whether on private or public property, in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as determined by the Hazardous Materials Transportation Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Confirmation Test:** For alcohol testing, a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test in order to ensure reliability and accuracy.

**Controlled substance** has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308).

**Designated Employer Representative (DER):** An employee authorized by Fannin County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County, consistent with the requirements of 40.3.

**Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of Fannin County. For the purposes of pre-employment/pre-duty testing only, the term “driver” includes a person applying for a position with Fannin County, which requires a CDL to drive a commercial motor vehicle.

**Drug** means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 CFR Part 40.

**Evidential Breath Testing device (EBT):** A device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices” (“CPL”), and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

**Medical Review Officer (MRO):** A licensed physician responsible for receiving and reviewing laboratory results generated by the county’s drug testing and for evaluating medical explanations for certain drug test results.

**On duty time** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. “On duty time” shall include:

1. All time on the County's premises, at a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty by the County.
2. All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Performing a Safety-Sensitive Function:** Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

**Safety-Sensitive Function:** Any of the seven on-duty functions set forth in 395.2, On-duty time, listed below:

- All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatch, unless the driver has been relieved from duty by the employer.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle.
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Screening test:**

- In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system.
- In controlled substance testing it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**Substance Abuse Professional (SAP):** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning evaluation, treatment, follow-up testing, and after-care.

## Responsibilities

Auditor's Office is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by HR representative pursuant to county policy.

- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)
- Use the DOT Clearinghouse to make queries regarding CDL drivers violations, as well as, updating Clearinghouse after a CDL driver has completed drug and alcohol testing in accordance with DOT regulations.

**Supervisor/Department:** The duties of the driver's supervisor or his/her department include:

- Active participation in the hiring process for employees who drive CMVs, which includes:
  - Ensuring all offers of employment shall be contingent upon successful conformation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers.
  - Ensuring the post-offer applicant obtains his/her CDL drug testing.
- Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and County policy, and
  - Contact Treasurer's or Auditor's Office as soon as possible following the incident, and
  - Complete the Supervisors Reasonable Suspicion Form.
- Compliance with DOT regulations

**Driver:** The responsibilities of a driver include:

- Avoid the use of non-prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with county policy.
- Submit a sample for drug or alcohol testing when called upon to do so by his/her supervisor, including random testing for CDL drivers, pursuant to county policy (see "Refusal to Submit Form").

## **SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS**

- A. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.
- B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

Marijuana

Cocaine

Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)

Amphetamines

Phencyclidine (PCP)

- C. **Prescription Medications:** Drivers taking legally prescribed medication issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to **his/her** immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

In the sole discretion of the Alcohol and Drug Program Administrator, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

## **PROHIBITIONS**

### **A. Alcohol Prohibitions:**

The new alcohol rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.
  2. Use during the 4 hours before performing safety-sensitive functions.
  3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.
  4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines which contain alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
  5. Use during 8 hours following an accident or until he/she undergoes a post-accident test.
  6. Refusal to take a required test.
- **NOTE:** A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that County policy has been violated, and could result in disqualification of a driver and disciplinary action, up to and including

termination under Fannin County policy.

## **B. Drug Prohibitions:**

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV;
2. Testing positive for drugs; and
3. Refusing to take a required test.

All drivers will inform the Alcohol and Drug Program Administrator of any therapeutic drug use prior to performing a safety-sensitive function.

## **Procedures**

**Types of Tests:** To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991 and drug testing guidelines and regulations issued by the Department of Transportation. The following tests are required:

- **Pre-employment.** All applicants for employment in CDL positions, or candidates for transfer or promotion to such positions are subject to screening for improper use of controlled substances. (Pre-employment alcohol testing is optional) **Note:** A pre-employment drug test may be required for an existing employee who was removed from the random testing program for more than 30 days.
- **Post-Accident.** Conducted after accidents on CDL employees in County vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation.
  - Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours, after the accident.
  - CDL employees must refrain from all alcohol use until the test is complete.
  - Post-accident drug tests must be conducted within 32 hours.
- **Reasonable Suspicion.** Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse.

- If a CDL employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
- If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours.
- Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties.
- Testing for substance abuse may occur at any time upon suspicion.

**The following conditions are signs of possible alcohol or drug use (not all-inclusive):**

- Abnormally dilated or constricted pupils
  - Glazed stare - redness of eyes (sclera)
  - Flushed face
  - Change of speech (i.e. faster or slower)
  - Constant sniffing
  - Increased absences
  - Redness under nose
  - Sudden weight loss
  - Needle marks
  - Change in personality (i.e. paranoia)
  - Increased appetite for sweets
  - Forgetfulness-performance faltering-poor concentration
  - Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
  - Constant fatigue or hyperactivity
  - Smell of alcohol
  - Slurred speech
  - Difficulty walking
  - Excessive, unexplained absences
  - Dulled mental processes
  - Slowed reaction rate
- **Random:** Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.
    - Each year, the number of random alcohol tests conducted by the County must equal at least \*10% of all the safety-sensitive CDL employees.
    - Random drug tests conducted by the County must equal at least \***50%** of all CDL employees.

\*Note: These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled

substances testing will be applicable starting January 1 of the calendar year following publication in the Federal Register.

- **Return to Duty and Follow-up.** Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in or for employee to return to duty.
  - Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
  - Follow-up testing may be extended for up to sixty (60) months following the return to duty.

## Conducting Tests

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
  - Two breath tests are required to determine if a person has a prohibited alcohol concentration.
  - A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted
- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility.
  - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
  - DOT rules require a split specimen procedure.
    - Each urine specimen is subdivided into two bottles labeled as primary and split.
    - Both bottles are sent to the laboratory.
    - Only the primary specimen is opened and used for the urinalysis.
    - The split specimen remains sealed at the laboratory.
    - If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
  - All urine specimens are currently analyzed for the following drugs:
    - Marijuana (THC metabolite)
    - Cocaine
    - Amphetamines
    - Opioids (codeine, heroin, morphine, oxycodone, oxymorphone,

- hydrocodone, hydromorphone)
  - Phencyclidine (PCP)
- Testing is conducted using a two-stage process.
  - First, a screening test is performed.
  - If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
  - Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
- All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
  - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
  - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. The MRO will take into consideration when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
  - If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

### **Refusal to Submit to an Alcohol or Drug Test and the Consequences**

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
  - Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy,
  - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy,
  - Refuses to wash his or her hands after being directed to do so during collection of a urine sample,
  - Admits to the collector of a urine sample that he or she has adulterated or substituted their specimen,
  - An observed collection of a urine sample, fails to follow the observer's instructions to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he or she has any type of prosthetic or

- other device that could be used to interfere with the collection process,
  - Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or
  - Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

### **Consequences of Alcohol/Drug Misuse**

- CDL employees who have any alcohol concentration, defined as 0.02 or greater, who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.
  - Disciplinary action may up to and including termination may be imposed upon an employee whose alcohol test reveals any alcohol concentration, between 0.02 and 0.04.
- CDL employees who engage in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use, must be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.
  - Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use.

#### **NOTE BELOW ARE ONLY SOME OPTIONS TO CONSIDER:**

- Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.04 or drug use, he/she shall receive a one (1) day unpaid suspension.
- If a CDL employee tests positive for alcohol use greater than 0.04 or drug use for a second time within the five year period immediately following his/her first positive test, he/she will be terminated.
- A CDL employee in his/her introductory or training period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.
- A CDL employee who tests positive for alcohol use greater than 0.04 or drug use, but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with his/her alcohol or drug problem. Failure to comply will result in immediate termination.

- The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable).
  - Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.
- CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

### **Information/Training**

- All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse.
- All employees must receive a copy of this policy and sign the Confirmation of Receipt – see attachments.
- All personnel responsible for supervising and managing CDL employees must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
  - Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
- This policy will be posted on employee bulletin boards and will be available to all employees.
- Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
- All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
- All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

## **Record Keeping**

- Fannin County will keep detailed records of its drug and alcohol program per DOT Regulations.
- These records are confidential. Test results will only be released to the county, the substance abuse professional or the MRO. Any other release will only be made with written consent of the CDL driver or in response to court order.
- All Fannin County drug and alcohol test results will be updated in the DOT Clearinghouse online database as required by DOT regulation.

## **APPEAL OF TEST RESULTS**

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Fannin County, but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.
- B. Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.
- C. Within 72 hours after the driver has been notified of a positive test result for drugs he/she may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

## **VIII. CONFIDENTIALITY**

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee, except for the requirement to utilize the Clearinghouse, which is the DOT online database for drug and alcohol testing results.

Drivers are entitled, upon written request, to obtain copies of any records pertaining to

the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests. Copies will be provided within 5 days.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to ensure that all tests can be correctly traced to the driver. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Alcohol and Drug Program Administrator.

Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program Administrator for confidential record keeping.

## **APPENDIX A**

### **ALCOHOL AND DRUG EFFECTS**

Section 382.601(b)(11) FMCSR mandates that all employees be provided with training materials discussing the effects of alcohol and controlled substances use on an individual's health, work and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

#### **ALCOHOL**

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

##### Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6 oz.) over time, may result in the following health hazards:

- Dependency
- Fatal liver disease
- Kidney disease
- Pancreatitis
- Ulcers
- Decreased sexual functions
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Spontaneous abortion and neonatal mortality
- Birth defects

##### Social Issues

- 2/3 of all homicides are committed by people who drink prior to the crime
- 2-3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol-related.
- Alcoholics are 15 times more likely to commit suicide.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- 30,000 people will die each year from alcohol caused liver disease.
- 10,000 people will die each year due to alcohol-related brain disease or suicide.
- Up to 125,000 people die each year due to alcohol-related conditions or accidents.

##### Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- Impairment can be measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

## ALCOHOL'S TRIP THROUGH THE BODY

**Mouth and Esophagus:** Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

**Stomach and Intestines:** Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B<sub>1</sub>, vitamin B<sub>12</sub>, and amino acids.

**Bloodstream:** 95% of the alcohol taken into the body is absorbed into the bloodstream, through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

**Pancreas:** Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin thus resulting in diabetes.

**Liver:** Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of liver cells destroyed, eventually causing cirrhosis of the liver. The disease is eight times more frequent among alcoholics than among non-alcoholics.

**Heart:** Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

**Urinary Bladder and Kidneys:** Alcohol inflames the lining of the urinary bladder, making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

**Sex Glands:** Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

**Brain:** The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive in coordination: confusion, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

## DRUGS

### Health Effects

- Emphysema-like conditions.
- One joint of marijuana contains cancer-causing substances equal to 1/2 pack of cigarettes.
- One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infection.
- Chronic smoking causes changes in brain cells and brain waves. The brain does not work as

efficiently or effectively. Long-term brain damage may occur.

- Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- Chronic smoking of marijuana in females causes a decrease in fertility.
- A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life are common in pregnant marijuana smokers.
- THC causes birth defects including brain damage, spinal cord, forelimbs, liver, and water on the brain and spine in test animals.
- Prenatal exposure may cause underweight newborn babies.
- Fetal exposure may decrease visual functioning.
- User's mental function can display the following effects:
  - delayed decision making
  - diminished concentration
  - impaired short-term memory
  - impaired signal detection
  - impaired tracking
  - erratic cognitive function
  - distortion of time estimation

#### Workplace Issues

- THC is stored in body fat and slowly released.
- Marijuana smoking has long-term effects on performance.
- Increased THC potency in modern marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

### **Cocaine**

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

#### Health Effects

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's Disease could also occur.
- Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Treatment success rates are lower than other chemical dependencies.
- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

#### Workplace Issues

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increases probability of accidents.
- High cost frequently leads to theft and/or dealing.

- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

## **Opioids**

Narcotic drugs which alleviate pain and depress body functions and reactions.

### Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- Because of tolerance, there is an ever-increasing need for more.
- Strong mental and physical dependency occurs.
- With increased tolerance and dependency combined, there is a serious financial burden for the users.

### Workplace Issues

- Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

## **Amphetamines**

Central nervous system stimulant that speeds up the body and mind.

### Health Effects

- Regular use causes strong psychological dependency and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce heart or brain damage due to severe constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk-taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

### Workplace Issues

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

## **Phencyclidine (PCP)**

Often used as a large animal tranquilizer. Abused primarily for its mood-altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.

- If misdiagnosed as LSD induced, and treating with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

#### Workplace Issues

- Not common in workplace primarily because of severe disorientation that occurs.
- There are four phases of PCP abuse:
  - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
  - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
  - Drug induced schizophrenia.
  - Induced depression which may create suicidal tendencies and mental dysfunction.

**APPENDIX B**  
**EMPLOYEE NOTIFICATION LETTER**  
**FOR REQUIRED C.D.L. HOLDERS**

I certify that I have received a copy of, and have read the Fannin County Policy on Alcohol and Drug Testing Procedures. I understand that as a condition of employment as a driver, I must comply with these guidelines, and do agree that I will remain medically qualified by following these procedures. If I develop a problem with alcohol or drug abuse during my employment with Fannin County, I will seek assistance through the current Alcohol and Drug Testing Program Administrator.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Print Name

\_\_\_\_\_  
Date



## APPENDIX D

### OBSERVED BEHAVIOR REASONABLE SUSPICION

County Office Use Only

Employee Number: \_\_\_\_\_

Location: \_\_\_\_\_

Incident Number: \_\_\_\_\_

Driver's Name \_\_\_\_\_

Date Observed \_\_\_\_\_

Address of Incident:

Street \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Time Observed: From \_\_\_\_\_ a.m. p.m.  
To \_\_\_\_\_ a.m. p.m.

Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. According to 49 CFR §382.307 (Reasonable Suspicion Testing) the employer shall require their driver to submit to a controlled substance or alcohol test if a supervisor or county representative who is trained in accordance with §382.603 determines that reasonable suspicion exists.

Reasonable Suspicion determined for: \_\_\_\_\_ Alcohol \_\_\_\_\_ Controlled Substance

1. Appearance: \_\_\_\_\_ Normal \_\_\_\_\_ Sleepy \_\_\_\_\_ Tremors \_\_\_\_\_ Clothing \_\_\_\_\_ Cleanliness

Description: \_\_\_\_\_

2. Behavior: \_\_\_\_\_ Normal \_\_\_\_\_ Erratic \_\_\_\_\_ Inappropriate gaiety \_\_\_\_\_ Mood swings \_\_\_\_\_ Lethargic

Description: \_\_\_\_\_

3. Speech:

Description: \_\_\_\_\_

4. Body Odors:

5. Indications of the chronic and withdrawal effects of controlled substances: \_\_\_\_\_ Yes \_\_\_\_\_ No

Explain: \_\_\_\_\_

6. Other observations of reasonable suspicion:

\_\_\_\_\_

Signature _____	Title _____	Preparation Date _____	Time _____ A.M. P.M.
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Signature _____	Title _____	Preparation Date _____	Time _____ A.M. P.M.
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The alcohol test must be administered within eight (8) hours following a reasonable suspicion determined. Employer retain in employee's confidential file in Human Resources.

## **APPENDIX D**

### **REASONABLE SUSPICION TEST**

When an employee begins to show a pattern of deterioration job performance, the supervisor will take a series of steps over a period of time, each of which requires full documentation. Substance abuse can affect an employee's job performance in many ways and supervisors must be aware of them. Supervisors need to alert for and document the following if they appear as part of a pattern and not as isolated incidents.

#### **General Trends:**

- Excessive absenteeism; peculiar excuses for absences.
- Excessive use of sick leave, particularly for minor illness such as colds, flu or stomach problems.
- Frequent absences on Fridays, Mondays, pay days or after holidays.
- Excessive tardiness, especially at lunch time.
- Long breaks; frequent trips to the bathroom, break area or parking lot and frequent early departures from work.
- Higher than normal accident rates, both on- and off-the-job.
- Complaints from co-workers.
- Overreacts to real or imagined criticism.
- Changes in appearance, such as flushed face, red or bleary eyes, carelessness in dress or appearance; hand tremors.
- Makes untrue statements.
- Tracking or needle marks on the arms.

#### **Performance-related Trends:**

- Inconsistent work patterns or disruption of work patterns.
- Misses deadlines.
- Decreasing reliability; procrastination; or memory gaps.
- Tendency to neglect details formerly not neglected.
- Friction with co-workers; placing blame on others.
- Errors due to inattention or poor judgment.
- Making consistently bad decisions; missing deadlines.
- Requesting different job assignments.
- Seeking loans from co-workers.
- Wasting office supplies or materials due to errors.
- Poor service to public; complaints from the public.
- Lack of cooperation; confusion.
- Decreased productivity or quality of work.
- Morale problems; unacceptable behavior.

#### **Specific Examples of Behavior:**

- Accidents involving injury and/or property damage.
- Slurred speech.
- Alcohol odor on breath.
- Unsteady walking and movement.
- Physical disputes.
- Verbal altercations.
- Unusual behavior.
- Possession of alcohol and/or drugs.
- Information obtained from a reliable person with personal knowledge that the employee is under the influence of drugs and/or alcohol.

Obviously there are other explanations for such trends, and supervisors should be cognizant of this. Supervisors are not to jump to conclusions and should use good judgment.

**APPENDIX E**  
**ALCOHOL AND CONTROLLED SUBSTANCE**  
**EMPLOYEE'S CERTIFIED RECEIPT**

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Department

This is to certify that I have been provided educational materials that explain the requirements of §382.601 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked (v) items:

- \_\_\_\_ 1. The designated person to answer questions about the materials.  
\_\_\_\_ 2. The categories of drivers subject to Part 382.  
\_\_\_\_ 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.  
\_\_\_\_ 4. Specific information concerning prohibited driver conduct.  
\_\_\_\_ 5. Circumstances under which a driver will be tested.  
\_\_\_\_ 6. Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.  
\_\_\_\_ 7. The requirement that tests are administered in accordance with Part 382.  
\_\_\_\_ 8. An explanation of what will be considered a refusal to submit to a test and the consequences.  
\_\_\_\_ 9. The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and §382.605 procedures.  
\_\_\_\_ 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.  
\_\_\_\_ 11. Information on the affect of alcohol and controlled substances use on:  
\*An individual health    \*Signs and symptoms of a problem    \*Work  
\*Available methods of intervening when a problem is suspected  
\*Personal life  
\_\_\_\_ 12. Optional information:

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Representative

\_\_\_\_\_  
Date

Retain in employee's master confidential file in Human Resources

**APPENDIX F**  
**REQUEST/CONSENT FOR INFORMATION FROM PREVIOUS EMPLOYER ON**  
**ALCOHOL AND CONTROLLED SUBSTANCES TESTING**

**SECTION 1: TO BE COMPLETED BY PROSPECTIVE EMPLOYEE**

(Print name) \_\_\_\_\_  
First, M.I., Last \_\_\_\_\_ Social Security Number \_\_\_\_\_

Previous Employer: \_\_\_\_\_

Street: \_\_\_\_\_ Telephone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Fax No.: \_\_\_\_\_

You may release and forward information requested by section 2 (below) of this document concerning my Alcohol and Controlled Substances Testing records to:

Prospective Employer: \_\_\_\_\_

Attention: \_\_\_\_\_

Street: \_\_\_\_\_ Telephone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

This is in compliance with §382.405(f) and (h), which state:  
(f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by that subsequent employer is permitted only as expressly authorized by the terms of the driver's request.  
(h) An employer shall release information regarding driver's records as directed by the specific, written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.  
§382.413(a)(b)(c)(e)(f) further state:  
(a) An employer may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this part by the driver's previous employers.  
(b) An employer shall obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of 0.104 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the driver's previous employers under §382.401(b)(1)(i) through (iii).  
(c) The information in paragraph (b) of this section must be obtained and reviewed by the employer no later than 14 calendar days after the first time a driver performs safety-sensitive functions for an employer.  
(e) The prospective employer must provide to each of the driver's employers with the two preceding years the driver's specific written authorization for release of the information in paragraph (b).  
(f) The release of any information under this part may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

**SECTION 2: TO BE COMPLETED BY PREVIOUS EMPLOYER**

**COMPLETE THIS SECTION AS IT PERTAINS TO PART 382. SEE SEC. §382.413(b), ABOVE.**

1. Has this person ever tested positive for a controlled substance in the last two years? \_\_\_\_ Yes \_\_\_\_ No  
2. Has this person ever had an alcohol test with a Breath Alcohol Concentration 0.04 or greater in the last two years? \_\_\_\_ Yes \_\_\_\_ No

3. Has this person ever refused a required test for drugs or alcohol in the last two years? \_\_\_\_ Yes \_\_\_\_ No

If YES to any of the above questions, please give the SAP's (Substance Abuse Professional) name, address and phone number for further reference.

