

MCMULLEN COUNTY

PERSONNEL POLICY MANUAL

Revised

July 12, 2021

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POLICY ON EMPLOYMENT AT WILL

EMPLOYMENT AT WILL

All employment with McMullen County shall be considered “at will” employment.

No Contract of employment shall exist between any individual and McMullen County for any duration, either specified or unspecified.

McMullen 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.

McMullen County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice.

Employees of McMullen County shall have the right to leave their employment with the County at any time, with or without notice.

POLICY ON EMPLOYEE STATUS

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of an employee cannot be changed without the approval of the Commissioners Court.

REGULAR FULL TIME

A Regular employee shall be any employee hired into a position which is not considered to be a temporary position. A full-time employee shall be any employee in a position which has a normal work schedule of at least 30 hours per week. Full time employees are eligible for county benefits for which they are qualified. 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. McMullen County makes exempt status determination based on the Fair Labor Standards Act

PART TIME

A part time employee shall be any employee in a position which has a normal work schedule of less than 30 hours per week, apart from Sheriff's Deputies which are less than 32 hours per week. All regular part-time employees will be placed on TCDRS retirement regardless of the number of hours worked per week.

EXEMPT

Exempt employees are not eligible for overtime compensation. McMullen County makes exempt status determination based on the Fair Labor Standards Act.

RESERVE

Reserve positions are limited to the Sheriff's Department Deputies, which work less than 30 hours per week and receive hourly pay and retirement only, no other benefits.

TEMPORARY

A temporary employee shall be any employee who is hired into a position which is expected to last for some specific duration or until a specific project is completed. Temporary employees may have work schedules as assigned by their manager. All employees are considered to be, "at will" employees, and employee status shall not be considered a contract of employment.

EMPLOYMENT AT WILL

All employees are considered to be "at will" employees defined in the POLICY ON EMPLOYMENT AT WILL and employee status shall not be considered a contract of employment.

POLICY ON EQUAL OPPORTUNITY

EQUAL OPPORTUNITY

It shall be the policy of McMullen County to be an equal opportunity employer.

The County will not discriminate on the basis of race, color, religion, national origin, sex, age, genetic information, pregnancy, veteran status, and disability or any other benefit, condition, or privilege of employment except where required by law or where a bona fide occupational qualification exists. These shall not be factors in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities, or programs.

REASONABLE ACCOMMODATION

The County shall make reasonable accommodation for, otherwise qualified disabled individuals, to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals.

Reasonable accommodation shall be determined through interactive consultation with the disabled individual and, where deemed necessary through consultation with outside resources.

AMERICANS WITH DISABILITIES ACT/ AMENDMENTS ACT

It is the policy of McMullen County to prohibit any harassment of, or discriminatory treatment of employees based on 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 McMullen 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 accommodation 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.

POLICY ON PERSONNEL FILES

PERSONNEL FILES

The McMullen County Human Resources department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, time sheets, insurance, as well as records concerning performance, discipline, and compensation.

It is important that the personnel records of McMullen County be accurate at all times.

In order to avoid issues, compromising your benefit eligibility or having W2's returned, McMullen County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

The Public Information Act allows county employees to keep their home addresses and telephone numbers confidential. You may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after your first day of employment.

POLICY ON APPLICATION FOR EMPLOYMENT

JOB ANNOUNCEMENTS

1. Announcements for job openings with McMullen County may include, but not be limited to, advertisements in local newspapers, registration with the Texas Workforce Commission or postings on the McMullen County Courthouse bulletin board or Website.
2. Each official having a job opening shall be responsible for determining how that opening will be announced. Applications are available in the Human Resource Office.

SELECTION

1. Each elected or appointed official, or designee, shall be responsible for selecting the applicant who they feel best meets the qualifications for an open position in their department.

DISQUALIFICATION

1. Reasons for which an applicant shall be disqualified for consideration for employment shall include, but not be limited to, the following:
 - a. The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which the person is applying
 - b. 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
 - c. The applicant has committed or attempted to commit a fraudulent act at any stage of the application process; or
 - d. The applicant is not legally permitted to hold the position.

POLICY ON NEPOTISM

HIRING OF RELATIVES

1. The Texas Government Code Chapter 573, a Public Official of McMullen County is prohibited from hiring a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department that the person supervises or exercise control over.
2. A degree of relationship is determined under Texas Government Code Chapter 573. (See the Charts that follow)

FIGURE 1 – CONSANGUINITY KINSHIP CHART
Relationship by Blood

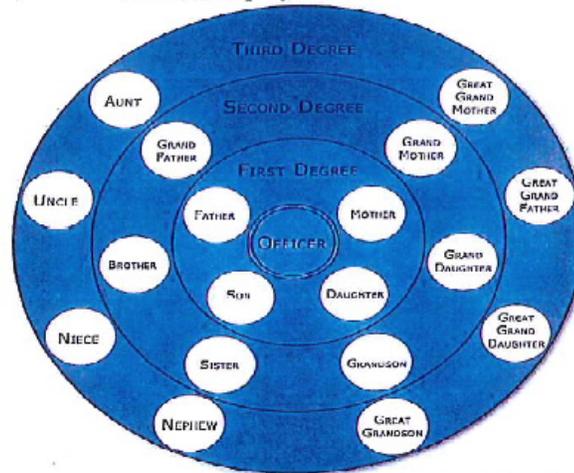
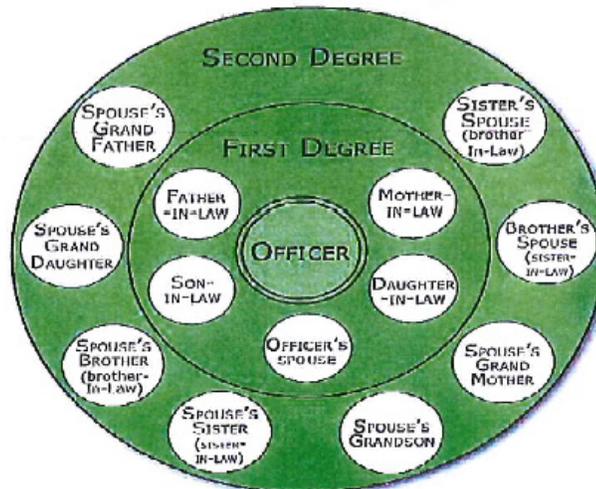


FIGURE 2 – AFFINITY KINSHIP CHART
Relationship by marriage.



EMPLOYEE BENEFITS POLICY ON VACATION

ELIGIBILITY

1. All regular full-time employees shall be eligible for vacation benefits. Vacation shall not be accrued while an employee is on leave without pay.
2. Part-time, reserve, and temporary employees shall not be eligible for vacation benefits.

ACCRUAL RATE

1. Full time employees earn vacation monthly at 9 hours per month. Full Time Sheriff Deputies shall receive 9.5 hours per month.
2. If an employee has previous service with McMullen County and returns to work, they will begin as a newly hired employee.
3. Full Time Employees who have worked for ten (10) or more years in a position, are eligible to receive vacation at 12 hours per month beginning on their anniversary date. Full Time Sheriff's Deputies will receive 13 hours after meeting the above requirements.
4. Vacation time not taken by the end of the calendar year is carried over to the next year with a maximum carry-over of 80 hours.

BORROWING

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future employment.

SCHEDULING

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

MINIMUM USAGE

The minimum amount of vacation that may be taken at one time shall be no less than 1 hour.

PAY IN LIEU OF VACATION

Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

PAY AT TERMINATION

1. If an employee has worked for at least one (1) year in a position which earns vacation at the time the employee resigns, is discharged, or is terminated for any other reason the employee shall receive pay for all unused vacation up to a maximum of 80 hours.
2. An employee who has not worked for a minimum of one year in a position shall not be eligible for any vacation pay upon termination of employment.

RECORD KEEPING

1. Each employee shall be responsible for accurately recording all vacation time used on their time sheet.

SPECIAL LEGISLATION

In scenarios where special legislation or legally binding rules are passed or promulgated at a state or federal level as it pertains to handling and paying leave during a pandemic, epidemic, state of emergency, national disaster, McMullen County will follow the legislation as it is outlined (i.e. Families First Coronavirus Response Act). The Judge's understanding of such rules or legislation shall be final in the application of such rules or legislation, subject to subsequent review of Commissioners Court.

POLICY ON SICK LEAVE

ELIGIBILITY

1. All regular, full time employees shall be eligible for the paid sick leave benefit.
2. Part-time, reserve, and temporary employees shall not be eligible for sick leave benefits.