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Section 2 completed by (signature): \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 3: TO BE COMPLETED BY PROSPECTIVE EMPLOYER**

This form was (check one) \_\_\_\_ Faxed to previous employer. \_\_\_\_ Mailed. Date: \_\_\_\_\_

Complete below when information was obtained.

Information received from: \_\_\_\_\_

Recorded by: \_\_\_\_\_ Method: \_\_\_\_ Fax \_\_\_\_ Mail \_\_\_\_ Phone  
Date: \_\_\_\_\_ Personal interview

## **1D-7 WORKPLACE VIOLENCE**

Fannin County is committed to providing a workplace free of violence. Fannin County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Fannin County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination. This policy excludes law enforcement within the scope of duties.

### **PROHIBITED ACTIONS AND PENALTIES**

It is a violation of this policy to engage in any act of violence in this workplace. Examples of violence may include but are not limited to:

- a. Teasing and practical jokes that cause anger or humiliation;
- b. Intimidation or bullying;
- c. Angry outburst;
- d. Verbal abuse, name-calling, or obscene language;
- e. Threats (verbal, written or motioned);
- f. Harassment (general, racial, or sexual);
- g. Theft, vandalism, or sabotage;
- h. Throwing or breaking objects;
- i. Romantic obsessions and stalking;
- j. Sexual assault or rape; or
- k. Unauthorized possession and use of weapons.

### **RESPONSIBILITY**

It is the responsibility of every employee to be alert to the possibility of violence in the workplace. Workplace safety is a major concern for all employees; therefore, employees must refrain from acts of violence and seek assistance to resolve personal issues which may lead to acts of violence in the workplace.

All employees should be encouraged to openly communicate with each other, and to be aware of any unusual activity that may be an indicator of potential violence.

Threats or acts of violence that require immediate or emergency action should be reported to 911.

## **REPORTING THREATS**

Any incident of violent behavior, whether committed by a County employee or an external individual such as a customer, vendor, or citizen, must be reported to departmental management. Employees have a “duty to warn” management of any suspicious workplace activity or situations or incidents that they observe, or that they are aware of, that involve other employees, former employees, or the public.

If the individual to be reported is an Elected Official, then it should be reported to the County Judge, Sheriff, District Judge(s), and Auditor.

Any employee who violates this policy will be subject to disciplinary action up to and including termination and/or legal action, as appropriate.

## **1D-8 ANIMAL COLLISION REDUCTION GUIDELINES**

Animal strikes are an increasing risk for county operations. In Texas there is a high likelihood of striking various animals including wild hog and deer. As such, employees operating county vehicles or operating a personal vehicle for county business are expected to follow the following guidelines to help reduce animal collisions.

- 1.) If traffic permits, reduce speed by a minimum of 10% of the posted speed limit beginning 1 hour before sunset till 1 hour after sunrise.
- 2.) If traffic permits, use high light beams for better visibility.
- 3.) Do not drive at a speed that requires a greater stopping distance than the distance illuminated by your headlights.
- 4.) Keep aware of areas where animals are likely to be present such as wooded areas.
- 5.) Reduce speed and be alert when one animal is spotted. Where one animal is present, others are likely to be in the area.
- 6.) Do not swerve. Only use brakes to avoid animal collision.

## **1D-9 PARKING AND BACKING PROCEDURE**

### **Purpose**

The purpose of this procedure is to establish guidelines to follow that may prevent and accident or injury when parking or backing a County vehicle.

If practical, it is preferred that the vehicle operator select a parking location which does not require backing to re-enter the flow of traffic. When this is not possible, adhere to the following procedures:

- **Use of Cones:** Orange safety cones (18" unless equipped with 28") must always be placed at the rear of a county vehicle at all times when parked. The placement of cones at the rear of a parked vehicle, or at the front and rear traffic side of the vehicle if parallel parked, will alert other vehicle operators of activity in and around the vehicle and increase their level of caution. In addition, placement of cones in this manner will require vehicle operators to remove them before moving the vehicle and encourage a survey of the area behind the vehicle prior to backing.
- **Use of a Spotter:** The driver must use a "spotter", if available, when backing a vehicle or construction equipment. Agree on signals before starting, especially the signal for "stop". Position the spotter where you can visually see him/her, where he/she is out of your path of travel, and where he/she can clearly see behind the vehicle. Stop immediately if you lose sight of your spotter. If you are in doubt of the situation, stop immediately, get out of your vehicle and check the situation yourself. If a "spotter" is not available, the driver must check under and around the vehicle to make sure the area is clear before proceeding to back a vehicle. Use the rear view and side mirrors, and if possible, look behind you. Back up immediately, but slowly, before the present has time to change. Whether or not a spotter is available, while backing a vehicle, always periodically check the front of the vehicle.

# **SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS**

## A. EMPLOYEE PAYROLL

### 2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

Fannin County is accountable to the taxpayers for spending public funds; therefore, our pay system is based on principles of public accountability that prohibit the government from paying employees unless they actually perform work or have Paid Leave available. Thus, even **Exempt Employees** are subject to deductions for partial-day absenteeism.

Fannin County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the attention of the Auditor, Fannin County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll. All employees, (regardless if non-exempt or exempt) are required to complete an electronic time sheet by logging into ESS (Employee Self Service). This step must be done as the accounting software automatically calculates the accrual and use of both vacation and PTO time based on the hours that are submitted. **This does not include Elected or Appointed Officials as they do not accrue vacation or PTO time.** Employees are not to share their log on information with other employees.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time sheet must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. When you receive notice of each deposited pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

**Non-exempt employees should not work any hours that are not pre-authorized by their supervisor. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. Non-exempt employees are not to work hours in place of using PTO or vacation time for appointments or to take off at another time.** That time worked is to be recorded on your time in ESS. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell the Auditor's department. **Any employee that records hours worked that was not actually worked is subject to disciplinary action up to and including termination.**

It is a violation of Fannin County policy for any employee to falsify their time sheet, or to alter another employee's time sheet. **Falsifying time worked is theft of time and is**

**subject to prosecution.** It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee too incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Auditor's office.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County, which is a minimum of 40 hours. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

### **Salary Basis Rules and Safe Harbor Provision**

**Exempt Employees** are treated differently in the public sector than in the private sector with regard to certain salary deductions. Deductions may be made under the following circumstances.

- a. When an Exempt Employee does not work at all in a workweek;
- b. When an Exempt Employee begins or ends employment in the middle of a workweek;
- c. When an Exempt Employee is absent for personal reasons (including illness or injury, partial or full days) and:
  1. has not asked for Paid Leave
  2. has asked for Paid Leave, but the request was denied;
  3. has exhausted all Paid Leave; or
  4. has chosen not use Paid Leave;
- d. When an Exempt Employee is suspended in increments of one full workweek for any reason;
- e. When an Exempt Employee is suspended for any period of time for violating a safety rule of major significance, including those rules relating to the prevention of serious danger in the workplace or other employees.
- f. When an Exempt Employee is suspended in full day increments for violating a written workplace conduct rule (other than absenteeism or performance);
- g. When an Exempt Employee takes **Unpaid Leave** under the Family and Medical Leave Act; and
- h. When a Department Head orders a furlough for budgetary reasons.

Fannin County prohibits Department Heads from making or authorizing improper deductions from an Exempt Employee's salary.

All exempt employees are required to complete an electronic time sheet by logging into ESS (Employee Self Service). This step must be done as the accounting software automatically calculates the accrual of both vacation and sick time based on the hours that are submitted or used (vacation and sick). Exempt employees' salary will remain the same unless a deduction is made for one of the reasons listed above. Exempt employees should record all vacation and **PTO** days as used.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the Auditors' office. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County/District Attorney. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

## **2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS**

Fannin County will comply with the IRS with regard to fringe benefits such as county uniforms and county vehicle usage. You may be responsible for paying payroll taxes on such fringe benefits. **To be excluded from IRS Publication 5137 for paying payroll taxes on uniforms or clothing allowances means that clothing is not adaptable to general use as ordinary clothing would be.**

## **2A-3 COMPENSATION**

Fannin County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

Fannin County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners' Court has adopted this exemption. *(See Policy Below)*

All non-exempt County employees shall be paid an hourly wage.

Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

For part time regular employees, the monthly salary compensates the employee for all hours worked in each workweek of that month up to the amount designated by the County for the position.