ACCRUAL RATE

1. Eligible employees shall accrue sick leave at a rate of 6 hours per month.
2. Full Time Sheriff Deputies shall receive 6.5 hours per month.
3. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

MAXIMUM ACCRUAL

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 480 hours.

USE OF SICK LEAVE

1. Sick leave may be used for the following purposes:
 - a. Illness or injury of the employee
 - b. Appointments with physicians, optometrist, dentists, and other qualified medical professionals; and
 - c. To attend to the illness or injury of a member of the employee's immediate family
2. For purposes of this policy, immediate family shall be defined as spouse, child, parent, or other relative living in the employee's home who is dependent on the employee for care.
3. Sick leave may not be used as vacation or any other reason not addressed in this policy.

NOTIFICATION

1. Where sick leave is to be used for medical appointments, an employee shall be required to notify the supervisor of the intent to use sick leave as soon as the employee knows of the appointment.
2. Where use of sick leave is not known in advance, an employee shall notify the supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable.
3. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify the supervisor as soon as is reasonably practicable.
4. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify the supervisor of the anticipated length of absences.

DOCUMENTATION

- 1.The supervisor may have the right to require a physician’s statement or some other acceptable documentation of injury or illness. Human Resources has the authority to temporarily waive the requirement for staff to furnish a return to work note from a doctor in extreme circumstances (i.e. pandemic, epidemic, state of emergency, national disaster) so long as the policy is uniformly applied to all employees.
- 2.Documentation requirements under this policy shall also apply in situations where the absence is for the care of a member of the immediate family.
- 3.Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to resignation of employment with the county.

MINIMUM USE

The minimum amount of sick leave that an employee may use at any time shall be no less than one half (1/2) hour.

BORROWING

Employees shall not be allowed to borrow sick leave against future accruals. They may be eligible for the sick leave pool. (See sick leave pool policy)

PAY AT TERMINATION

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

PAID QUARANTINE LEAVE FOR PEACE OFFICERS

McMullen County shall provide paid quarantine leave for peace officers, employed by McMullen 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 peace officers, as defined by this policy, who are employed by, appointed to or elected to their position.

"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 the quarantine, including lodging, medical, and transportation. An employee on qualifying paid quarantine leave will not have their leave balances reduced.

Off duty exposures will not be covered under this policy.

POLICY ON HOLIDAYS

ELIGIBILITY

All full-time regular employees shall be eligible for the paid holiday benefit. Holidays do not accrue. If they are not taken, they will not be paid at termination.

Part-time, reserve, and temporary employees shall not be eligible for Holiday benefits.

HOLIDAYS

The County holidays for the following calendar year shall be determined by the McMullen County Commissioner's Court.

HOLIDAY DURING VACATION

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.

HOLIDAY ON DAY OFF

If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days.

An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

EMERGENCIES

If an eligible employee is called in to work on a holiday because of an emergency, or other special need of the County, they shall be given paid time off during the next 30 days equivalent to the amount of time worked on the holiday.

SPECIAL OBSERVANCES

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for the county.

Determination of granted leave under the FMLA or Military Leave Act section of this policy shall be made by the supervisor of the department in which the employee works, based on the needs of the department.

Vacation, compensatory time, or leave without pay may be used for leave granted under FMLA or Military Leave Act of this policy.

POLICY ON LAW ENFORCEMENT HOLIDAYS

ELIGIBILITY

This policy will pertain to most full-time regular employees of law enforcement services. This policy excludes clerical workers and administrative staff.

HOLIDAYS

Employees shall receive vacation/holiday/personal leave time equal to the number of hours of holiday time approved by the Commissioners Court each year when they set the official County holiday schedule.

COMPUTATION

1. Each designated holiday is considered 8.6 hours for purposes of calculating the holiday personal leave time.
2. Vacation/holiday/personal leave time is calculated on a calendar basis.

USAGE

Eligible employees must coordinate and receive approval from their supervisors prior to any usage of holiday personal leave time.

ACCRUAL

A maximum of 80 hours leave time may be carried over.

PAYBACK

Any eligible employee leaving employment prior to the completion of the calendar year may owe back to the County if they have taken all vacation/holiday/personal leave time prior to the completion of the calendar year. These hours will have to be calculated and applied toward the final paycheck. It is permissible for the employee to take time off at any time during the year, only those leaving service prior to the end of the year may have to pay back holiday leave time.

POLICY ON JURY DUTY LEAVE

JURY DUTY

1. Full Time Employees of McMullen County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.
2. 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.
3. Any fees paid for jury service may be kept by the employee.

OFFICIAL COURT ATTENDANCE

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 employees' court attendance may require.

PRIVATE LITIGATION

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

POLICY ON MILITARY LEAVE

GUARD AND RESERVE

1. 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 calendar year with pay to attend authorized training sessions and exercise.
2. The fifteen (15) day paid military leave shall apply to the federal fiscal calendar year and any unused balance at the end of the year shall not be carried forward into the next federal fiscal calendar year.
3. 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.
4. An employee may use annual leave, earned compensatory time, or leave without pay if the employee must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum.

ORDERS

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

ACTIVE MILITARY

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 the state and federal regulations in effect at the time of their release from duty.

POLICY ON FUNERAL AND OR OTHER LEAVE

FAMILY FUNERAL LEAVE

1. Full Time Employees shall be allowed up to 5 (five) days leave with pay for a death in the immediate family.
2. For purposes of this policy, immediate family shall include the employee's spouse and/or child, parent, brother, or sister of the employee or of the employee's spouse.

OTHER LEAVE

Employees may be allowed time off with pay, at the discretion of the department head, to attend the funeral of a relative who is not a member of the immediate family or for the funeral of a friend.

ADDITIONAL LEAVE

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

EMERGENCY LEAVE DUE TO UNEXPECTED AND EXTRAORDINARY CIRCUMSTANCES

There may be times when offices may be required to close, due to unexpected and extraordinary circumstances. During this time, time off from scheduled work will be paid and said leave shall not be charged to the employees accrued annual or sick leave. Salaries will be paid for out of funding sources under these unexpected or extraordinary circumstances which include, epidemic, pandemic, disaster or local, state, or national emergency.

Communication regarding office closures will be communicated through all Department Heads via email, text message or phone. It is the responsibility of each employee to stay informed of current work situations and regarding their work responsibilities.

POLICY ON MEDICAL INSURANCE

ELIGIBILITY

1. All full-time regular employees of McMullen County shall be eligible for the group medical and dental insurance benefit after 30 days of service.
2. Premium for the coverage for eligible employees shall be paid entirely by the County.

DEPENDENT COVERAGE

1. Eligible employees may cover their qualified dependents by paying the amount set by Commissioners Court annually.
2. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

EXTENSION OF COVERAGE

1. Employees who leave the employment of McMullen County may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA)
2. Information on extension of benefits under COBRA is available in the Human Resource's office and may be obtained during the normal working hours for that office.

LIFE INSURANCE

1. Employees shall have a limited amount of life insurance on themselves as part of their group medical insurance coverage.

INFORMATION

1. Details of coverage under the group medical insurance plan are available in the Human Resource's Office and may be obtained during the normal working hours for that office.
2. Employees who leave the employment of McMullen 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 Human Resource Office and may be obtained during normal working hours.

3. All eligible employees and qualified dependents will be provided with COBRA information withing 14 days of their termination.
4. Employees who have used all sick, vacation and compensatory time and are not covered under the sick leave pool will be offered COBRA to continue their health insurance. Employees on the sick leave pool will be offered COBRA when they have exhausted their sick leave pool time off.

POLICY ON FMLA

1. To be eligible for benefits under this policy, an employee must:
 - a) have worked for McMullen 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 toward the 12 months); and
 - b) have worked at least 1250 hours during the previous 12 months.

2. Family or medical leave under this policy may be taken for the following situations:
 - a) the birth of a child and to care for that child
 - b) the placement of a child in the employee's home for adoption or foster care
 - c) 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
 - d) the serious health condition of the employee that make the employee unable to perform the essential functions of their job
 - e) 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 or order to active duty in a foreign country
 - f) 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
 - g) 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 that medical treatment, recuperation or therapy.

3. Serious health condition of the employee shall be 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.

4. Serious health condition of a spouse, child, or parent shall be defined as a condition which requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition which requires continuing care by a licensed health care provider.