Temporary employees shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

In the event of a major disaster where the County Judge has issued a disaster declaration and it has been extended by the Commissioners' Court, in order for the County to be reimbursed by FEMA, all salaried employees will be calculated in the same manner as hourly employees for the duration of the disaster incident and the disaster declaration is rescinded or allowed to expire.

## **2A-4 PAYROLL DEDUCTIONS**

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law.

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Auditor's Office.

## **2A-5 WORK WEEKS AND WORK PERIODS**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the work week for Fannin County shall begin at 12:01 a.m. on each day and end 24 consecutive hours later. The work week for Fannin County will begin at 12:01 a.m. on each Monday and end seven (7) consecutive work days (168 hours) later. Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and a minimum of 86 hours as established by the Fannin County Commissioners Court **(Dispatchers do not qualify as Law Enforcement (First Responders) per federal law).**

## **2A-6 TIMESHEETS**

Each employee must complete a time sheet in ESS (Employee Self Service) to be submitted to their supervisor no later than the last day of each pay period. The supervisor will review submitted time and will then approve and submit, which will send to payroll in the Auditor's Office. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show

an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. When recording time it should show the total number of hours worked for the day. Absences must be charged to the appropriate paid leave account such as PTO Leave, Vacation, Holiday, Bereavement Leave, Wellness, or other. If no paid leave balance exist then any absence must be entered as other (must complete required description). Time sheets are governmental documents and as such require accurate and truthful information. **Falsifying a time sheet, a governmental record is a criminal offense subject to prosecution.** All employees (except Elected/Appointed Officials) are required to complete an electronic time sheet. Elected/Appointed Officials, department head should log in and approve their employee's time. **No employee should be given access to approve their own time under any circumstance.**

Time sheets will be retained by the County Auditor for (3) years electronically and are subject to audit by various Federal Agencies.

## **2A-7 PAYPERIODS**

The pay period for Fannin County shall be a bi-weekly pay period with the pay period dates established by the Commissioners' Court. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

**The Texas Payday Law does not apply to political subdivisions of Texas (Counties), therefore final wages will be issued on the regularly scheduled payday.**

## **2A-8 PAY CHECKS**

Direct Deposit is mandatory for employees. Payroll checks are not available until 8:00 am on the actual pay day. Advances in pay shall not be made to any employee for any reason.

## **2A-9 WORK SCHEDULES**

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday to meet the needs of the citizens. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

## **2A-10 HOURS WORKED**

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

## 2A-11 LAW ENFORCEMENT PAY AND OVERTIME

The Fannin County Commissioners Court has adopted the extended work period for law enforcement personnel authorized by the Fair Labor Standards Act §207(k), which includes deputies and jailers **(this does not include dispatchers)**. These employees have a work period of 14 consecutive calendar DAYS. A law enforcement employee will be paid a salary based on a minimum of up to 80 hours reported and a maximum of 86 actual hours worked. All actual worked time hours up to 86 will be paid at a straight time hourly rate. Hours worked over 86 during a work period **will then be paid at time and a half**. Paid leave shall not be counted in determining if overtime has been worked in any workweek. **Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime. All hours worked must be recorded.**

The work week for Fannin County will begin at 12:01 a.m. on each Monday and end seven (7) consecutive work days (168 hours) later. Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and a minimum of 80-86 hours as established by the Fannin County Commissioners Court.

**A law enforcement employee must account for 80 hours during each work period, by reporting actual hours worked, PTO or vacation time.** If an employee reports more than 80 actual hours worked during a work period he or she will receive straight time pay for the actual hours worked between 81 hours and 86. Hours worked over 86 during a work period will be paid at time and a half.

Except in an emergency situation, as determined by the commissioner's court or the sheriff, an employee must obtain advanced authorization from his or her supervisor before working more than 86 hours in any work period to receive overtime pay.

Any Deputy or Dispatcher that has Compensatory Time on the books on the effective date of this policy, will retain and be allowed to use until at which time the Compensatory time is exhausted. This revised policy will become effective October 1, 2023.

## 2A-12 OVERTIME CALCULATIONS AND RULES

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on "Law Enforcement Pay and Overtime").

Paid leave shall not be counted in determining if overtime has been worked in any workweek.

**Except in emergency situations as determined by the Commissioners' Court, an employee will be required to have prior authorization from his/her supervisor before working overtime.**

Overtime shall be paid in accordance with the provisions of the FLSA. Overtime pay will be no less than one and one-half times the employee's regular rate of pay.

Each employee shall be responsible for recording any overtime within a pay period in ESS (Employee Self Service) on the electronic time sheet for that pay period.

**Compensatory time will no longer be available to be accrued on the effective date of this policy. Employees should not work early, late or during meal breaks to make up for using earned time for appointments or early dismissal before holidays, etc.**

**Any employee that has Compensatory Time on the books on the effective date of this policy, will retain and be allowed to use until at which time the Compensatory time is exhausted. This revised policy will become effective October 1, 2023.**

Any issues on overtime not addressed in this policy shall at least meet the minimum requirements of the Fair Labor Standards Act and the regulations issued by the Department of Labor to administer that Act.

## **2A-13 RECRUITMENT**

Applications and/or resumes will only be accepted when there is an opening. All openings within the county are processed through the Auditor's Office and shall be emailed to all County employees giving the job title, office, pay or pay range, brief description of the duties, experience and educational requirements, supervisors name and the closing date of all newly created or vacated full time positions.

All internal postings will have a closing date (3 working days from date of email that is sent). Out of courtesy, employees are requested to notify **his/her** supervisor that **he/she** intend to bid on a position.

When it appears that there is a high probability that there are no qualified internal candidates then the county may choose to run a newspaper advertisement simultaneously. However, no one from the outside will be interviewed until after the 3 work day period has expired. At that time there will be a posting for the public. Announcements may be published in local newspapers, registration with the Texas Workforce Commission, or postings on Fannin County Courthouse bulletin boards, Fannin County website and social media boards. External postings/advertisements are to be posted/advertised for a minimum of 3 working days before an offer can be extended and may state that the job is open till filled.

All outside applicants must complete a Fannin County employment application answering all of the questions before being considered for the position for which **he/she is** applying.

If a position which was filled through outside advertising becomes open again within 90 days, the supervisor may elect to hire from within the applicant pool from the initial newspaper advertisement and not advertise again.

Fannin County desires to promote/transfer within, however, this is not a guarantee to employees as each elected official has the right to hire whomever he/she feels is the best candidate. It is up to you to make sure that your performance and attitude demonstrates to all who come in contact with you that you are an excellent employee.

**Re-Employment** - An employee who terminates voluntarily or otherwise, and who is compensated for accumulated comp time and vacation time, shall not be eligible for re-employment for a period of six (6) months after the date on which he/she receives compensation for that accumulated comp and vacation time. This policy applies only to re-employment on a fulltime basis. Employees who return to work after six (6) months of separation shall be re-hired at entry level.

## **2A-14 SELECTION**

Each elected or appointed official, or his/her designee, shall be responsible for selecting the applicant whom he/she feels best meets the qualifications for an open position in his/her department, only once a successful background check has been conducted. The Auditor's office shall be notified (prior to an offer) of who is being hired, the proposed starting date, hourly pay rate and provided with the original employment application for the master employment file. The employee shall be told to report to the Auditor's office for processing at 8 am on **his/her** first day of employment.

## **2A-15 DISQUALIFICATION**

Reasons for which an applicant shall be disqualified for consideration for employment shall include, but not be limited to:

- The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying
- The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process.
- The applicant has committed or attempted to commit a fraudulent act at any stage of the application process
- The applicant is not legally permitted to hold the position.
- The applicant has a conviction in any jurisdiction of a class B Misdemeanor or its equivalent within the last 10 years. (Sheriff's Office)

- The applicant has any conviction in any jurisdiction of a class A Misdemeanor or its equivalent or above to include any felonies convictions in state or federal courts. (Sheriff's Office)
- The applicant has any conviction in any jurisdiction of any classification of an assaultive nature. (Sheriff's Office)

## **2A-16 DEMOTIONS**

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or department heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary **may** be adjusted downward.

## **2A-17 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary. Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position.

To apply for a transfer, the employee must have been working in their present job for six months and have a satisfactory performance record. Part time employees may bid on any fulltime position within their department without regard to how long they have been employed. Only those employees who meet the job qualifications and requirements will be interviewed. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-18 PROMOTIONS**

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary. It is the policy of Fannin County to provide promotional opportunities for current employees whenever reasonably possible. While the County's policy is to fill each position with the best qualified applicant, preference shall be given to current County employees where all other qualifications are equal.

Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. To apply for a promotion, the employee must have a satisfactory performance record. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

## 2A-19 SEPARATIONS

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Fannin County shall be designated as one of the following types:

**A. Resignation:** A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Fannin County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to his/her supervisor. All notices shall be sent to the Auditor's Office to retain in master employment file.

**B. Retirement:** A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

**C. Dismissal:** A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Fannin County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice. Any dismissal must be reported to the Auditor's Office so appropriate dismissal paperwork may be completed. Any documentation (original) associated with a dismissal should be forwarded to the Auditor's Office for retention in the employees master employment file.

**D. Reduction in Force:** An employee shall be separated from employment because of a reduction in force when his/her position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

**E. Death:** A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, **his/her** designated beneficiary or estate shall receive all earned pay and payable benefits.

Any separation that does not fall into one of the categories outlined shall be designated as "other" and the supervisor shall provide details of the nature of the separation for the personnel records. All department heads/supervisors shall be responsible for notifying the County Judge and Auditor's Office as soon as an employee announces his/her intent to resign.

An employee who terminates voluntarily or otherwise, and who is compensated for accumulated comp time and vacation time, shall not be eligible for full-time re-employment for a period of six (6) months after the date on which he/she receives compensation for that accumulated comp and vacation time. Employees who return to work after six (6) months separation shall be rehired at entry level.

## **2A-20 RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Fannin County as long as the following provisions are met: 1) The retiree has been retired for at least six (6) calendar months, 2) No prior arrangement or agreement was made between Fannin County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of six (6) calendar months. A bona fide separation means there is no prior agreement or understanding between Fannin County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire with an agreement to go work in a different department or different position. Changing employee status does not matter when determining if someone is still working for the county.

Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

## **2A-21 STARTING SALARY POLICY**

Fannin County has a starting salary for all positions within the Commissioner Court approval. If a position within the County is vacated, then at the point the position is filled, the starting salary will be at the starting salary for the grade of that position. It will not be what the previous employee was making.

## 2A-22 TELEWORK POLICY

Fannin County has developed a **Telework Policy** to promote telework as a means of achieving solutions to address pandemics/epidemics or bad weather. Telework should only be allowed in the situations addressed above.

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**No employee is entitled to, or guaranteed the opportunity to, telework.** Offering the opportunity to telework is a management option, based on the discretion of the employee's immediate supervisor and Department Head. **Department Heads have a right to refuse to make telework available and to terminate a telework arrangement at any time.**

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When teleworking, employees understand that they are accountable for their time and are expected to be regularly accessible and available to their supervisors and coworkers during **his/her** telework schedule using routine electronic means, including telephone, email, etc.

- a. Telework does not alter requirements to comply with an employee's duties and responsibilities and County and department policies. For example, employees must follow **his/her** department's call-in and leave request procedures.
- b. Telework creates no additional overtime or compensatory time requirements. All overtime should be approved by management before being **worked**. When teleworking employees should only record actual time working.
- c. Employees who telework should be available to attend in-person meetings or report to a County office when requested. Teleworkers understand that they may be called to work in a County office on **his/her** regular telework schedule to meet department needs.
- d. Teleworking employees shall not hold in-person business meetings with internal or external clients, customers or colleagues at their telework site.
- e. Employees shall not conduct any unauthorized external (non-county) work while **he/she is** scheduled to telework.
- f. Employees shall maintain a safe and secure work environment at all times while teleworking, and will report any work-related injuries to **his/her** supervisor in a timely manner.

### **Confidential Information**

As a general rule, confidential and/or proprietary information may not leave County premises. If it is necessary for data to be downloaded or transported to be used off-site, employees must obtain approval of their supervisor and inform them of the methods being used to safeguard the information.

- a. Employees must maintain the confidentiality of County information and documents, prevent unauthorized access to any County system or information, and dispose of

work-related documents in a manner that will not jeopardize the interest of the County.

- b. Failure to use due care in safeguarding confidential and/or proprietary information in all phases of possession (transportation, use, storage, and disposal) may be considered a performance matter that could end the telework agreement and subject the employee to disciplinary action.

## **Hardware, Software and Data**

Employees who are allowed to telework are subject to the same internal County policies regarding the use of County provided equipment (hardware and software) and services as that of employees working at a County worksite. Employees shall not allow anyone, except authorized County employees, to use County-provided equipment (including hardware and software) and services.

Employees must keep County-owned property safe and avoid any misuse.

Specifically, employees must:

- Keep their equipment password protected.
- Store equipment in a safe and clean space when not in use.
- Follow all data encryption, protection standards and settings.
- Log out of County applications and services when not in use.
- Disconnect from County remote access services when not working.
- Lock their workstation using CLT+ALT+DELETE when away from their computer.
- Refrain from downloading suspicious, unauthorized or illegal software.

Violation of the “Telework Policy” may lead to disciplinary actions, up to and including termination from Fannin County.

**Although Telework may be allowed under certain the circumstances named above, onsite work is the work method of County employees.**

## **B. EMPLOYEE BENEFITS**

### **2B-1 MEDICAL AND DENTAL INSURANCE**

All fulltime regular employees of Fannin County shall be eligible for the group medical plan and dental plan benefits. Regular part time, temporary seasonal, temporary short term part time, and regular variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance.

Premiums for the coverage for eligible employees shall be paid entirely by the County. The County will pay health insurance premiums for up to six months, in the entirety, should an employee require FMLA but has not worked for the County long enough to be eligible for FMLA.

Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Details of coverage under the group medical insurance plan are available in the County Auditor's Office and may be obtained during the normal working hours for that office.

Employees who leave the employment of Fannin County or who lose their coverage eligibility may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Treasurer's Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

The events listed below qualify under C.O.B.R.A. for the following length of time:

36 month continuous coverage:

- a. As a surviving spouse and children of a deceased employee
- b. As a separated or divorced spouse and children of current employee
- c. When a dependent child ceases to be a dependent child under the plan
- d. Spouses and dependents who lose coverage due to the employee becoming entitled to Medicare

18 months of continuous coverage:

- a. Reduction of work hours
- b. Voluntary termination of employment
- c. Involuntary termination of employment (except termination for gross misconduct)
- d. Strike, layoff, or walkout of workers

It is your responsibility to notify the Auditor of Fannin County at (903)583-7451 (within 60 days) of when a qualifying event has occurred and you will then be given information as to the cost, your rights and the forms for signing up for it. All terminated employees will be given written information on COBRA, if eligible.

Fannin County believes this health plan is a “grandfathered health plan” under the Patient Protection and Affordable Care Act (the Affordable Care Act). As permitted by the Affordable Care Act, a grandfathered health plan can preserve certain basic health coverage that was already in effect when that law was enacted. Being a grandfathered health plan means that your health plan may not include certain consumer protections of the Affordable Care Act that apply to other plans, for example, the requirements for the provision of preventive health services without any cost sharing. However, grandfathered health plans must comply with certain other consumer protections in the Affordable Care Act, for example, the elimination of lifetime limits on benefits.

## **2B-2 RETIREE HEALTH INSURANCE**

Employees or Elected Officials, over the age of 65, who retire from Fannin County and are eligible to receive monthly pension payments from TCDRS, are not eligible to continue their group health insurance benefit for themselves and their covered dependents. Fannin County offers a supplemental policy to Medicare if the retiree is over age 65. The retired employee or elected official must pay the full premium for the coverage.

## **2B-3 OTHER PLANS – LIFE, SUPPLEMENTAL**

Fannin County may provide a limited amount of life insurance on eligible employees as part of the group medical insurance coverage. Details of coverage under the group medical insurance plan are available in the County Auditor’s Office and may be obtained during the normal working hours for that office.

## **2B-4 VACATION**

All full-time regular employees are eligible for the vacation benefits. Part-time employees shall be eligible for vacation pro-rated to hours worked. Temporary employees shall not be eligible for vacation benefits.

### **Accrual Rate of Vacation:**

Employees in a position eligible to receive vacation shall earn vacation at a rate of 3.08 hours per pay period, which is equivalent to 80 hours per year.

Once the employee has worked for the county for 10 years, they will earn 4.62 hours per pay period, which is equivalent to 120 hours per year.

Vacation shall not be accrued while an employee is on leave without pay.

For purposes of this policy, a workday is defined as the normal number of hours an employee would be expected to work on a day he/she is scheduled to work.

Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation.

The maximum amount of unused vacation an employee shall be allowed to have at one time is 160 hours if a county employee has 10 years of employment. 120 hours maximum if an employee has less than 10 years of employment. When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.

Accrual over the maximum may be allowed if an employee is unable to take vacation because of the needs of the county and:

- The employee's supervisor prepares a request for accrual above the maximum explaining why the employee was unable to take vacation.
- The request is approved by the commissioner's court.
- The employee must take all vacation accrued above the maximum within 3 months of the extension or lose it.

Scheduling of vacations shall be at the discretion of the individual department heads.

There is no minimum usage of vacation.

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If a holiday falls during an employee's vacation then the employee will not be charged for the vacation.

If an employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

Each employee shall be responsible for accurately recording all vacation time used on **his/her** time sheet.

## **2B-5 PTO**

All full-time regular employees are eligible for PTO (Paid Time Off) (formerly called Sick Time). Part-time employees shall be eligible for PTO benefits pro-rated to hours worked. Temporary employees shall not be eligible for PTO benefits.

Eligible employees shall accrue PTO at a rate of 2 hours per pay period. Accrual will begin on October 1, 2024 or at the time an individual begins working for the county (after October 1, 2024) in a position eligible for the PTO benefit.

The maximum amount of unused PTO an employee shall be allowed to accrue is 52 hours.

For purposes of this policy, a workday is defined as the normal number of hours an employee would be expected to work on a day he/she is scheduled to work.

PTO may be used as a full work day or in increments as approved by the Department Head.

Where use of PTO is not known in advance, an employee shall notify his/her supervisor of the intent to use PTO within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable.

Employees shall not be allowed to borrow PTO against future accruals.

Employees shall not be paid for unused PTO at the termination of employment.

Any employee that had Sick Time accrued on October 1<sup>st</sup>, 2023, effective date of this revised policy, will retain that sick time and will be allowed to be used until such accrued sick time is exhausted. Any accrued sick time on the books will not be paid at the termination of employment.

## **2B-6 HOLIDAY**

All full-time and regular part-time employees shall be eligible for the paid holiday benefit. Employees are eligible for holiday pay as long as **he/she** work last scheduled shift before and first scheduled shift after the holiday. Seasonal and temporary employees are not eligible for holiday pay.

The County holidays, pay dates and Commissioner Court dates for the following year shall be determined by order of the court, by the last regular term of each fiscal year of the County.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.