5. 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 which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity
 - 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
 - 4) any period of incapacity which is permanent or long term due to a condition that treatment is not effective
 - 5) any period of incapacity or absence to receive multiple treatments by a health care provider.
6. Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave:
- a) leave may be taken to address any issue that arises because the covered military member was given seven or less days' notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty
 - b) leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member
 - c) leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member;
 - d) leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member;
 - e) leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active duty status in a foreign country

- f) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status;
- g) leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member;
- h) leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation
- i) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status
- j) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country
- k) certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty or
- l) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

7. Up to 12 weeks leave per 12-month period may be used under this policy. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12-month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.
8. If a husband and wife both work for the County the maximum combined leave they shall be allowed to take in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single 12-month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.

9. An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period:
 - a) the single 12month period begins on the first day the eligible employee takes FMLA to care for covered service member or covered veteran and ends 12 months after that date
 - b) if an eligible employee does not take all of their 26 workweeks during this 12-month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member or covered veteran is forfeited
 - c) this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered veteran with subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12month period.
10. If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: compensatory time, vacation, holiday and sick. The remainder of the leave shall be unpaid.
11. An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12week leave period being unpaid leave.
12. An employee taking leave for the birth of a child shall be required to use paid sick leave first, then earned compensatory time, vacation, and holiday leave for the recovery period after the birth of the child and prior to being on unpaid leave.
13. After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12week leave period being unpaid leave.
14. An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time, then vacation, then vacation and other available paid leave, except for sick leave, with the remainder of the 12week leave period being unpaid leave.

15. An employee taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12week leave period being unpaid leave.
16. An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26week leave period being unpaid leave.
17. The maximum amount of paid and unpaid leave that may be used under this policy in any 12-month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness with the maximum leave being 26 weeks in a single 12month period.
18. While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be discontinued.
19. At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12month period.
20. Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member or the care of a covered military member or covered veteran.
21. A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or covered veteran.

22. All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness, the time will be deducted from the employee's 26 week leave eligibility in a single 12-month period.
23. The County shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy.
24. The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.
25. Certification of the serious health condition of the employee shall include:
 - 1) the date the condition began
 - 2) its expected duration
 - 3) the diagnosis of the condition
 - 4) a brief statement of the treatment; and
 - 5) a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.
26. Certification of the serious health condition of an eligible family member shall include:
 - 1) the date the condition began
 - 2) its expected duration
 - 3) the diagnosis of the condition
 - 4) a brief statement of treatment; and
 - 5) a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
27. Certification for leave taken because of a qualifying exigency shall include:
 - 1) a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in a foreign country
 - 2) the dates of the covered military members active duty service
 - 3) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave
 - 4) the approximate date on which the qualifying exigency will start and end
 - 5) if the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency

- 6) if the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.
28. Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include:
- 1) if the injury or illness was incurred in the line of duty while on active duty
 - 2) the approximate date on which the illness or injury occurred and the probable duration
 - 3) a description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care
 - 4) if the covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to
 - 5) the relationship of the employee and the covered military service member or covered veteran; or
 - 6) in lieu of certification, an ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for an eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.
29. If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.
30. The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA.
31. If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.
32. Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his or her immediate supervisor.

33. Where practicable, an employee should give his or her immediate supervisor at least 30day notice before beginning leave under this policy. Where it is not reasonably practicable to give 30day notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30day notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.
34. Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Employees who have not exceeded the 26week maximum, in a single 12month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they help prior to going on leave.
35. Where an employee is placed in another position, it will be one which has equivalent status, pay, benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility, and authority.
36. The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.
37. Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.
38. While on leave without pay under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.
39. Employees who are out on approved FMLA may not take trips outside of the county unless the travel is related to the employees own serious health condition, the serious health condition of the child, spouse, or parent of the employee or to attend qualifying military events. Employees may ask for permission from their immediate supervisor to take other trips outside of the county and supervisors may grant employee requests at their discretion.

40. Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it
41. The County may send out to an employee, who has been out for 3 or more days, a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.
42. Employees on sick leave are expected to stay in or near their home or health care provider during the time of their incapacity. Medically necessary travel must be documented and approved by HR in advance.

POLICY ON WORKERS' COMPENSATION

ELIGIBILITY

All McMullen County employees are covered by workers' compensation insurance while on duty for the county.

BENEFITS

1. Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of their job.
2. Workers' compensation also pays a Temporary Income Benefit (TIBS) for time lost from work more than seven calendar days as the result of eligible work-related injuries or illnesses. The employee will receive only Workers Compensation with the exception of the Sheriff Deputies.
3. Employees who are off for less than 8 days shall use their sick, vacation or compensation time. Employees out for 8 days or more and have used their above time will then move into workman's compensation.

ACCIDENT REPORTING

An injured employee should report an injury immediately to his/her supervisor. An accident form needs to be completed and brought to Human Resources. In an emergency go immediately to the emergency room or call 9-1-1. An injured employee must report an injury to a supervisor no later than 30 days of the date it occurred. Failure to report the injury may cause loss of benefits.

PHYSICIAN'S RELEASE

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

CONTRIBUTORY FACTORS

An employees' workers' compensation benefit 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.

POLICY ON RETIREMENT

VESTING AND ELIGIBILITY

All regularly scheduled part time, reserve and full-time employees of McMullen County must meet one of the following criteria in order to be eligible for retirement through Texas County and District Retirement System:

- Age 60 with 8 years of creditable service**
- Any age with 30 years of creditable service
- Rule of 80 (age plus years of service equals 80 or greater)

Employees that are only called in as needed or are temporary will not be eligible.

***creditable service for TCDRS includes service time at other Texas counties and/or within other Texas public retirement systems, such as municipal, state, or school district, and may also include time served in the military.*

CONTRIBUTIONS

1. Eligible employees shall make contributions to the retirement program through a system of payroll deduction.
2. McMullen County shall contribute to each eligible employee's retirement account equal to or greater than the contribution of the employee.

RETIREE HEALTH INSURANCE

1. Employees who meet the following criteria will qualify for health insurance benefits on County-sponsored plans, as described below. The County will pay premiums for the retiree only; dependent coverage for retirees is not offered.
2. In order to be eligible for health insurance benefits, an employee must:
 - Be eligible for retirement under TCDRS (see VESTING & ELIGIBILITY, above);
 - Elect to participate in the insurance benefit within 30 days of retirement, and

Note: Retiree health benefits are only available at the time of retirement. If the benefit is declined at retirement, the retiree may not request coverage at a later date.

INFORMATION

Information on the retirement program may be obtained at the Human Resource Office during the normal working hours for that office.

REHIRING RETIREES

- 1.** Retired employees shall be eligible to apply for open positions with McMullen County as long as the following conditions are met:
 - a. The retiree has been retired for at least one calendar month.
 - b. No prior arrangement or agreement was made between McMullen County and the retiree for re-employment.

- 2.** Any retiree who is rehired consistent with this policy will establish a new membership with TCDRS and will be considered a new member for the purposes of beneficiary determination and benefit selections.

POLICY ON SOCIAL SECURITY/MEDICARE

SOCIAL SECURITY/ MEDICARE

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits.

Contributions to this program shall be made by deductions from each employee's paycheck in accordance with the requirements of this program.

The County shall contribute an amount equal to the employee's contribution in accordance with the requirements of this program.

POLICY ON SICK LEAVE POOL POLICY

PURPOSE

The purpose of the McMullen County Sick Leave Pool is to provide additional sick leave days to County employees in the event of a catastrophic illness or injury, surgery, or disability that prevents an employee from active employment. Days may be applied from the Pool only after the employee has exhausted all accrued sick, vacation or compensatory time.

DEFINITIONS

1. A catastrophic illness or injury is defined as:

*A terminal, life-threatening, and/or severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed health practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave, vacation leave, and compensatory time) and to lose compensation from the County.

2. A licensed practitioner is:

*A practitioner, as defined by the Texas Insurance Code, who practices within the scope of their license.

ADMINISTRATION OF THE POOL

1. At the direction of the Commissioners' Court, the Judge's Secretary shall serve as the Pool Administrator. The Pool Administrator shall be responsible for developing mechanisms to transfer accrued sick leave into and out of the Pool; developing rules and procedures for the operation of the Pool; and developing forms for contributing leave to, or using leave from, the Pool.
2. The Pool Administrative Committee shall be composed of the following members: an elected official, County Attorney, and a non-supervisory employee. This committee shall be responsible for receiving and viewing all applications for use of leave from the Pool.

POOL MEMBERSHIP

1. All regular full-time employees are eligible to join the Sick Leave Pool by contributing a minimum of 8 hours or a maximum of 72 hours accrued sick leave annually at Open Enrolment.
2. After the Pool is established, employees will only be able to join at a time designated each year by the Pool Administrator or, in the case of new employees, immediately upon completion of 12 months of continuous service.
3. Membership enrolment forms must be submitted to the Human Resources office. Hours donated will be subtracted from each member's accrued sick leave.

4. Days donated become the property of the McMullen County Sick Leave Pool and cannot be returned in the event of membership cancellation.
5. Employees on approved leave of absence will retain membership in the Pool and will not be required to donate additional hours.
6. To maintain the Sick Leave Pool, all members must donate a minimum of 8 hours or a maximum of 72 hours of sick leave at the end of each open enrolment, designated by the Pool Administrator for general membership donations. Only one donation during the fiscal year is required to maintain membership in the Pool.

DAYS GRANTED

1. Days will be granted only for catastrophic illness or surgery or other disability, which necessitates an absence from work for five consecutive days or longer. In case of chemotherapy for cancer treatment, days can be granted for 1-4 days absence.
2. Pregnancy will not be covered by the Sick Leave Pool, but complications due to pregnancy or delivery will be considered. The pregnant employee may use SLP hours they have donated.
3. The Pool may be used only by members for the employee's personal illness or disability.
4. Days requested for stress related illness will be granted for hospitalized days only.
5. The maximum number of days granted to an employee each year shall not exceed one-third of the total amount of time in the Pool at the time of the request or 60 days, whichever is less.
6. Days will not be granted when an employee is receiving worker's compensation or long-term disability benefits.
7. A member of the pool, who exhausts all of their accrued paid leave and compensatory time to which the employee is otherwise entitled, may withdraw from the pool for a non-catastrophic illness the exact number of days the member had contributed.

PROCEDURE

1. An eligible employee must apply to the Pool Administrator for permission to use time in Pool.

2. The Pool Administrator shall present the application to the Pool Administrative Committee, who shall determine eligibility.
3. If the employee is determined to be eligible, the Pool Administrator shall approve the transfer of time from the Pool to the employee. The time shall be credited to the employee and shall be used in the same manner as accrued sick leave.
4. An employee who is absent while on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave.
5. If a member is critically ill and unable to file an application for sick leave from the Pool, his/her department head may submit an application at the request of the employee's family.

FINAL AUTHORITY

The Sick Leave Pool Administrative Committee shall have the final approval/disapproval of employee applications.

APPLICATION FORMS

Applications for donation of accrued sick time to the McMullen County Sick Leave Pool, are available in the Judge's Office.

Applications for withdrawal from the McMullen County Sick Leave Pool are available in the Judge's Office.

**APPLICATION FOR SICK LEAVE POOL DAYS
COMMITTEE DECISION FORM**

Name of Applicant _____

Position _____ Department _____

Date Lost Time Began _____ Date of Request _____

Number of Hours Requested from Pool _____

Request Approved by Committee: _____ Yes _____ No

Reason request denied:

Signature of Committee Member / Date

Signature of Committee Member / Date

Signature of Committee Member / Date

Received by Pool Administrator on _____

Signature of Pool Administrator

Processed in Payroll on _____

Signature of Payroll Manager

**MCMULLEN COUNTY
APPLICATION FOR SICK POOL HOURS**

NAME _____

DEPARTMENT _____ POSITION _____

First date absent for this illness _____

Date returned to work or expected to return _____

Number of days absent for this illness _____

The above days requested are needed due to illness/injury described below:

Signature of Employee or Family Member Date _____

PLEASE RETURN THIS FORM TO THE POOL ADMINISTRATOR

**SICK LEAVE POOL
MEMBERSHIP APPLICATION**

Membership in the McMullen County Sick Leave Pool is available to all full-time employees who accrue sick leave benefits and have been employed for at least 12 months.

I have read the rules and guidelines in the McMullen County Sick Leave Pool Policy concerning the Pool and desire to become a member by donating 8 hours to 72 hours sick leave days to the Pool.

I understand that these hours, once donated to the Pool for membership, will be subtracted from my available sick leave hours. All donations to the Pool become the property of the Pool and cannot be returned even upon cancellation of membership.

My authorization to deduct days from my accumulated sick leave is verified by my signature below.

Employee _____ Department _____
(Print Full Name)

Number of hours to be donated _____

Signature _____ Date _____

I have read the above information concerning the County's Sick Leave Pool and I do not wish to become a member.

Signature _____ Date _____

Department _____

PLEASE RETURN THIS FORM TO THE SICK LEAVE POOL DEPARTMENT LOCATED IN THE JUDGE'S OFFICE.

NOTE: DONATIONS WILL ONLY BE ACCEPTED FROM 09/1 THRU 09/30 . IF YOU DO NOT DONATE DURING THIS PERIOD, YOU WILL HAVE TO WAIT UNTIL NEXT FISCAL YEAR. THE ONLY EXCEPTION WILL BE FOR INDIVIDUALS WHO HAVE JUST COMPLETED 12 MONTHS OF CONTINUOUS EMPLOYMENT AND HAVE NOT YET DONATED SICK LEAVE TO THE POOL.

POLICY ON ATTENDANCE AND TIMELINESS

ATTENDANCE

Each employee shall report to work on each day they are scheduled to work unless prior approval for absence is given by the employee's supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

TARDINESS

Employees shall be at their place of work at the starting time set by the supervisor unless prior approval is given by the supervisor or the employee is unable to be at work on time for reasons beyond the control of the employee.

NOTIFICATION

If an employee is unable to be at work at the normal reporting time, the employee shall be responsible for notifying the supervisor as soon as it is reasonably practicable of the circumstances causing the tardiness or absence.

EXCUSED AND UNEXCUSED

Each supervisor shall be 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 shall make an employee subject to disciplinary measures, up to and including termination of employment.

ABANDONMENT OF POSITION

An employee who does not report for work for three consecutive scheduled workdays, and who fails to notify their supervisor, shall be considered to have resigned their position by abandonment.

POLICY ON WORKPLACE VIOLENCE

1. McMullen County is committed to providing a workplace free of violence.
2. McMullen County will not tolerate or condone violence of any kind in the workplace.
3. The County will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes.
4. All threats will be taken seriously and will be investigated.
5. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety.
6. Employees are required to report all suspicious conduct or comments to their immediate supervisor.
7. 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.
8. 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 McMullen County, this also includes county owned vehicles.
9. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department.
10. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

POLICY ON HARASSMENT

1. McMullen County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, 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.
2. Harassment is strictly prohibited by McMullen County whether committed by an elected official, appointed official, department head, co-worker, or non-employee with whom the county does business.
3. 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 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 or to the County Attorney.
4. 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.

5. 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 or to the County Attorney.
6. 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.

POLICY ON SEXUAL HARASSMENT

1. Sexual harassment is strictly prohibited by McMullen 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 McMullen 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.
2. 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.
3. 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 or to the County Attorney.
4. 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.
5. 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 or the County Attorney.
 - d. If a thorough investigation reveals that unlawful sexual harassment has occurred, McMullen County will take effective remedial action in accordance with the circumstances, up to and including termination.
6. 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.
 7. 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 or to the County Attorney.
 8. 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.

POLICY ON COUNTY PROPERTY AND VEHICLES

RESPONSIBILITY

Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool, or other County equipment as assigned.

County employees shall only use equipment, vehicles, tools, and other County property that they are authorized to use.

PERSONAL USE

Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted.

LICENSES

A County employee who operates any County equipment or vehicle which requires a license shall be required to have a current active license for that vehicle or equipment any time the equipment is in use. A copy of the active License is required upon hire and each time it renews. It is the employees responsibility to bring a copy to the Human Resource office.

Any employee who operates a vehicle or equipment which requires a license for legal operation shall notify his or her supervisor of any change in the status of that license.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change 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 insurance carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change or termination.

ACCIDENTS

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to the 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 the County Judge.

POLICY ON CONFLICT OF INTEREST

CONFLICT OF INTEREST

Employees of McMullen 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 conflict affecting the employee's job efficiency, or which would reduce the ability to make objective decisions in regard, to their work and responsibility as a County Employee.

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination.

PROHIBITED

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

- a. 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;
- b. 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
- c. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County
- d. 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
- e. Soliciting, accepting, or agreeing to accept a financial benefit from another person exchange for having performed duties as a County employee in favor of that person.