Sheriff's office employees (deputies and dispatchers) that are scheduled to work **his/her** normal Shift's on a holiday and those that are called in to work in the event of an emergency on a holiday shall be paid 8 hours of Straight time for the holiday as well as straight time for the actual hours worked. (Effective October 1, 2019)

An employee shall not be allowed to work on a holiday to take a day off with pay prior to or after a holiday.

An eligible employee (not at the Sheriff's Office) called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 90 days equivalent to the amount of time worked on the holiday. If the time is not used within 90 days the employee will lose that time.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Fannin County. Each supervisor is responsible for granting this leave based on the needs of **his/her** individual departments. Vacation, compensatory time, or leave without pay may be used for special leave granted.

Holidays do not accrue and if they are not taken, they will not be paid at termination.

## **2B-7 JURY DUTY**

All employees of Fannin County who are called for jury duty shall receive **his/her** regular pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time **he/she** actually serve on the jury.

Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require.

If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

## **2B-8 BEREAVEMENT LEAVE**

All employees shall be allowed up to 3 days leave with pay for a death in the immediate family.

For purposes of this policy, immediate family shall be defined as the relatives listed in the 1<sup>st</sup> and 2<sup>nd</sup> degree circles of the Consanguinity Kinship Chart (Blood) and the 1<sup>st</sup> degree circle of the Affinity Kinship Chart (Marriage). Immediate members include the employee's father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law and the employee's spouse.

Employees may be allowed time off with pay, up to a maximum of 8 hours, to attend the funeral of a relative who is not a member of the immediate family as defined by the 3<sup>rd</sup> degree circle of the Consanguinity Kinship Chart (Blood) and the 2<sup>nd</sup> degree circle of the Affinity Kinship Chart (Marriage). These include the employee's great grandmother, great grandfather, great granddaughter, great grandson, aunt, uncle, niece, nephew, spouse's grandmother, spouse's grandfather, spouse's granddaughter, spouse's grandson, spouse's sister (sister-in-law), spouse's brother (brother-in-law), sister's spouse (brother-in-law), and brother's spouse (sister-in-law).

Any bereavement leave must have a funeral program, notice in paper or memorial card emailed to the Auditor's Office during the pay period that the leave was used.

If leave is needed beyond the limits set in this policy, it will be charged to available vacation time, PTO, or to leave without pay.

## **2B-9 MILITARY LEAVE**

All Fannin County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year with pay to attend authorized training sessions and exercises. Only the first fifteen days will accrue benefits.

**Texas military forces get an extra 7 days if the governor or other authority declares a disaster.**

The fifteen (15) days paid military leave shall apply to the **federal fiscal** year and any unused balance at the end of the year shall not be carried forward into the next **federal fiscal** year.

Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule.

An employee may use vacation time, PTO leave, or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.

An employee going on military leave shall provide his or her supervisor with a set of orders within two (2) business days after receiving them.

Upon request of the employee, Fannin County will provide a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year.

Fannin County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be

eligible for re-employment in accordance with state and federal laws in effect at the time of their release from duty.

## **2B-10 PAID QUARANTINE LEAVE**

### **Paid Quarantine Leave for Peace Officers**

Fannin County shall provide paid quarantine leave for peace officers employed by Fannin 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. This includes all peace officers, as defined by this policy, who are employed by, appointed to or elected to **his/her** position.

“Health Authority” has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body’s jurisdiction. A health authority must be: a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state and a resident of the state. They must take an official oath and file with the department. For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to public health in the county’s jurisdiction.

“Peace Officer” means an individual described by Article 2.12, Code of criminal Procedure, who is elected for, employed by, or appointed by the county.

Eligible employees who are on qualifying paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to quarantine, including lodging, medical, and transportation. An employee on qualifying paid quarantine leave will not have **his/her** leave balances reduced.

Off duty exposures will not be covered under this policy.

Any employee on paid quarantine leave should notify the Auditor’s Office to discuss the above benefits and any reimbursement owed to employee.

## **2B-11 PAID MENTAL HEALTH LEAVE**

The following traumatic event policy serves to comply with Tex. Gov’t Code §614.015.

Fannin County shall provide Mental Health Leave (traumatic event) for sworn Peace Officers and full-time Telecommunicators employed by Fannin County who has experienced a traumatic event.

### **Definitions:**

**Telecommunicators** – means a person authorized to act as a telecommunicator under Section 1701.405 Occupation Code.

**Peace Officers** – means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the County.

**Traumatic Event** – is defined as an event that a peace officer or telecommunicator responds to, is involved in, or witnesses, as a result of his or her employment, the nature of which is likely to cause a strong emotional reaction or mental distress that may temporarily interfere with the officer's ability to function or to perform the functions of his/her job.

Traumatic events for the purpose of this policy may include, but are not limited to the following:

1. A fire, flood, wind, storm, wave action, explosion, riot, or hostile military or paramilitary action that causes a mass casualty incident and requires an emergency response;
2. Shootings or traffic accidents that result in a mass casualty incident;
3. Line-of-duty death of another officer or an act of violence that causes an officer to sustain serious bodily injury;
4. Suicide of department member;
5. Death of a child resulting from violence or neglect;
6. Use of force incidents that result in death or serious bodily injury; or
7. Being held hostage.

**Mass Casualty Incident** – an event that overwhelms the local healthcare system, where the number of casualties vastly exceeds the local resources and capabilities in a short period of time.

**Traumatic Event Leave** –administrative paid leave for peace officers and telecommunicators who experience a traumatic event, as defined above.

**Mental Health Professional** – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

### **Requesting Mental Health Leave:**

An officer or telecommunicator directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting the leave shall be made no later than 24 hours following the submission of the

request. The request shall be granted unless the chain of command can articulate specific compelling reason to deny the granting the leave. All request, approved or denied, must be forwarded to the Auditor's Office.

A supervisor or coworker who becomes aware of behavioral changes in an officer or telecommunicator directly involved in a traumatic event should suggest to the officer or telecommunicator that he or she seek mental health leave and the assistance of a mental health professional.

### **Confidentiality of Request:**

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's or telecommunicator's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer, telecommunicator or supervisor who becomes aware of behavioral changes and suggests the officer or telecommunicator seek mental health leave shall not discuss the matter with any third party. Any breach of this confidentiality will be grounds for discipline.

Confidentiality may be waived by the officer or telecommunicator seeking the mental health leave. Confidentiality may be waived under circumstances which indicate the officer or telecommunicator is a danger to himself or herself or others and departmental personnel must confer with mental health professionals. The Auditor's Office can help facilitate this.

### **Duration of Mental Health Leave:**

An officer or telecommunicator directly involved in a traumatic event may request up to three (3) working days of mental health leave.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three (3) working days. Each officer or telecommunicator may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension. All documents must be forwarded to the Auditor's Office for official file. Mental health leave will run concurrently FMLA where FMLA is available.

### **Effect on Paid Leave Balances:**

Fannin County will not reduce an eligible employee's PTO leave, vacation leave, or other paid leave balance for mental health leave taken under this policy.

### **Mental Health Services:**

Mental Health Services are available to the officers. Contact the Auditor's Office for assistance.

### **2B-12 RETIREMENT**

All regular employees (full time and part time) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short-term part-time employees will not be eligible for retirement benefits.

Eligible employees shall make contributions to the retirement program through a system of payroll deduction.

Fannin County shall make a contribution to each eligible employee's retirement account equal to or greater than the contribution made by the employee according to the requirements of TCDRS. The current contribution required by the employee is 7% of your gross wages.

Information on the retirement program may be obtained at the County Auditor's Office during the normal working hours for that office.

You become vested in pension when you have completed 8 years of service. You are eligible to retire when your years of service with Fannin County and the combination of your age are equal to 75.

### **2B-13 SOCIAL SECURITY/MEDICARE**

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck in accordance with the requirements of this program. Fannin County shall contribute an amount equal to the employee's contribution in accordance with the requirements of this program.

### **2B-14 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

The federal Family and Medical Leave Act of 1993 (FMLA) requires an employer to provide eligible employees with unpaid leave under certain circumstances. There are two types of leave available:

1. The basic 12-week entitlement; and
2. The Military Family Leave (MFL) entitlement described in this policy.

## **ELIGIBILITY:**

To be eligible for benefits under this policy, an employee must:

1. Have worked for Fannin County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted towards the 12 months; and
2. Have worked at least 1250 during the previous 12 months; and
3. Are employed at a work site that has 50 or more employees within a 75-mile radius.

Any employees with questions about their eligibility for FMLA leave should contact the Auditor's Office for more information.

## **QUALIFYING EVENTS:**

Family medical leave under this policy may be taken for the following reasons:

1. The birth of a child and to care for that child;
2. The placement of a child in the employee's home for adoption or foster care;
3. To care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;
4. The serious health condition of the employee that makes the employee unable to perform the essential functions of their job;
5. A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call to order to active duty in a foreign country;
6. To care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or
7. To care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began the medical treatment, recuperation or therapy.

## **SERIOUS HEALTH CONDITION**

Serious health condition is defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility or continuing treatment by a health care provider.

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

1. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - a. Treatment two or more times within 30 days of incapacity; or
  - b. Treatment by a health care provider on at least one occasion within the first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
2. Any period of incapacity due to pregnancy or pre-natal care.
3. Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
4. Any period of incapacity that is permanent or long term due to a condition for which treatment is not effective.
5. Any period of incapacity or absence to receive multiple treatments by a health care provider.

## **QUALIFYING EXIGENCY LEAVE**

An eligible employee may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, child of any age or parent in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active-duty status in a foreign country.