POLICY ON POLITICAL ACTIVITY

ACTIVITY

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

1. County employees shall not:
 - a. Use their official authority or influence to interfere with or affect the result of any election or nomination for office
 - b. 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
 - c. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.
2. In the event that an employee chooses to run against an incumbent for an elected position in the office for which they work, they must resign at the time they file for any primary election, the date of filing of a write-in petition, or at the time they are nominated for the sought-after elected position, whichever comes first.
3. If the incumbent has indicated that they are not going to file for that office the employee may file without resigning but only after 21 days into the filing period.

POLICY ON SAFETY

SAFETY STANDARDS

Each County employee shall be required to adhere to the general safety standards established for all employees and to all additional safety standards for their job or the department in which that person works.

VIOLATIONS

Failure to follow the safety standards set by the County shall make an employee subject to disciplinary action, up to and including termination.

An employee causing an accident resulting in major injury or death because of failure to follow safety standards shall be terminated.

REPORTING

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head.

POLICY ON DRUGS AND ALCOHOL

1. McMullen County is a drug and alcohol-free workplace. A county employee may not be present at work during a period 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.
2. This policy applies to all employees of McMullen County regardless of rank or position and shall include full time, part time and temporary employees.
3. The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.
4. 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.
5. An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.
6. 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.
7. 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 their job safely and effectively. An employee must keep prescription medications used at work in their original container.
8. 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 their job duties.
9. If the use of a medication could compromise an employee's ability to do their 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, notify company doctor).
10. 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.

POLICY ON DRUGS AND ALCOHOL cont.

11. 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 Human Resource Office.
12. Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.
13. Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's at-will status and shall not be deemed a contract or promise of employment.

POLICY ON ALCOHOL AND DRUG ABUSE FOR C.D.L. DRIVERS

MCMULLEN COUNTY POLICY ON ALCOHOL AND DRUG ABUSE FOR C.D.L. DRIVERS ADMINISTRATION GUIDE TO PERSONNEL ALCOHOL AND DRUG TESTING PROCEDURES

PURPOSE

The purpose of this administration guide is to set forth the procedures for the implementation of controlled substances and alcohol use and testing of driver applicants and current drivers pursuant to the McMullen County DOT Alcohol and Drug Abuse Policy. These procedures are intended to alter any existing relationship between McMullen County and any driver.

The County's Alcohol and Drug Program Administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the County Judge.

DEFINITIONS

When interpreting or implementing these procedures, or the procedures required by the Federal Highway Administration ("FHWA") controlled substance testing regulations, the following definitions apply:

"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.

"Collection site" means a place where individuals present themselves for the purpose of providing breath, body fluid, or tissue samples to be analyzed for 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 motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials regulations (49 CFR part 172, sub-part F.

"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).

"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 McMullen County. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying for a position with McMullen 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.

"FHWA" means the Federal Highway Administration, U.S. Department of Transportation.

"Owner-Operator(s)" means a driver(s) who has been contracted for services with the County. For the purpose of these procedures and the County's Alcohol and Drug Abuse Policy, owner-operators are not to be considered employees, but will be required to participate in the County's Alcohol and Drug Abuse Policy like in the County's Alcohol and Drug Abuse Policy like all County drivers.

"Medical Review Officer" ("MAO") means a licensed M.D. or D.O. or approved testing facility with knowledge of drug abuse disorders that is employed or used by McMullen County to conduct drug testing in accordance with this part.

"Performing (a safety-sensitive function)" means a driver is considered to be performing a safety-sensitive function during any period in which they are actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

"Random selection process" means that alcohol and drug tests are unannounced; that every driver of a motor carrier is subject to test. Tests conducted annually shall equal or exceed ten percent (10%) for alcohol tests and fifty percent (50%) for drug tests of the total number of drivers subject to testing by the County.

"Reasonable suspicion" means that the supervisor believes the actions or appearance or conduct of a CDL required motor vehicle driver who is on duty as defined below, are indicative of the use of a controlled substance. all County drivers.

"Safety-sensitive function" means any of those on-duty functions set forth in CFR 49 section 395.2.

"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 the employee 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 anytime
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.

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 0.04 or greater.
- B. Controlled Substance: In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:
 - Marijuana
 - Cocaine
 - Opiates
 - 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 their 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 their tasks.

In the sole discretion of the Alcohol and Drug Program Administrator, a driver may be temporarily removed, with or without pay, from a safety-sensitive position if deemed appropriate. Drivers may have to provide a note from their physicians on their fitness for duty.

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 the employee 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.

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.

DRIVER APPLICANT AND CURRENT DRIVER TESTING

- A. "Applicant Testing": All driver applicants will be required to submit to and pass a breath alcohol test and a urine drug test as a condition of employment. Job applicants who are denied employment because of a positive test may reapply for employment after 12 months.

Offers of employment are made contingent upon passing the County's medical review, including the alcohol and drug test. Driver applicants who have received firm employment offers are to be cautioned against giving notice at their current place of employment, or incurring any costs associated with accepting employment with McMullen County until after medical clearance has been received. All newly hired drivers shall not be permitted to start work until a confirmed negative result has been obtained by the Alcohol and Drug Administrator.

Driver applicant drug testing shall follow the collection, chain of custody, and reporting procedures as set forth in CFR 49 Part 40.

- B. "**Owner-operators**": Owner-operators engaged by the County are not employees of the County, nor are they to be considered as such under this policy. However, every owner-operator engaged to provide services to the County who are not under a DOT approved drug and alcohol testing program must agree to, and successfully participate in the County's alcohol and drug testing program. All owner-operator agreements will be entered into by the County contingent upon the operator's successful completion of urinalyses and breath analysis under all phases of the County's program, and are contingent upon the owner-operator's continued status as a medically qualified driver.

The term "driver" as used in these procedures includes owner-operators.

- C. "**Employee Drivers**": Under all circumstances, when a driver is directed to provide either a breath test or urine sample (Appendix C) in accordance with these procedures, the driver must immediately comply as instructed. Refusal will constitute a positive result, and the driver/employee will be terminated.

1. Suspicion-Based Testing:

- A. Reasonable Suspicion: If a driver 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 policy where immediate management action is necessary, a supervisor, with the concurrence of the Alcohol and Drug Program Administrator, will require that driver to submit to a breath test or urinalysis. 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

B. Supervisors or dispatchers must take action if they have reason to believe one or more of the above-listed conditions is indicated, and that the substance abuse is affecting a driver's job performance or behavior in any manner. A supervisor observing such conditions will take the following actions immediately:

- Confront the employee involved and keep under direct observation until the situation is resolved.
- Secure the Alcohol and Drug Program Administrator's concurrence to observation: job performance and County policy violations must be specific.
- After discussing the circumstances with the supervisor, the Alcohol and Drug Program Administrator will arrange to observe or talk with the driver. If the administrator believes, after observing or talking to the driver, that the conduct or performance problem could be due to substance abuse, the driver will be immediately required to submit to a breath test or urinalysis. If the driver refuses to submit to testing for any reason, the driver will be informed that continued refusal will result in their immediate termination.
- Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply will subject the employee to immediate termination. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider. If upon confrontation by the supervisor, the driver admits to using alcohol or drugs in violation of this policy it will be considered that they are resigning their position.

They will be asked to complete a written resignation and if they fail to do so, the County will terminate them.

C. The supervisor shall, within 24 hours or before the results of the controlled substance tests are released, document the particular facts related to the behavior or performance problems, and present such documentation to the Alcohol and Drug Program Administrator.

D. The Alcohol and Drug Program Administrator will remove or cause the removal of the driver from the County-owned vehicle and ensure that the driver is transported to an appropriate collection site and thereafter to the driver's residence or, where appropriate, to a place of lodging. Under no circumstances will that driver be allowed to continue to drive a County vehicle or their personal vehicle on County business until a confirmed negative test result is received.

E. If, during the course of employment, the driver acknowledges a substance abuse problem and request assistance, the problem may be treated as if it were an illness, subject to the provisions set forth below:

- The decision to seek diagnosis and accept treatment for the substance abuse problem is the responsibility of the driver
- The diagnosis and prescribed treatment of the driver's condition will be determined by health care professionals designated by the Alcohol and Drug Program Administrator in conjunction with the driver's physician; and
- The driver might be placed on paid or unpaid medical leave for a predetermined period recommended by those medical professionals if the SAP determines that such action is appropriate.

2. Post-Accident Testing:

Currently, federal regulations place the burden of compliance with post-accident alcohol and drug testing regulations on the driver. Therefore, all drivers are required to provide a breath test and a urine specimen to be tested for the use of controlled substances "as soon as practicable" after an accident. The driver shall remain readily available for such testing or may be deemed by the Alcohol and Drug Program Administrator to have refused to submit to testing. No alcohol may be consumed for 8 hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, the driver shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in the driver's system.