Qualifying exigencies may include:

1. Short-noticed deployment (up to seven days);
2. Attending certain military events and related activities;
3. Arranging for alternative childcare;
4. Addressing certain financial and legal arrangements;
5. Periods of rest and recuperation for the covered military member (up to fifteen days of leave);
6. Attending certain counseling sessions;
7. Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active-duty status);
8. Other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
9. Attending family support or assistance programs and informational briefings;
10. Acting as the covered military member's representative before a governmental agency;
11. Addressing issues that arise from the death of a covered military member while active duty status in a foreign country; and
12. Other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee.

## **LENGTH OF LEAVE**

An employee may use up to 12 weeks leave per 12-month period under this policy. Fannin County set the 12-month period used under this policy as a “rolling” 12-month period measured backward from the date an employee uses FMLA leave.

A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth of a healthy newborn child (i.e. bonding time) or placement of a child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

## **MILITARY CAREGIVER LEAVE**

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member during a single 12 month period. A covered service member is either a current member or veteran of the Armed Forces (Regular, Reserve, or National Guard).

An eligible employee may take up to 26 weeks to care for a covered service member of the Armed Forces (Regular, Reserve or National Guard) who has been rendered medically unfit to perform their duties due to a serious injury or illness incurred in the line of duty while on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve or National Guard) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The MFL entitlement is applied on a per-injury basis and an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or covered veteran with subsequent serious illness or injury, except that no more than 26 weeks may be taken within any single 12-month period.

An eligible employee may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five-year period; the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the county's operations.

## **WORK RELATED INJURY**

Fannin County will always designate qualifying work-related injuries with lost time as FMLA qualifying.

## **SUBSTITUTION OF PAID LEAVE**

Fannin County requires substitution of paid leave for all FMLA and MFL events. An employee must follow the vacation and PTO leave policy guidelines. The balance of FMLA and MFL is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation Leave.

The maximum amount of paid and unpaid leave that may be used under this policy in a 12-month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness which is a maximum of 26 weeks in a 12-month period.

## **CONTINUED EMPLOYEE BENEFITS**

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the county no later than 30 days after the date of the pay period in which the premium comes due. The county may cancel unpaid coverage by providing the employee advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, **an eligible employee will be offered COBRA if they are unable to return to work.**

## **INTERMITTENT LEAVE AND REDUCED SCHEDULE**

An employee may take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member or the care of a covered military member or veteran.

An employee may work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family, or the care of a covered military member or veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12-month period.

## **CERTIFICATION REQUIREMENTS**

The county has the right to ask for certification of the serious health condition of the employee or the employee's eligible family member when the employee requests or is using leave under this policy.

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have their physician complete and return the medical certification, or provide appropriate documentation, within 15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

The employee must respond to the county's request for certification within 15 days of the receipt of the request or provide a reasonable explanation for the delay in writing before the 15<sup>th</sup> day after the receipt of the request. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.

If an employee request intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request re-certification for intermittent or reduced schedule leave every six months in connection with an eligible absence.

The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered member supported by an invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at their bedside.

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification, at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

## **REQUESTING LEAVE**

Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to their immediate supervisor.

Where reasonably practicable, an employee should give their immediate supervisor a minimum of 30-days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible.

## **REINSTATEMENT**

An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed, will be returned to the same job or a job equivalent to the job the employee held before going on FMLA leave. An employee who has not exceeded the 26-week maximum leave period in a single 12-month period, allowed to care for a seriously ill or injured covered military member, will be returned to the same job or a job equivalent to the job the employee held before going on leave under this policy.

If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

The county has no obligation to reinstate an employee who takes more than 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available PTO or vacation leave.

## **REPAYMENT OF BENEFITS**

Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to their FMLA leave.

## **OTHER BENEFITS**

While on leave without pay under this policy, an employee does not earn vacation, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy, unless other employees who go on leave without pay are allowed to do so.

An employee who is out on approved FMLA leave may not take a trip outside of the **country** unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. An employee may ask their immediate supervisor for written

permission to take trips outside of the county which may be granted at the supervisor's sole discretion. This written permission must be forwarded to the Auditor's Office for the employee master employee county file.

Employees are forbidden from working another job while on approved FMLA from the county.

## **REGULATION**

Any area or issue regarding family and medical leave that is not addressed in this policy subject to the basic requirements of the FMLA and the regulations issued to implement it.

## **RETURN-TO-WORK**

An employee is required to provide a fitness-for-duty certification before the employee returns to work.

## **ENFORCEMENT**

An employee may file a complaint with U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family of medical leave rights.

## **2B-15 LEAVE OF ABSENCE - OTHER**

Employees may request a personal leave of absence to a maximum of 20 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

## **2B-16 WELLNESS INCENTIVE PROGRAM**

Fannin County Commissioners Court has approved a Wellness Incentive Program for full-time employees enrolled in the county health plan on a volunteer basis. This program is administered according to federal rules permitting employer-sponsored

wellness programs that seek to improve employee health or prevent disease, including the Americans with Disabilities Act of 1990, the Genetic Information Nondiscrimination Act of 2008, and the Health Insurance Portability and Accountability Act, as applicable, among others. You will be asked to complete a biometric screening (Annual Physical) and a Tobacco Cessation Course. You are not required to complete the biometric screening or to participate in the blood test or other medical examinations or to participate in the Tobacco Cessation Course.

The results from your biometric screening will be used to provide you with information to help you understand your current health and potential risks, and may also be used to offer you services through the wellness program, such as Condition Management or Lifestyle Coaching with Blue Cross and Blue Shield of Texas and Naturally Slim. You also are encouraged to share your results or concerns with your own doctor.

### **Protections of Disclosure of Medical Information**

We are required by law to maintain the privacy and security of your personally identifiable health information. Although the Healthy County Wellness Program and Fannin County may use aggregate information it collects to design a program based on identified health risks in the workplace Fannin County Wellness Program will never disclose any of your personal information either publicly or to the employer, except as necessary to respond to a request from you for a reasonable accommodation needed to participate in the Wellness Program, or as expressly permitted by law. Medical information that personally identifies you that is provided in connection with the Wellness Program will not be provided to your supervisors or managers and may never be used to make decisions regarding your employment.

In addition, all medical information obtained through the Wellness Program will be maintained separate from your personnel records, information stored electronically will be encrypted, and no information you provide as part of the Wellness Program will be used in making any employment decision. Appropriate precautions will be taken to avoid any data breach, and in the event a data breach occurs involving information you provide in connection with the Wellness Program, we will notify you immediately.

You may not be discriminated against in employment because of the medical information you provide as part of participating in the Wellness Program, nor may you be subjected to retaliation if you choose not to participate.

# **SECTION 3: EMPLOYEE FORMS**

## **EMPLOYEE HANDBOOK ACKNOWLEDGEMENT**

I have received a copy of the Fannin County Employee Handbook that outlines my benefits and obligations as a County employee, which includes the County's Drug and Alcohol Policy. I understand that I am responsible for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County, which may be changed or deleted at any time. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

I further understand that the Fannin County Employee Handbook is not a contract of employment. I understand that I am an at-will employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding Fannin County's policies, practices and benefits. I understand that Fannin County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as a Fannin County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers', to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I may be required to take earned compensatory time off at the County's discretion.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am required to have a Commercial Driver's License (CDL) for my county position, I will be subject to random, reasonable suspicion and post-accident drug and alcohol testing.

If I leave the employment of Fannin County I will return my employee handbook to my supervisor or the Fannin County Treasurer's Office.

I have read these policies and understand these policies and I agree to abide by and adhere to these policies.

\_\_\_\_\_  
**Signature of Employee**

\_\_\_\_\_  
**Date Signed**

\_\_\_\_\_  
**Printed Name of Employee**

## EMPLOYEE INFORMATION

Employee's Full Name \_\_\_\_\_

Home Address: Street \_\_\_\_\_ Phone # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex ☐ Male ☐ Female ☐ Other

Marital Status ☐ Single ☐ Married ☐ Divorced ☐ Widowed ☐ Other

Social Security Number \_\_\_\_\_

Driver License Number \_\_\_\_\_ State \_\_\_\_\_

Occupation \_\_\_\_\_

Date of Employment \_\_\_\_\_ Department \_\_\_\_\_

Working Status: ☐ Full Time ☐ Part Time ☐ Temporary

Starting Salary \_\_\_\_\_

Spouse's Full Name \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex ☐ Male ☐ Female ☐ Other

Spouse Social Security Number \_\_\_\_\_

Number of Children \_\_\_\_\_

Beneficiary \_\_\_\_\_ Relationship \_\_\_\_\_

## **Fannin County Reimbursement Form**

Department: \_\_\_\_\_ Employee \_\_\_\_\_

making trip: \_\_\_\_\_ Date(s) of trip: \_\_\_\_\_

Round trip to: \_\_\_\_\_

The following documents/receipts should be attached as applicable:

MapQuest, registration form, hotel confirmation, airline reservation, parking and agenda

Number of Miles: \_\_\_\_\_ @ .675 = \$ \_\_\_\_\_

Registration ..... \$ \_\_\_\_\_

Hotel ..... \$ \_\_\_\_\_

Airfare ..... \$ \_\_\_\_\_

Parking ..... \$ \_\_\_\_\_

Parking is payable to (select one) ☐ employee ☐ hotel

### Meals are per diem

Meals are prorated \$6.00 breakfast, \$9.00 lunch and \$15.00 dinner. Those are the maximum amounts you can receive for each of those meals. If a meal is included as part of your registration fee, that meal will not be paid to you. No meal receipts are required. Please see travel policy for specifics on approved meals.

Date	Breakfast	Lunch	Dinner	Total

Total meal expenses ..... \$ \_\_\_\_\_

Total trip expenses ..... \$ \_\_\_\_\_

Employee Signature \_\_\_\_\_

Certificate: I hereby certify that the above, including attached documents, is true and correct, and I further certify that I attended the training session presented.