An accident is defined by FHWA regulations as an accident which results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or which has had one of the vehicles towed from the scene of the accident. Except for a fatality accident, verification of the driver's responsibility in the above accident scenario must be established by a citation to the driver.

Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment. (The failure of an owner-operator to comply with DOT post-accident and specimen collection rules will be considered a breach of his/her contract with the County, and the contract is invalid until appropriate substance abuse professional counseling has been completed.)

3. Random Testing:

The County will conduct random testing for all covered drivers as follows:

- A. A County-wide selection process which removes discretion in selections from any supervisory personnel will be adopted by the County. This process will select covered drivers through the use of a computerized program.
- B. The random testing, once begun, will provide for alcohol testing of at least ten percent (10%) and for drug testing of at least fifty percent (50%) of all covered drivers
- C. The random testing will be reasonably spaced over any twelve (12) month period.
- D. Once notified, a driver must proceed immediately to the assigned collection site.

4. Designation of Appropriate Substance Abuse Professional:

The Alcohol and Drug Program Administrator will be responsible for designating the appropriate substance abuse professional whom, in conjunction with the driver's physician, will diagnose the problem and recommend treatment.

- A. The driver's successful completion of the approved treatment program is a condition of continued employment as a driver.
- B. Following successful completion of any approved treatment program, the driver will be required to submit to at least six (6) random drug tests during the first year, and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition and/or testing positive is grounds for immediate termination.
- C. All supervisors will receive training to assist them in identifying alcohol and drug use behavioral characteristics.

5. Return-to-duty Testing:

Before a driver, who has entered a voluntary rehabilitation program returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy and Part 382 Subpart B (FMCSR), the driver shall undergo a return to duty alcohol test with a result of less than a 0.02 BAC or receive a confirmed negative result from a controlled substance urinalysis test.

COLLECTION OF BREATH AND URINE SPECIMENS AND LABORATORY ANALYSIS:

- A. **Breath Alcohol Testing:** Breath alcohol testing will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49, Part 40 procedures. Refusal to complete and sign the testing form or refusal to provide breath will be considered a positive test, and the driver will be terminated.
- B. **Specimen Collection:** Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each driver, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each driver submitting a specimen for analysis in accordance with these procedures.
- C. **Laboratory Analysis:** As required by FHWA regulations, only a laboratory certified by the Department of Health and Human Services (DHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the County. The laboratory will be required to maintain strict compliance with federally approved chain-of custody procedures, quality control, maintenance, and scientific analytical methodologies.

CONSEQUENCES: APPEAL OF TEST RESULTS

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of McMullen 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 MAO. 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 MAO will be confidential. The County will not be a party to or have access to matters discussed between the driver and the MAO. If medically supportable reasons exist to explain the positive result, the MAO will report the test result to the County as a negative.
- C. Within 72 hours after being notified of a positive test result for drugs the driver may request a retest at their expense of the split sample. This signed request will be provided to the MAO 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 MAO, and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

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.

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 MAO 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 B1, vitamin B12. 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. Alcohol 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 live 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.

**MCMULLEN COUNTY
POLICY ON ALCOHOL AND DRUG ABUSE FOR
C.D.L. DRIVERS
APPENDIX B**

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

I certify that I have received a copy of and have read the above McMullen 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 McMullen County, I will seek assistance through the current Alcohol and Drug Testing Program Administrator.

Employee Signature

Date

APPENDIX C
ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST NOTIFICATION

Part 382 -Controlled Substances and Alcohol Use Testing applies to drivers of McMullen County.

§382.113 Requirement of Notice:

Before performing an alcohol or controlled substances test under this part, each employer shall notify a driver that the alcohol or controlled substance test is required by this part. No employer shall falsely represent that a test is administered under this part.

.....

County Name McMullen County

Driver/Applicant Name _____
(Print) (First, M.I., Last)

You are hereby notified the following test will be administrated in compliance with the Federal Motor Carrier Safety Regulations.

The test is scheduled: Date: _____
Location: _____
Time: _____

Check Reason for Test _____ Pre-employment _____ Random _____ Reasonable
Suspicion/cause _____ Post Accident
_____ Return to duty _____ Follow up

Appointment instructions/comments:

I understand as a condition of my employment with the County, the above identified test is required.

Driver/Applicant's Signature Date

APPENDIX D

OBSERVED BEHAVIOR
REASONABLE SUSPICION

Personnel Office Use Only

Date Observed _____

Driver's Name _____

Address of Incident: _____

Street _____

City, State, Zip _____

Time Observed: From _____ am pm

To _____ am pm

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 Is 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 observation of reasonable suspicion: _____

Signature

Title

Preparation Date Time

The alcohol test must be administered within eight (8) hours following a reasonable suspicion determined. Employers retain in employee's confidential file.

Section 3.10

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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 effect 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 Name

Date

Authorized County Representative

Date

Retain in employee's confidential file

POLICY ON FAIR LABOR STANDARDS ACT SAFE HARBOR

1. McMullen County makes every effort to pay its employees correctly. Occasionally however inadvertent mistakes can happen. When mistakes do happen and are called to the Treasurers attention, McMullen 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.
2. 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 timecard must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Do not sign your timecard if it is not accurate. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.
3. Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. 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. That time worked is to be recorded on your timecard. 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 timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.
4. It is a violation of McMullen County policy for any employee to falsify a timecard, or to alter another employee's timecard. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's timecard 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 Human Resources, 501 River St., Tilden, TX 361-274-3900.
5. 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. 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.

6. For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security, retirement, or voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons:
 - 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or
 - 2) full day disciplinary suspensions for infractions of our written policies and procedures; or
 - 3) full day for violating safety rules of a major significance; or
 - 4) Family and Medical Leave or Military Leave absences; or
 - 5) to offset amounts received as payment for jury and witness fees or military pay; or
 - 6) the first or last week of employment in the event you work less than a full week.

7. If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:
 - 1) partial day absences for personal reasons, sickness, or disability; or
 - 2) your absence because the facility is closed on a scheduled workday; or
 - 3) your absence because of the County's operating requirements; or
 - 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or
 - 5) any other deductions prohibited by state or federal law.

8. 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 McMullen County Treasurer, 501 River St., Tilden, TX 361-274-3685. 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 Attorney 501 River St., Tilden, TX 361-274-3723. 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.

POLICY ON CERTIFICATIONS AND CONFIDENTIALITY

LICENSE AND CERTIFICATIONS

1. McMullen County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications.
2. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor.
3. 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.

CONFIDENTIALITY

1. McMullen 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.
2. 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.
3. Regarding the personnel information on employees of McMullen County much of the information in an employee's personnel file, including salary and job evaluations are subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The county will adhere to the Public Information Act requirements.

POLICY ON CELL PHONE USAGE

CELL PHONE USAGE

McMullen County determines on a case by case basis the need for county provided cell phones. County cell phones are to be used for business purposes only.

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 breaks.

McMullen 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.

Employees in possession of a McMullen County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

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

POLICY ON COMPUTER AND INTERNET USAGE

COMPUTER AND INTERNET USAGE

The use of McMullen County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for McMullen 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 McMullen 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.

McMullen County owns the rights to all data and files in any computer, network, or other information system used in the county. McMullen 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.

McMullen 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, download any illegal or unauthorized downloads. McMullen 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 McMullen 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.

POLICY ON UNPAID BREAKS

UNPAID BREAKS

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child.

McMullen County will provide nursing mothers with unpaid reasonable breaks, as frequent as required by the mother, 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.

Mc Mullen County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for 1 year following the birth of their child.

All other employee breaks are determined by each department head and are not required to be given. If your department provides you with a break, they may not be accumulated or used for time off. 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.

POLICY ON TELECOMMUTING

TELECOMMUTING

Some circumstances may require staff to work away from the office or otherwise telecommute. Telecommuting can be a privilege, a requirement, or a necessity, or a combination, depending on the circumstances. No positions have been designated as “telecommuting positions”, rather certain positions may from time to time be suitable for performance outside the workplace and in such a case, management may allow all or part of the duties of the position to be performed away from the office on a temporary or ongoing basis. However, no such arrangement is promised or guaranteed. And no particular duration of telecommuting is guaranteed. All telecommuting situations must be evaluated on a case by case basis and final approval obtained from the Department Head.

POLICY ON PAY PERIODS AND TIME SHEETS

PAY PERIOD

The pay period for McMullen County shall be 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.

TIME SHEETS

Each employee shall be required to fill out a time sheet to be turned into their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet as been completed and turned into the payroll department.

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.

Time sheets are governmental documents and as such require accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a time sheet, a governmental record is a Class "A" Misdemeanor.

PAY ADVANCES

Advances in pay shall not be made to any employee for any reason.

POLICY ON COMPENSATION

APPLICATION

This policy shall apply to all County employees except Sheriff Deputies. Sheriff Deputies are subject to exemption under 207(k) of the Fair Labor Standards Act.

Compensation for Sheriff Deputy employees shall be handled in accordance with the policies established by the Commissioners Court. For Sheriff Deputies the court has established under the FLSA 207(k) exemption a 7-day work period with 43 hours. Overtime is earned after the employee has worked over 43 hours. Overtime will be compensated at 1.5 times with compensatory time. If grants or forfeiture funds are available, the deputies may be compensated with pay in lieu of comp time. All permanent housing provided to Sheriff Deputies shall be reported as taxable income.

SALARY/HOURLY EMPLOYEES

All non-exempt County employees shall be paid an hourly salary. Some employees may have the classification of hourly employees paid on a salary basis.

- a. For all newly hired, full time, non-exempt employees, paid on a salary basis, shall be paid \$200.00 per month less than the base pay for the position, provided this does not bring their regular rate below the Federal Minimum Wage, for 6 (six) months.

For full time and non-exempt employees paid on a salary basis, the monthly salary compensates the employee in full for up to 40 hours for each covered work week included in the current paycheck. If an employee works over 40 hours in any workweek, they will receive comp time at one and one half their regular rate. If employees do not work 40 hours and do not have vacation, sick, holiday or compensatory time the employee will be docked based on their hourly rate, hour for hour.

For part time, reserve and regular employees paid on a salary basis, the monthly salary compensates the employee in full for up to the amount designated for the position for each work week. If the part time employee work the number of hours designated for the position they will be paid straight time for all hours up to 40 and they will receive comp time at one and one half their regular rate for all hours over 40. If employees do not work their designated hours they will be docked based on their hourly rate, hour for hour.

TEMPORARY

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

POLICY ON PAYROLL DEDUCTIONS

REQUIRED DEDUCTIONS

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

RETIREMENT

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck.

OPTIONAL DEDUCTIONS

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 Treasurer's office.

POLICY WORK SCHEDULE AND WORKWEEK

WORK SCHEDULE

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 4:00 p.m., Monday through Friday.

EXCEPTIONS

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.

The need for schedules that vary from the normal schedule shall be determined by each department head.

WORKDAY

The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

WORKWEEK

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for McMullen County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive days later (168 hours).

POLICY ON HOURS WORKED AND OVERTIME

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.

OVERTIME APPLICATION

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except Sheriff Deputies who fall under the 207K exemption.

OVERTIME DEFINITION

Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek, except for Sheriff Deputies.

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 his/her supervisor before working overtime.

POLICY ON OVERTIME COMPENSATION

POLICY APPLICATION

This policy shall apply to all County employees eligible for overtime compensation under the Fair Labor Standard Act (FLSA) except for Sheriff Deputies.

OVERTIME COMPENSATION

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Employees will need to take the time off within the pay-period or in the pay-period immediately following. If this causes a hardship for the department head, the time will be compensated with pay.

Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half (1 1/2) times the amount of overtime worked in a full 40 hours worked per week.

USE OF COMPENSATORY TIME

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works.

Compensatory time may be used for any purpose desired by the employee.

The County shall have the right to require employees to use earned compensatory time at the convenience of the County. Compensatory time shall be used prior to sick leave or vacation time.

TERMINATION

If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, he/she shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

BUY BACK OF COMPENSATORY TIME

The County shall retain the right to "buy back" all or part of an employee's unused compensatory time by paying the employee for that time at the employee's current regular rate.

POLICY ON OVERTIME COMPENSATION CONTINUED

Each department shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee in their department.

Each department shall provide each eligible employee with a statement of the employee's compensatory time earnings, use, and balance at the end of each pay period.

OTHER ISSUES

Any issues on overtime compensation 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.

POLICY ON GRIEVANCES

PROCEDURES

Any employee having a grievance related to their job should discuss the grievance with the 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.

POLICY ON DISCIPLINE

DISCIPLINE

Each 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.

TYPES OF DISCIPLINE

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

AT WILL EMPLOYMENT

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 their job.

McMullen 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 also retains the right to change any condition, benefit, privilege, or policy of employment at any time, with or without notice.

POLICY ON SEPERATION

DEFINITION

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends.

TYPES OF SEPERATION

All separations from McMullen County shall be designated as one of the following types.

- a. Resignation
- b. Retirement
- c. Dismissal
- d. Reduction in force (layoff)
- e. Death
- f. Other

RESIGNATION

A resignation shall be classified as any situation in which an employee voluntarily leaves employment with McMullen 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 their supervisor.

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.

DISMISSAL

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation.

McMullen County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reasons or no reason, with or without notice.

REDUCTION IN FORCE

An employee shall be separated from employment because of a reduction in force when the 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.

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, the designated beneficiary or estate shall receive all earned pay and payable benefits.

OTHER

Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an "other" separation.

When a separation is designated as "other", the supervisor shall provide details of the nature of the separation for the personnel records.

NOTIFICATION

As soon as a supervisor becomes aware of separation from employment, or the intent to separate employment, by an employee, the supervisor shall be responsible for immediately notifying the County Judge and Human Resource office.

POLICY ON ACCIDENT PREVENTION PLAN

Accident Prevention Plan

MANAGEMENT COMPONENT

Safety Policy Statement

McMullen County is committed to providing a safe and healthful work environment for all our employees and others that may work, visit, or enter our facilities. The objective of our Accident Prevention Program is to prevent accidents and minimize their consequences, and to reduce the frequency and severity of injuries.

It is our policy to manage and conduct operations and business in a manner that offers maximum protection to all employees and any other person that may be affected by our operations and business.

It is our absolute conviction that we have the responsibility for providing a safe and healthful work environment for our people and all others that may be affected as we conduct our business. We will make every effort to provide a working environment that is free from any recognized or potential hazard.

We recognize that the success of our safety and health is contingent and dependent upon support from the Commissioners' Court, management, and supervisors, as well as all employees of the county.

Authority and Accountability Statement

The department heads are responsible and will be held accountable to ensure that all employees in their department follow all safety and health policies, procedures, and rules established by the county. They are also responsible for administering training and guidance to employees in their departments.

The immediate supervisor of the employee has the authority to reprimand and recommend disciplinary actions against employees that violate the safety and health policies of the county. Employees are responsible and will be held accountable for providing the county with a commitment to the safety, abiding by the policies, procedures, rules set forth by Commissioners Court, and becoming actively involved to assist in providing a safe and healthful workplace for all involved.

ACCIDENT PREVENTION PLAN CONTINUED

RECORDKEEPING COMPONENT

Records and Documentation Statement

McMullen County believes that the only valid means of reviewing and identifying trends and deficiencies in a safety program is through an effective recordkeeping program. The recordkeeping element will be essential in tracking the performance of duties and responsibilities under the program. The county will implement and maintain an active, up to date recordkeeping program.

Injury and Illness Data

McMullen will maintain records of all work-related injuries and illnesses to employees. Copies of the records will be sent to the county's Human Resource office.

The following records apply only to work related injuries and illnesses.

Applicable forms or records:

- Employee injury report (if applicable)
- TX Workers' Compensation Commission form TWCC-1, Employer's First Report of Injury
- Accident log

Safety Surveys and Inspections Program

McMullen County will maintain and review records of all safety audits and inspections that are conducted within their respective areas.

Applicable forms and records:

- Comprehensive safety survey reports as well as records to document action taken to correct identified deficiencies
- Monthly precinct barn inspections

All inspection information will be retained in the department where the information originally generated. The retaining period will be according to the recordkeeping plan.

RECORDKEEPING COMPONENT CONTINUED

Training Records

McMullen County will document and maintain records of all safety and health-related training.

Applicable forms or records:

- Sign in sheets
- Copies of materials distributed during the training session

All safety and health related training provided to employees of this county will be documented. This documentation will be maintained as proof of attendance and reviewed to assist in determining the need for additional or repeated training for employees on an individual basis.

Records and documentation of training will include: the presenter's name, date of training, topic or subject, printed name, and signature of all participants.

The person providing the training is responsible for generating the documentation. The training record will become part of the permanent training file and will be maintained by Human Resources.

Accident Documentation

All accidents and near miss incidents resulting in injury or illness to a person, property damage of any magnitude, or the potential for either, will be documented.

Human Resources will ensure proper records and documentation of all accidents and are maintained and reviewed.

Equipment Inspection and Maintenance

The Safety Officer will maintain records and data pertaining to equipment inspection and maintenance programs performed at or with each facility.

Applicable forms and records:
Vehicle inspections

Accurate records will be maintained involving all routine inspections and maintenance procedures performed on equipment for the county. This documentation will be reviewed by those responsible for maintaining equipment. The documentation will be utilized to determine an effective, ongoing equipment maintenance program and to ensure compliance with regulations that require inspections on certain equipment.

HAZARD IDENTIFICATION COMPONENT

Safety and Health Self-Inspections

The Safety Officer will conduct inspections that will cover the entire department and equipment. Inspections will be conducted monthly. All inspections will be conducted on an ongoing basis without interruption. Management will allocate adequate time and resources to perform the surveys.

Each location will develop and maintain inspection checklist(s) specific to the operation. The list will be developed utilizing a general inspection checklist and will be evaluated and updated with hazards that are identified during the inspections and other pertinent data as it is acquired.

Checklists will be developed as part of the periodic self-inspection process. Checklists will be used and maintained and include the name of the person performing the evaluation and the date the inspection takes place. Management upon completion will review the self-inspection checklist. All discrepancies identified during the survey will be evaluated as soon as possible.

Employees must be notified of the hazards that pose an immediate threat of physical harm or property damage, immediately after the discovery of the condition, as well as of the measures or steps required to eliminate, correct, or control the hazard.

Monthly Safety and Health Property Inspections will include, but not be limited to, the following:

- Survey reports and records of action taken to correct deficiencies
- Monthly precinct barn inspections

ACCIDENT INVESTIGATION COMPONENT

Management is committed to and will correct or control all hazards identified through the accident investigation or the hazard identification programs. All identified hazards will receive a timely response.

Hazard Correction

Whenever possible and feasible, hazards identified in each department will be corrected in order to eliminate the cause of the hazard at the source. This will include, but not be limited to, the following:

ACCIDENT INVESTIGATION COMPONENT CONTINUED

- Discontinuation or removal of hazardous chemicals, materials, or substances from the workplace
- Discontinuation of use or removal of hazardous equipment until replaced or repaired; and
- Correction of any unsafe act or conditions in existence, by service or training.

Hazard Control

When identified hazards cannot be eliminated, the hazard will be effectively controlled by administrative procedures, work practices, personal protective equipment, or any suitable combination of these measures.

- Administrative procedures
- Personal protective equipment

Accident Reporting and Investigation

Commissioners or Department Heads will investigate all work-related accidents and near miss incidents involving employees or company property to develop preventive measures and implement corrective actions.

All items on the designated accident investigation form will be addressed in detail as soon as possible following the accident/incident. The information acquired will be used and reviewed by management, supervisors, and effected employees to establish all contributing factors and causes.

All county employees must follow the accident investigation policy.

Employee Reporting

All county employees are required to report all accidents or incidents that occurred in the scope of their employment. All accidents and incidents must be reported to the department manager, Commissioner, or supervisor immediately; but no less than 24 hours. An employee injury report or TWCC-1 must be filed by the supervisor and provided to the claim's coordinator within 24 hours, but no later than 3 days after knowledge of the accident or incident.

Phone contact by the injured employee is encouraged, if possible, to facilitate a quick investigation before the surrounding conditions change. Telephone number to report incidents is 361-274-3900. Once notified, the immediate supervisor will begin the investigation.

ACCIDENT INVESTIGATION COMPONENT CONTINUED

Investigation Timeline

It is responsibility of the respective supervisor/Commissioner to begin gathering evidence, e.g. photos, statements, etc. The severity of the accident should dictate the extent of the investigation. In some cases, it may be necessary for the supervisor/Commissioner to investigate and report accidents or incidents where no injuries or other losses occurred.

The investigation will be conducted immediately, but no later than 3 working days after knowledge of the incident. The investigation will be recorded on the Human Resource's accident investigation report by the department supervisor. Immediately upon completion (no later than 5 days after knowledge of the incident), the report will be sent to the department head and, if applicable, copies of the final report should be forwarded to Human Resources.

Department Responsibility

The department head will review the investigation report and evaluate the contributing factors of the accident outlined in the report. The manager should take into consideration the causes of the accident and immediately evaluate his/her work area for similar problems. The Commissioner/Department Head will take immediate action to either eliminate or control the identified problems. Notification of corrections, as well as problems that cannot be corrected immediately, will be sent to the department head and Human Resources, if applicable.

Action by Commissioners' Court

The Commissioners' Court will provide funding as needed to correct these hazards in an appropriate manner. The Commissioners' Court, with the assistance of the supervisor, will develop a timeline for correction by the department manager/foreman.

Employer Reporting

Human Resources will report the following accidents to local, state, and federal agencies as required:

- Texas Workers' Compensation Commission - fatalities and accidents involving five (5) or more injuries will be reported within 24 hours

Lost workday cases other than fatalities:

- Covered employers report to the Texas Workers' Compensation Commission using form TWCC-1, Employer's First Report of Injury
- Non-fatal cases without lost workdays which result in transfer to another employment, require medical treatment other than first aid, involve loss of consciousness, or restriction of work motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases
- Bloodborne pathogen exposure within 24 hours to the Texas Department of Health.

Documentation

All activities and findings of the investigators will be documented and recorded for review.

Accident investigation documentation will record, as a minimum, the following information.

- Date and time of occurrence
- Location of the occurrence
- Name of person(s) conducting the investigation
- Job assignment or duties being performed at time of incident
- Details of how the accident occurred
- Description of any equipment affected or involved
- Names and comments of witnesses
- Name of person(s) involved, job title, area assigned date of birth, sex
- Nature and severity of injury or illness
- Name of immediate supervisor of employee
- Special circumstances or encumbrances
- Injury, part of body affected
- Direct cause
- Corrective action implemented or preventive measures taken (including safety and health program adjustments)

PROGRAM REVIEW & REVISION COMPONENT

Periodic Review and Revision of Program Components

Human Resources or other designated representative will review, at least annually, and revise the components of the Accident Prevention Plan for effectiveness and implementation.

The components of the Accident Prevention Plan will be reviewed in **January each year** to identify insufficiencies or component failure. Each component will be audited individually with the findings documented and recorded. This documentation will be used to identify trends in the program element deficiency and to track improvement modifications. This documentation will be maintained for review. Corrective measures will be taken as needed to reemphasize or restructure the Accident Prevention Plan to perform at the optimum effectiveness.

Special attention will be devoted to areas and criteria that demonstrate failure in a program component, introduction of new procedures, processes, or equipment.

ACCIDENT/INCIDENT REPORT AND INVESTIGATION FORM

Name of Person Involved in Incident/Accident/Injury a _____

Home Address _____ Home Phone _____

_____ Work Phone _____

Date/Time of Accident/Incident/Injury _____ (am/pm)

Location of Accident/Incident/Injury (building/stairs/steps/sidewalk/street/road)

Description of Accident or Incident (use back of form for additional information)

Was Person Involved in Accident or Incident Injured? (Yes/No)

Injury Information (List cause of injury and Body part injured)

Injury Description (Check all that apply, if other explain)

____ scratch/bump/bruise/cut ____ first aid ____ medical treatment ____ chest pain
____ conscious ____ unconscious ____ trauma ____ other _____

Ambulance Called (Yes/No) Taken to Hospital (Yes/No) Hospital _____

County EMT Called (Yes/No) Taken by EMT (Yes/No) Hospital _____

Law Enforcement Contacted – [Vehicle Accidents] (Yes/No)

Were there any witnesses? (Yes/No)

Witnesses (List names of witnesses and statements)

Name _____

Statement _____

Name _____

Statement _____

Evidence (attach any photographs, drawings, police reports that may be available)

Name of Individual Completing Report Form _____

Date of Report _____ **Department** _____

Occupation _____

(TO BE COMPLETED BY HUMAN RESOURCES)

Date/Time Received by HUMAN RESOURCES _____

Results of Investigation

ALL ACCIDENTS AND INCIDENTS WILL BE
REPORTED TO HUMAN RESOURCES

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the McMullen County Employee Handbook that outlines my benefits and obligations as a County employee. 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. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

I further understand that the McMullen 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 McMullen County's policies, practices and benefits. I understand that McMullen 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 McMullen 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.

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

Signature of Employee

Printed Name of Employee

Date