Approved by \_\_\_\_\_  
(Signature of Department Head)

### Auditor's office only

Check amount due employee \_\_\_\_\_

Check amount due registration \_\_\_\_\_

Check amount due hotel \_\_\_\_\_

Amount charged to County credit card \_\_\_\_\_

**Fannin County Employee/Elected/Appointed Official**  
**Public Information Act (f/k/a Open Records Act) Election Form (Texas**  
**Gov't Code §§ 552.024, 552.117, and/or 552.1175)**

Public access to Fannin County employees and Elected/Appointed officials' records in the custody of Fannin County is permitted in accordance with the Public Information Act, formerly called the Open Records Act. However, this Act also authorizes County officials, employees, former officials, and former employees to choose to withhold from disclosure information that relates to their home address, home telephone number, emergency contact information, social security number, or that reveals whether they have family members.

Each employee, official, former employee, and former official who desires this information to be kept confidential must state that choice to the Human Resources Department/Representative in a signed writing not later than the 14<sup>th</sup> day after the date on which:

- (1) the employee begins employment with the County;
- (2) the official is elected or appointed; or
- (3) the former employee or former official ends service with the County.

As well, an employee, official, former employee, or former official who wishes to close or open public access to the information may request in writing that the main personnel officer close or open access.

**Please check the appropriate line or lines below on the information you wish to be kept confidential, then sign and return this Election Form to the HR Department/Representative.**

I want the following information kept confidential. Do not disclose to the public information that:

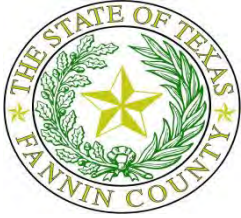
- \_\_\_\_\_ Relates to my home address
- \_\_\_\_\_ Relates to my home telephone number
- \_\_\_\_\_ Relates to my emergency contact information
- \_\_\_\_\_ Relates to my Social Security Number
- \_\_\_\_\_ Reveals whether I have family members

If you fail to state your choice (by not checking a line above), the corresponding information indicated on that line shall be subject to public access (open) in accordance with the Act (except for your Social Security Number, as a social security number of a living person is confidential under Section 552.147 of the Government Code).

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Employee/Official Signature

\_\_\_\_\_  
Employee/Official Name (please print)



# Fannin County

## Authorization for Background Check

---

This is to notify you that a background check may be conducted on you for employment purposes depending upon the position for which you are applying.

By signing the release below, I hereby authorize Fannin County to contact any/all corporations, former employers, references, military services, educational institutions, law enforcement agencies, city, state, county and federal courts to release information about my background including, but not limited to, information about employment, education, driving record, criminal record and general public records history to Fannin County.

I release from all liability all persons, companies, agencies and schools supplying such information. I indemnify Fannin County against any liability, which may result from making such requests. This release shall remain in effect for the length of my employment. I understand and may have a right to request additional disclosures regarding the nature and scope of the investigation.

I believe to the best of my knowledge that all information I have provided is accurate, true and correct and that I fully understand the terms of this release.

*Unacceptable results may disqualify you from employment.*

Name (please print): \_\_\_\_\_

Address: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Driver's License Number & State: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Fannin County will not discriminate against any applicant or employee based on race, creed, color, national origin, sex, gender identity, age, religion, veteran status, disability, or sexual orientation.

**THIS IS AN EQUAL OPPORTUNITY EMPLOYER**



# Fannin County

## Authorization to Check Driving Record

I, \_\_\_\_\_, applicant for the \_\_\_\_\_

Fannin County, do hereby authorize Fannin County to obtain a copy of my driving record to be used to evaluate my potential and/or continued employment with Fannin County. I hereby authorize the Texas Department of Public Safety or any other authorized entity authorized to access state or federal agency records to furnish Fannin County, or its agent, my driving record. I do hereby release all agents, servants, and employees of Fannin County, from all liability resulting from the release of this information.

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
State of Issue

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
State of Issue

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
State of Issue

### Acknowledged and Agreed:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Birth

Fannin County will not discriminate against any applicant or employee based on race, creed, color, national origin, sex, gender identity, age, religion, veteran status, disability, or sexual orientation.

**THIS IS AN EQUAL OPPORTUNITY EMPLOYER**

**CONFLICT OF INTEREST QUESTIONNAIRE**  
For vendor doing business with local governmental entity

**FORM CIQ**

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

**OFFICE USE ONLY**

Date Received

**1** Name of vendor who has a business relationship with local governmental entity.

**2** ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3** Name of local government officer about whom the information is being disclosed.

\_\_\_\_\_  
Name of Officer

**4** Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐

Yes

☐

No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐

Yes

☐

No

**5** Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

**6** ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7**

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

## **CONFLICT OF INTEREST QUESTIONNAIRE**

### **For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

# **LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT**

**FORM CIS**

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

## **OFFICE USE ONLY**

Date Received

**1 Name of Local Government Officer**

**2 Office Held**

**3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code**

**4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.**

**5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).**

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

(attach additional forms as necessary)

**6 AFFIDAVIT**

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

\_\_\_\_\_  
Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

\_\_\_\_\_  
Signature of officer administering oath

\_\_\_\_\_  
Printed name of officer administering oath

\_\_\_\_\_  
Title of officer administering oath

## LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

### INSTRUCTIONS FOR COMPLETING THIS FORM

*The following numbers correspond to the numbered boxes on the other side.*

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Affidavit.** Signature of local government officer.

**Local Government Code § 176.001(2-a):** "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

**Local Government Code § 176.003(a)(2)(A):**

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

## **Fannin County Formal Grievance Form**



Please type or print clearly using ink. All grievances under the Civil Service System will be resolved as quickly as possible and at the lowest administrative level possible without regard to race, color, religion, sex, national origin, age or disability.

### **Human Resources Officer/Representative**

**101 Sam Rayburn Dr., Suite 301**

**Bonham, Texas 75418**

**(903) 583-7451**

**[clhaggard@fanninco.net](mailto:clhaggard@fanninco.net)**

Name (Last)		First	(Middle Initial)
Department	Job Title		Hire Date: MO DAY YR
Home Address	Work Telephone:  Cell Telephone (optional):	Home Telephone:  Email Address:	
Manager/Supervisor's Name		Manager/Supervisor's Telephone Number:	
Lawyer or other Representative (if applicable):  Name:  Address:  Contact Telephone Number:  Email Address:			
<b>A. Scope of Grievance Procedures: A Grievance may be filed on one or more of the following grounds. Indicate the basis for your grievance and review Fannin County Policy on Grievances.</b>  <input type="checkbox"/> Improper applications of rules, regulations, and procedures <input type="checkbox"/> Unfair treatment, including coercion, restraint or reprisal <input type="checkbox"/> Discrimination based on race, religion, color, creed, gender, age, national origin, disability or political affiliation <b>(circle specific item grieved)</b> <input type="checkbox"/> Disciplinary action taken without proper cause <input type="checkbox"/> Improper application of fringe benefits or improper working conditions <b>(circle specific item grieved)</b> <input type="checkbox"/> Demotion, suspension or termination <b>(circle specific item grieved)</b>			
<b>B. Please provide details on the specific incident(s) being grieved, e.g., (1) What happened? (2) When did the incident happen? (3) Where did the incident happen? (4) Who was involved? (5) How were you adversely affected? Attach additional sheets if necessary.</b>			

**C. List the Sections and Specific Provisions or Policies alleged to have been violated. Attach any relevant documentation you have to support the allegation.**

**D. Witness(es): Identify other individuals who may have witnessed the actions being alleged.**

1.

2.

3.

4.

5.

**E. Remedy Requested. What do you want to happen; In your opinion how can the allegations be corrected?**

***Filing Instructions:***

*In order for your grievance to be given consideration, it and all subsequent appeals must be filed in writing within five (5) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

*You must file the grievance with your appropriate level of management within the five (5) calendar days, with a copy to the Human Resources Officer/Representative. Failure to file with the next level of management could render your grievance null and void. If you are unsure where to file, please contact Human Resources at (903) 583-7451 or [clhaggard@fanninco.net](mailto:clhaggard@fanninco.net).*

Employee's Signature

Date::

### Notification of Appeal to Next Level of Management

☐ I do not agree with the decision and wish to appeal to the next level

Date appeal was delivered to department:

Name of manager appeal delivered to:

☐ I am satisfied with management's decision

**Reason(s) for appeal and unresolved issue(s)** *Attach any supportive documentation you have to support the allegation.*

#### ***Filing Instructions:***

*In order for your appeal to be given further consideration, it and all subsequent appeals must be filed in writing within five (5) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

*You must file the appeal with your appropriate level of management within the five (5) calendars days, with a copy to the Human Resources Officer/Representative. Failure to file with the next level of management could render your grievance null and void. If you are unsure where to file, please contact Human Resources at (903) 583-7451 or [clhaggard@fanninco.net](mailto:clhaggard@fanninco.net).*

Employee's Signature:

Date:

### Notification of Appeal to Next Level of Management

I do not agree with the decision and wish to appeal to the next  
☐el

I am satisfied with management's decision  
☐

Date appeal was delivered to department:

Name of manager appeal delivered to:

I request a Civil Service Commission Hearing  
☐

**Reason(s) for appeal and unresolved issue(s)** *Attach any supportive documentation you have to support the allegation.*

#### ***Filing Instructions:***

*In order for your appeal to be given further consideration, it and all subsequent appeals must be filed in writing within five (5) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

*You must file the appeal with your appropriate level of management within the five (5) calendars days, with a copy to the Human Resources Officer/Representative. Failure to file with the next level of management could render your grievance null and void. If you are unsure where to file, please contact Human Resources at (903) 583-7451 or [clhaggard@fanninco.net](mailto:clhaggard@fanninco.net).*

Employee's Signature:

Date: