



RAINS COUNTY PERSONNEL POLICY

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INTRODUCTION

This manual is designed to acquaint you with Rains County and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the manual. It describes many of your responsibilities as an employee and outlines the programs developed by Rains County to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

All employment with Rains County is at-will, and no contract of employment exists between the County and any individual for any duration, either specified or non-specified. The County or the employee may terminate the employment relationship at any time for any legal reason or no reason, either with or without notice. The County also retains the right to change any condition, benefit, policy or privilege of employment at any time, either with or without notice.

No employee manual can anticipate every circumstance or question about guidance. As Rains County continues to grow, we may supplement or rescind any policy/guidance or portions of the manual from time to time, as appropriate, in its sole and absolute discretion. As such, this manual in no way creates any type of contract between the County and the employee – it is for information and guidance purposes only. Employees will, of course, be notified of such changes to the manual as they occur.

Each Elected Official is charged with running their office as they deem appropriate in accordance with law.

Consequently, each Elected Official may or may not subscribe to all provisions within this manual and may apply different policies and guidelines to their office and personnel.

COUNTY ELECTED OFFICIALS/DEPARTMENT HEADS

Human Resources Department will schedule all pre-employment physicals and alcohol/drug testing. Before employment begins with Rains County, all required documentation shall be on file with the Human Resources Department.

1. Pre-employment physical and alcohol/drug testing
2. Personnel data as required by Human Resources Director. (see checklist)
3. Road and Bridge Employees
 - A. CDL – Alcohol & Drug Abuse Policy
(signed employee notification letter for required CDL driver)
 - B. Request/Consent for information from previous employer on alcohol & controlled substances testing.
4. Copy of current driver's license. (Sheriff's Department, Jail Administrator, Road & Bridge employees, Litter Abatement Officer, Custodian or employees designated to drive courier vehicle).
5. Documentation to Human Resources of applicant's driving record.

ALL ORIGINAL EMPLOYMENT APPLICATIONS ARE TO BE KEPT ON FILE IN THE HUMAN RESOURCES OFFICE AND RETAINED BY THE COUNTY FOR A PERIOD OF TWO (2) YEARS.

WELCOME

Welcome to employment with Rains County. We hope you will take pride in being a County employee and you find public service a challenging and rewarding career.

Rains County taxpayers expect quality services from County Government. As such, our objective is to provide the best possible service to County Citizens in a fair, efficient, and courteous manner. How well you do your work and how you conduct yourself on the job are subject to public scrutiny and approval. Your personal contact with local citizens may be the only basis on which the County Government is judged.

This Manual was developed to describe some of our expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. The policies and procedures set forth in this personnel manual are not a binding employment contract. These personnel policies and procedures have been adopted by the Commissioners' Court, and are subject to regular review, and may be updated or changed from time to time without prior notice.

Employees should familiarize themselves with the contents of this Manual as soon as possible, for it will answer many questions about employment with Rains County. Other County Elected Officials and Department Heads may have additional supplemental policies governing their employees. Be sure to check with your Department Head to see if any additional policies apply to you. The County Treasurer has been designated by the Commissioners' Court as the Human Resources Director. All references in this Manual to the Human Resources Department shall mean the County Treasurer's Office. If you need more details on the Countywide Policies and Procedures, please contact the County Human Resources Department or the department in which you have a specific question.

Again, welcome! We hope your experience here will be challenging, enjoyable, and rewarding.

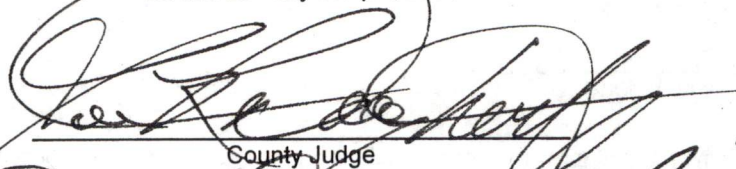
Sincerely,

Commissioners' Court

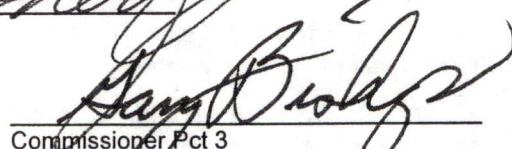
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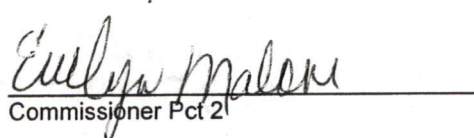
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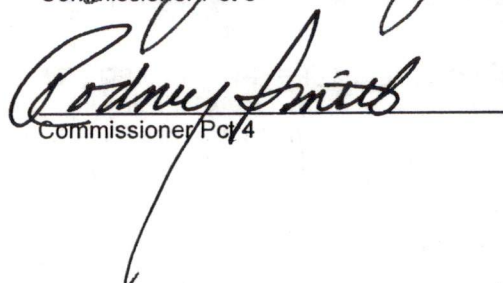
On this 28th day of April, 2005


County Judge


Commissioner Pct 1


Commissioner Pct 3


Commissioner Pct 2


Commissioner Pct 4

STATE OF TEXAS
COUNTY OF RAINS

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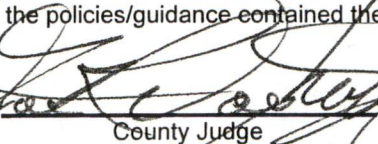

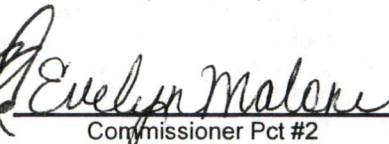
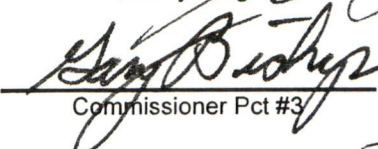

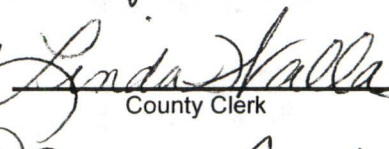
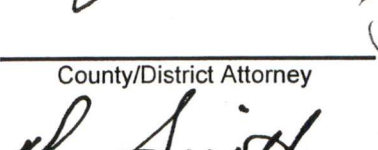
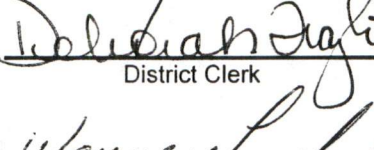
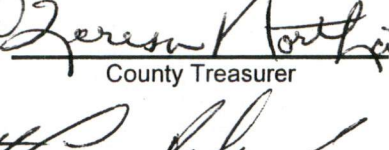
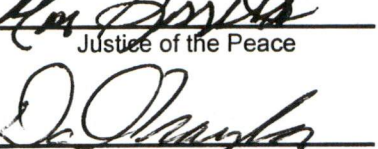
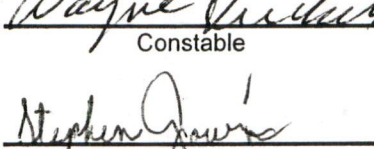
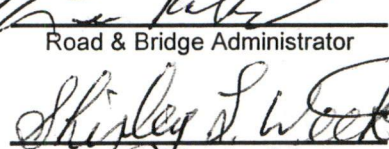
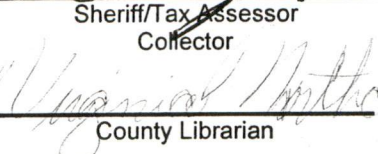

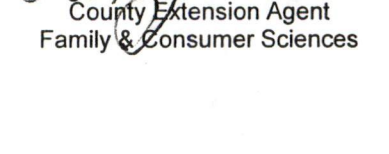
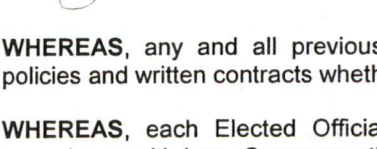
RESOLUTION

WHEREAS, Rains County Officials desire to have a comprehensive Personnel Policy and Procedures Manual for their employees and;

WHEREAS, the new Personnel Policy and Procedures Manual will help Rains County comply with current employment laws and standards, and;

WHEREAS, the new Personnel Policy and Procedures Manual will allow for the implementation of a more effective County Government benefiting the citizens of Rains County through more efficient standards, and;

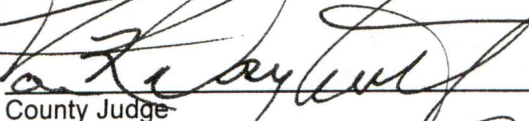

WHEREAS, the following Elected Officials and Department Heads agree to abide by and, fully implement the policies/guidance contained therein,

 County Judge	 Commissioner Pct #1	 Commissioner Pct #2
 Commissioner Pct #3	 Commissioner Pct #4	 County Clerk
 County/District Attorney	 District Clerk	 County Treasurer
 Justice of the Peace	 Constable	 Road & Bridge Administrator
 Sheriff/Tax Assessor Collector	 County Agriculture Extension Agent	 County Extension Agent Family & Consumer Sciences
 County Librarian		

WHEREAS, any and all previous personnel policy manuals, implied policies, informal policies, verbal policies and written contracts whether known or unknown, are hereby rescinded and declared null and void.

WHEREAS, each Elected Official is charged with running their office as they deem appropriate in accordance with law. Consequently, each Elected Official may or may not subscribe to all provisions within this manual and may apply different policies and guidelines to their office and personnel.

NOW, THEREFORE BE IT RESOLVED, that on this 28th day of April, 2005 the Rains County Commissioners' Court does hereby adopt, accept and place into effect this manual called the Rains County Personnel Policy and Procedures Manual which shall be in effect from this day forward until rescinded or amended by official order or resolution of the Rains County Commissioners' Court.

 County Judge	Attest:  County Clerk
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Effective June 15, 2005

ABOUT RAINS COUNTY GOVERNMENT

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

COMMISSIONERS' COURT

The Commissioners' Court consists of four (4) County Commissioners; each elected by the voters of a Commissioners' Precinct, and County Judge, elected by all of the voters of the County. Officials are elected for a four-year term of public service.

The Commissioners' Court is the chief policy, administrative or executive branch of the County Government. Among its many functions, the Court:

- Sets the tax rate
- Adopts the annual budget
- Approves new programs or changes existing ones
- Adopts regulations and policies
- Approves and manages County facilities

The Court carries out these and other specific duties by meeting in regular or special sessions. Decisions of the Court require a majority vote.

COUNTY OPERATIONS

County operations are conducted through departments; each administered by an Elected Public Official or an appointed Department Head.

INDEPENDENT ELECTED OFFICIALS

While the Commissioners' Court has the wider range of authority, in some areas, state law gives greater authority to other Elected Officials. These Elected Officials are directly responsible to the voters for performing the duties assigned to their offices.

CODE OF PERSONAL CONDUCT: (SERVICE TO THE PUBLIC)

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

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

1.00 PERSONNEL POLICIES

1.01 IMPLEMENTATION

The Human Resources Director shall be responsible for the administration and implementation of these personnel policies.

1.02 DISSEMINATION

1. Master Personnel Guidance Manual, which contains the original of all personnel policies in effect for Rains County, shall be maintained in the Human Resources Department. Questions regarding guidelines outlined in this manual should be referred to Human Resources or the department referenced in that area.
2. Copies of the complete Personnel Guidance Manual shall be made available to each employee and their acknowledgement of receipt returned to Human Resources.
3. All employees shall have the right to review the Master Personnel Guidance Manual.

1.03 PURPOSE

1. The policies do not create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract between Rains County and any of its employees. These provisions have been adopted and developed at the discretion of Commissioners' Court and, except for the policy of employment-at-will, may be amended or canceled at any time, at Commissioners' Court sole discretion. Any deletions, amendments, revisions, or additions to the policies must be approved by Commissioners' Court.
2. This guidance manual supersedes any and all personnel policies previously adopted, individually or as a set of guidelines, by Commissioners' Court. In addition, to these Personnel Guidelines, Elected Officials and Department Heads may establish departmental rules and regulations that relate specifically to their departments. Departmental rules are important and employees must comply with them. If there is a conflict between a departmental rule or guideline and these policies or any future amendments to these guidelines, as amended will prevail.
3. These personnel guidelines apply equally to all employees of Rains County, unless law or the terms of these guidelines specifically exempt a class of employees.

1.04 NATURE OF EMPLOYMENT

Employment with Rains County is an "At-Will" status. The employee may resign at any time, with or without cause. Similarly, Rains County may terminate the employment relationship at any time, with or without notice or reason, as long as there is no violation of applicable federal or state law.

1.05 BUDGET AUTHORIZATION

If the department's budget does not contain a line item or position for employee salaries, the Department Head must first obtain authorization from the Commissioners' Court prior to hiring any employee(s). Prior coordination with the Human Resources Department regarding salary is required.

1.06 POSITION ANNOUNCEMENTS

1. Department Heads shall send notice of any position openings for which there will be competitive consideration to the Human Resources Department. Human Resources will notify County employees and/or the general public of vacancies by posting a notice in a central place in the County Courthouse Annex, and by publishing notice in the local newspapers for two (2) consecutive weeks. The publication notice will be waived by the Commissioners' Court in case of emergency. (Note: applications for Reserve Officers will be accepted at any time.)
2. The normal (minimum) length of posting time during which applications will be accepted is ten (10) working days. From time to time, as it deems appropriate, management may fill jobs or make promotions without posting notices. Any position posted may be closed or extended at any

particular time during the advertisement period, at the discretion of the Elected Officials or Department Heads of Rains County.

1.07 METHODS OF RECRUITMENT

There are six (6) methods of recruiting persons to fill vacancies within the County: (1) promotion from within; (2) transfer from within; (3) public announcement; (4) referral from a job training program; (5) selection from a valid current eligibility list for which recruitment was conducted within the preceding ninety (90) days (one-hundred and eighty (180) days for Sheriff Department deputies), and (6) occasionally fill some positions without posting due to short notice/emergency requirements. The Department Head determines the method of selection to be used in filling each vacancy.

1.08 MEDICAL EXAMINATIONS, ALCOHOL/ DRUG TESTING, PRE-EMPLOYMENT REQUIREMENTS

1. Medical examinations and alcohol/drug testing to show no trace of alcohol/drug dependency or illegal drug use shall be required on all positions being filled. Only after a conditional offer is made to an applicant entering a position requiring a medical examination and alcohol/drug test will be completed at the County's expense by a health professional of the County's choice. Employee/applicants will not be placed on the County payroll until they have completed/passed the physical and alcohol/drug test examination.
2. Prospective employees for law enforcement positions (Peace Officer, Corrections Officer or Communications Officer) will be tested by a licensed physician and declared in writing by the physician to show no trace of alcohol/drug dependency or illegal drug usage. Additionally, they will also be examined by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health.
3. The offer of employment is contingent upon satisfactory completion of the medical exam, alcohol/drug test, and psychological exam for Sheriff's Department. Personnel who require a physical or psychological examination will not be allowed to start work until their exams are received showing that they have been cleared for duty by a competent medical authority. All information of an employee's medical condition or history will be kept separate from other employee information and maintained confidentially in Human Resources. Access to this information will be limited to those who have a legitimate need to know.

1.09 PRIOR SERVICE WITH THE COUNTY

1. New hires with prior service with the County may be considered for appointment above the customary entry salary level. Employees rehired to fill regular full-time positions with the County may receive credit for their prior length of service as regular full-time employees only if the break in service is 365 days or less. A break in continuous service with the County forfeits all vacation and health leave benefits accrued prior to the break. A previous hire returning to work in the County may buy back pension credits in accordance with retirement system rules (contact Human Resources for more details).
2. Rehired employees with break in service of 365 days or less will receive reinstatement of sick leave accrual in the amount of accrual at the time of separation from County employment.

1.10 PERFORMANCE EVALUATION

Formal performance evaluations will be rendered once-a-year on all non-elected employees, regular (full/part-time) and temporary (full/part-time) employees, who have at least six (6) months of employment as of report close out date. Employees will have an evaluation rendered with a close out date of September 1st. Department Head and employees are strongly encouraged to discuss job performance and goals, strengths and weaknesses, and problem areas on an informal day-to-day basis.

1.11 STARTING WAGE

Starting wages will be based on current budgeting.

1.12 PROMOTIONS

A promotion recognizes advancement to a higher position requiring higher qualifications and

involving greater responsibility. Promotions are recommended by the employee's Department Head and approved by the appropriate Elected Official or Department Head within the staffing pattern, and budget limits approved by the Commissioners' Court.

1.13 TRANSFERS

Transfers may be made within the same department or between departments at Rains County's discretion. Transfers may be requested by the employee, provided the employee has a satisfactory performance record. An employee who makes a transfer will retain the same effective employment date and all accrued vacation and sick leave. The timing of release of internal transfers should be mutually agreed upon by Department Heads. The at-will employment relationship is not altered. The pay may remain the same, be at a higher rate, or a lower rate depending upon the salary range of the new position.

1.12 DEMOTIONS

1. A demotion is a change in duty assignment of an employee to a lower paid position. Demotions may be made for the purpose of voluntary assumption of a less responsible position; as a result of a reclassification of the employee's position; or as a disciplinary measure, because of unsatisfactory performance in a higher position.
2. Disciplinary and voluntary demotions will always involve a decrease in pay. Demotions are made by the employee's Department Head.

1.15 ASSIGNED STAFF

Staff who are assigned to the County, but are paid directly by another government or private organization are not employees of the County. As a condition of their assignment, such staff is governed by all terms of these policies not in conflict with their contract for services.

1.16 TELEPHONE AND HOME ADDRESS

Each employee may choose whether the County discloses the employee's home address/telephone number to the public on request. If a new employee does not request confidentiality, the home address and telephone number on file are considered public information (does not apply to law enforcement personnel). However, employees may change their election for disclosure or confidentiality at any time by contacting Human Resources.

1.17 BULLETIN BOARDS

1. Notices will be placed on the County and or Department bulletin boards. Such notices include but are not limited to: posters requiring display by the County by federal, state, or local government requirement; rules and regulations; events; and so forth. Employee bulletin boards are located at Human Resources in the Courthouse Annex.
2. Employees should check bulletin boards regularly for new materials. They should use the bulletin board as a reference source; many of the materials will answer questions in such areas as wages, overtime pay, equal employment opportunity, and job safety. Employees should consult these bulletin boards frequently for:
 - Affirmative Action Statement
 - Job Openings
 - Employee Announcements
 - Workers' Compensation
 - Insurance Information

1.18 EMPLOYMENT OF RELATIVES

1. Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the Commissioners' Court or to the Elected Official or Department Head for whom they work. For the purposes of this guidance, a relative is any person who is related by blood or marriage or whose relationship with the employee is similar to that of persons who are

related by blood or marriage. No person may continue in County employment that is related in one of the prohibited degrees unless the employee has been employed continuously by the County for a period of:

- At least thirty (30) days, if the officer or member is appointed;
 - At least six (6) months, if the officer or member is elected in an election other than the general election for state and county officers; or
 - At least one (1) year, if the officer or member is elected in the general election for state and county officers.
2. Relatives of any County employee may only be hired if they are not in the direct chain of command or in the supervisory line. Contact Human Resources for further clarification.

1.19 SEVERABILITY

If any provision or part of a provision of these guidelines is held invalid, illegal, or unenforceable, it will not affect the validity of the remaining provisions or parts of provisions, which will remain in effect. In cases where federal or state laws or regulations supersede local guidelines for specific groups of employees, such laws or regulations will substitute for these personnel guidelines only insofar as necessary for compliance.

2.00 SEPARATION

2.01 TYPES

1. All separations from employment with Rains County shall be designated as one of the following types:
 - Resignation;
 - Retirement;
 - Termination;
 - Reduction in Force (Layoff); or
 - DeathHuman Resources will conduct a benefits explanation with employees during their out-processing prior to leaving County service.

RESIGNATION

2. A resignation is classified as any situation in which an employee voluntarily leaves their job with Rains County and the separation does not fall into one of the other categories.
3. To resign in good standing, the employee shall be required to notify their Department Head of the intent to resign at least ten (10) working days prior to the last day of work.
4. A Department Head shall be responsible for notifying Human Resources as soon as an employee announces their intent to resign.

RETIREMENT

5. The same requirements for resignations apply to retirement except for the fact that the employee should notify their Department Head at least thirty (30) days prior to the last day of work in order that any retirement benefits due may be started promptly. Employee must meet age, length of service, and other criteria for retirement from the County. Contact Human Resources for additional information.

TERMINATION

6. Termination shall be any involuntary separation from employment which does not fall into one of the other categories.

REDUCTION IN FORCE (LAYOFF)

7. An employee shall be separated because of reduction in force when their position is abolished or when there is lack of funds or work.
8. Separations for reductions in force are subject to the provisions of the GUIDANCE ON LAYOFFS (Section 2.02).

DEATH

9. If an employee dies while in the service of Rains County, their designated beneficiary or estate shall receive all earned pay and payable benefits.

2.02 GUIDANCE ON LAYOFFS

REASONS

1. While such action is avoided whenever possible, employees of Rains County may be laid off where a Department Head deems it necessary because of shortages of funds or work, the deletion of a job or jobs, other material changes in the organization or for other reasons which are beyond the control of the employee or employer.
2. A layoff does not reflect negatively on an employee or on their ability to do the job in which they were employed.

TRANSFERS

3. Whenever possible, employees who are laid off in one department may be integrated into other departments by transfer.

SEQUENCE

4. If layoffs are required, they shall be based first on the continuing need for a particular function.

3.02 EMPLOYEE STATUS

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. This policy defines both health insurance and retirement benefits. The status of an employee cannot be changed without the approval of the Commissioners Court. Full time employees will be eligible for health insurance. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

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

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

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

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

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

3.00 EMPLOYMENT AND EMPLOYEE STANDARDS AND PRACTICES

3.01 EQUAL EMPLOYMENT OPPORTUNITY

1. Rains County does not discriminate on the basis of race, color, religion, political affiliation, disability, national origin, sex or age in recruiting selection, training, raises, promotions, terminations, discipline, layoff, use of employee facilities or programs, or any other condition or privilege of employment except where age or sex is a bona fide occupational qualification (BFOQ) or where it is required by state or federal law.
2. Reasonable accommodation will be made for otherwise qualified disabled individuals to afford them the same opportunities for selection and all conditions and privileges of employment as non-disabled applicants and employees.
3. Determination of reasonable accommodation will be made through consultation with the employee and/or organizations knowledgeable in determining various disabilities.

3.02 EMPLOYEE STATUS

REGULAR FULL-TIME

1. Those who are not in a temporary status and who are regularly scheduled to work a full time schedule of forty (40) hours per week. They are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each package.

TEMPORARY

2. Those hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration – not to exceed six (6) months. Temporary employees retain such status unless and until notified of a change. All legally mandated benefits (social security and workers' compensation insurance) are provided to temporary employees. Some other Rains County sponsored benefits may also be available, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME

3. Those who are not assigned to a temporary status and are regularly scheduled to work fewer than the County's full time schedule, not more than thirty (30) hours per week but at least twenty (20) hours per week. While they do receive all legally mandated benefits such as social security, retirement (if worked nine-hundred (900) or more hours per year) and workers' compensation insurance, they are not eligible for Rains County's other benefit programs. (Note: Regular Part-time positions are budgeted positions).

VOCATIONAL EDUCATION (VOE) STUDENT

4. VOE students are employed by the County in cooperation with the local schools. Students must be actively enrolled in school (with passing grades) to remain eligible for this category.

CASUAL

5. Employees who have established an employment relationship with the County, but are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (workers' compensation insurance), they are ineligible for all of Rains County's other benefits.

3.03 ATTENDANCE AND TIMELINESS

1. Excessive absenteeism and tardiness place a burden on other employees and on Rains County. Employees unable to work as scheduled will notify their supervisor as soon as possible in advance of the anticipated tardiness or absence, the reason, and when they can be expected to report to work. Unless otherwise approved by the Department Head, employees are expected to personally call on each day of absence.

2. Deductions from pay will be made for all unexcused absences and for those excused absences not authorized as paid absences. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved only by the Department Head.
3. Unauthorized or excessive tardiness is disruptive. Either will lead to disciplinary action, up to and including termination of employment. Employees absent from work for three consecutive days without giving proper notice to their Department Head, as instructed above, will be considered as having voluntarily resigned.

3.04 OUTSIDE EMPLOYMENT AND ACTIVITIES

1. An employee of Rains County shall not engage in any activity or other employment which will adversely affect their ability to effectively carry out the duties and responsibilities of their job.
2. An employee accepting other employment while still being employed by Rains County must notify their Department Head before beginning such work except in such cases where the work may be occasional or casual. However, if it affects the job performance, regardless of the type of employment, the employee can be asked to terminate said outside employment. Additionally, due to periodic updates to job descriptions/requirements, an employee previously approved for outside employment may be asked to quit said outside activity if it now impairs the ability to do said job.

3.05 EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, Rains County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. It is not possible to list all types of behavior that are considered unacceptable in the workplace. The following are examples of some of the infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. The subsequent list is meant to be only an example of possible misconduct. The Department Head is responsible for determining conduct for which discipline will be administered.

- Theft/inappropriate removal/possession of property
- Falsification of County records, State records, & Federal records
- Working under the influence of alcohol/illegal drugs
- Fighting or threatening violence in the workplace
- Negligence or improper conduct leading to damage of employer-owned or privately owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous/unauthorized materials, such as explosives/firearms, in the workplace
- Excessive absenteeism or absence without notice
- Violation of personnel guidelines
- Unsatisfactory performance or conduct

3.06 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Rains County presents to citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Each Department Head will make the determination of what is appropriate for normal business attire for that department, to include authorizing appropriate casual wear on Fridays. Employees' religious beliefs will be considered when addressing proper attire.

3.07 RETURN OF PROPERTY

Employees must return all Rains County property immediately upon request or upon termination of employment. Where permitted by applicable laws, Rains County may also take all action deemed appropriate to recover or protect its property. Employees are responsible for items issued to them by Rains County or in their possession or control, such as the following:

- Credit cards
- Identification cards/badges/security passes
- Manuals/written materials

- Protective equipment/uniforms
- Keys
- Pagers/phones
- Vehicle insurance
- Equipment/tools

3.08 SOLICITATION

The posting of written solicitations on County bulletin boards is restricted. If employees have a message of interest to the workplace, they may submit it to the Department Head for approval. All approved messages will be posted.

3.09 CHAIN OF COMMAND

Elected Officials are responsible to County voters. County employees are responsible to the appropriate Department Head. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will normally follow the chain of command.

3.10 ORIENTATION AND TRAINING

1. Human Resources provide a general orientation for new employees about employment with the County including information about the structure, functions, and services of County Government. Information concerning medical benefits will be provided to the employee once they have met the required waiting period established by Rains County, which is sixty (60) days from employment with benefits beginning the first (1st) of the month following the sixtieth (60th) day of employment.
2. Before an employee begins performing his or her actual duties, they will receive a brief orientation conducted by the Elected Official/Department Head or by a Designated Department Representative.

3.11 CONFLICT OF INTEREST

COUNTY ELECTED OFFICIALS

A member of the Commissioners' Court and certain other County Officials will not participate in a vote or decision affecting a business or real estate in which the member or official has a substantial interest.

COUNTY EMPLOYEES

An employee may not: (1) solicit or accept or agree to accept a financial benefit, other than from the County, that might reasonably tend to influence their performance of duties for the County or that they know or should know is offered with intent to influence the employee's performance; (2) accept employment or compensation that might reasonably induce them to disclose confidential information acquired in the performance of official duties; (3) accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County; (4) make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County; or (5) solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person. (6) engage in outside activities incompatible with the full and proper discharge of County duties or which might impair independent judgment in the performance of County duties.

3.12 POLITICAL ACTIVITY

1. Employees are encouraged to vote and to exercise other responsibilities of citizenship consistent with state and federal law and these policies. Employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so. An employee may not:
 - Use their official authority or influence to interfere with or affect the result of an election or nomination for office; or

- Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee organization, agency, or person for a political purpose.
2. County employees, except Elected Officials, may not participate in political activities while on County duty. Employees are expected to remove County uniforms before participating in a political activity. In addition, no County-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity. This section does not apply to the use of the courthouse, courthouse grounds or County buildings when used for the purpose of political announcements approved by Commissioners' Court.
 3. Any employee who is subject to the provisions of the federal Hatch Act (www.osc.gov) may not be a candidate for elective office in a partisan election. County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.
 4. An employee's political activity which is not in violation of this section will not be considered in determining their compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

3.13 GIFTS AND GRATUITIES

A County officer or employee may not accept any gift or free service that might tend to influence their official actions or impair their independence of judgment in performance of duties for the County.

3.14 VALID DRIVER'S LICENSE

1. Operators of County vehicles are required to have a valid Texas driver's license necessary for legal operation of the vehicle and to keep the Department Head informed of any changes in status of their licenses. Department Heads will periodically check through the Sheriff's Department the driving records of all employees who operate County vehicles. Failure to maintain a safe driving record can result in disciplinary action. An employee may be required to participate in a defensive driving course if the employee is cited for a moving violation. The cost of the defensive driving course will be the employee's responsibility, if the incident results in a reportable accident in which the County employee is considered at fault. Suspension or revocation of the driver's license of an employee who is assigned as a vehicle operator may result in a demotion or termination.
2. All road and bridge employees shall have a Class A Commercial Drivers License (CDL) before operating any vehicle. A Road and Bridge employee must obtain a Class A CDL within sixty (60) days of employment date. Failure to obtain a Class A CDL within sixty (60) days of employment shall be grounds for termination.
3. Any other County personnel authorized by Commissioners' Court to operate Road & Bridge equipment shall be required to have a Class A CDL before operating Road & Bridge vehicle.

3.15 ACCIDENT REPORTING

Any employee involved in an accident while driving or riding in a County vehicle, no matter how minor, shall report it to the appropriate Department Head and law enforcement authorities so that an official accident report can be filed. In no instance, should the driver leave the scene of an accident before the law enforcement authorities have made their investigation and cleared the driver to leave. In case of an accident, the Department Head shall require the employee to submit to alcohol/drug testing. Employee's refusal to submit to alcohol/drug testing may result in termination. The Department Head or appropriate official shall notify the County Judge and Human Resources of the accident on the same day the accident occurred, or on the first business day following the accident if it occurred after hours or on a non-workday. A copy of any accident report involving County equipment or vehicles shall be forwarded to Human Resources by the Department Head as soon as the law enforcement investigation is completed.

3.16 USE OF COURIER OR EMERGENCY COMMAND CENTER VEHICLE

The County has established a County Vehicle Use Policy for the proper use of all County vehicles.

Employees are to acknowledge receipt of County Vehicle Use Policy.

3.17 USE OF PHONE AND MAIL SYSTEMS

Employees may be required to reimburse Rains County for any charges resulting from their personal use of the telephone. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum. County employees and officials may not place personal long-distance telephone calls on County telephone equipment unless the charges will be billed directly by the telephone company to the individual's personal account. A call to notify family of County requirements to work unscheduled overtime is an acceptable County business call.

The use of Rains County paid postage for personal correspondence is strictly prohibited.

ACCEPTABLE USE POLICY

The County has established an Acceptable Use Policy for the proper use of the network services and systems (computer usage), electronic mail (e-mail) and Internet Services.

Employees are to acknowledge receipt of Acceptable Use Policy.

3.18 SMOKING

Smoking is prohibited throughout County facilities, except in designated outdoor areas. This policy applies to all employees (elected and non-elected), customers, and visitors.

3.19 USE OF EQUIPMENT AND VEHICLES

1. County property, materials, supplies, tools, vehicles, and equipment are only to be used for public purposes. Uses that provide private benefit to employees or officials are prohibited. If an employee is in doubt about a circumstance, they must check with the appropriate Department Head before proceeding. Violations of this guidance may result in termination and possible prosecution.
2. Employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines. In addition, possession of a valid driver's license is required by all employees who operate a vehicle in the conduct of County business. Employees are to notify their Department Heads if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair.
3. County vehicles are to be used outside of Rains County only when performing County business or as authorized by Commissioners' Court.

3.20 USE OF COUNTY CREDIT CARDS

Credit cards are issued to authorized employees by their Department Head, who will monitor use of the credit cards and will submit documentation of usage to the County Treasurer's office at the end of each month. Unauthorized or personal use of County credit cards is strictly prohibited and may result in termination and/or prosecution.

3.21 ACCESS TO PERSONNEL FILES

Generally, only supervisors and management personnel who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their file may contact Human Resources. With reasonable notice, employees may review or request a copy, in writing, of their own personnel file from Human Resources. However, an employee may not remove documents from the file.

4.00 BENEFITS AND LEAVE

4.01 EMPLOYEE BENEFITS

Eligible employees of Rains County are provided a wide range of benefits. A number of the programs (social security, workers' compensation, disability, and unemployment insurance) cover all employees in the manner prescribed by law. Your Department Head can identify the programs for which you are eligible. Details of many of these programs can be found in this employee manual. Some may require contributions from the employee, but Rains County pays for many of them. For more information, contact Human Resources.

4.02 VACATION BENEFITS

1. Vacation time off with pay is available to eligible employees. Regular full-time employees are eligible to earn and use vacation time as described in this policy. Regular part-time employees who work weekly twenty (20) hours or more will accumulate at one-half the time of regular full-time employees. Temporary employees are not eligible for vacation accrual. Once a new employee enters an eligible employment classification, they begin to earn paid vacation time according to the schedule. Before vacation time can be used, a waiting period of six (6) months must be completed. After that time, employees can request use of earned vacation time, including that accrued during the waiting period.
2. Paid vacation can be used in the minimum increments of thirty (30) minutes. To take a vacation, employees shall request approval from their Department Heads. Requests will be reviewed based on a number of factors, including County needs and staffing requirements. Vacation time is paid at the employee's base pay rate at the time of vacation; it does not include overtime or any special forms of compensation. **REVISED & ADOPTED 11/08/2018**

ACCRUAL SCHEDULE/MAXIMUM ALLOWABLE ACCUMULATION

3. Vacation shall not be accrued while an employee is on leave of absence without pay. Employees shall only be allowed to use vacation time which has been accrued and shall not be allowed to borrow vacation against future accruals.
 - New Hire to 6 months 0 Days
 - (Full Time) 6 months to 5 years 3.23 hours per pay period
 - (Full Time) After 5 Years 4.62 hours per pay period

Vacation and/or compensatory time may not be used for days you're not scheduled to work. You may not use vacation and/or compensatory time during a pay period that will make your **total** hours exceed 80 hours in a two week (or 14 day) pay period, or 86 hours in a work period, if you fall under the 86 hour Law Enforcement rule. Each 40 hour work week stands alone for overtime purposes. **REVISED & ADOPTED 09/28/2017**

4. An employee must use accumulated vacation time before taking/requesting time off without pay (after 6 month waiting period). **REVISED & ADOPTED 05/12/2022**

4.03 VACATION CAP

1. Employees are encouraged to use available paid vacation time. In the event available vacation time is not used by the end of the fiscal year, employees may carry unused time forward to the next fiscal benefit year. If the total amount of unused vacation time reaches a "cap" equal to eighty-four (84) hours for employees with less than five (5) years and one-hundred and twenty (120) hours for employees with more than five (5) years of service, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.
2. Vacation time accrual over maximum cap may be allowed if an employee is unable to take vacation time because of the needs of the County. The Department Head shall prepare a request for accrual above the cap explaining why the employee was unable to take vacation. The request is to be submitted to Human Resources who submit the request to the Commissioners' Court for approval.

3. The maximum amount of vacation time an employee shall have available to use at any given time is the amount of unused time the employee had at the end of the previous pay period.

4.04 SICK LEAVE BENEFITS

1. Rains County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to any illness or injury. Regular full time employees are eligible. Sick leave accrues at the rate of 3.69 hours per pay period (**REVISED & ADOPTED 5/12/22**) while an employee is employed by the County on a full time basis. Regular part-time employees who work weekly twenty (20) hours or more will accumulate at one-half the time of regular full-time employees. Regular, full time employees are entitled to paid sick leave after completion of one (1) full month of employment. Employees on paid status for an entire pay period will accrue sick leave and vacation. In the event available sick leave is not used by the end of the fiscal year, employees may carry unused time forward to the next fiscal benefit year. If the total amount of unused sick leave reaches a "cap" equal to four-hundred and eighty hours (480), further sick leave accrual will stop. When the employee uses paid sick time and brings the available amount below the cap, sick leave accrual will begin again. **REVISED & ADOPTED 10/11/2018**
2. Paid sick leave can be used in minimum increments of thirty (30) minutes. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of an immediate family member. Rains County defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's child, or sibling; the employee's child's spouse or grandchildren. **REVISED & ADOPTED 11/08/2018**
3. Employees absent with permission because of illness during the first month of employment will have the missed number of hours' pay subtracted from their pay before a paycheck is issued.
4. Employees unable to report to work due to illness or injury shall personally notify their Department Head before the scheduled start of their workday, if possible. The employee will personally contact their Department Head on each additional day of absence until they return to work.
5. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one (1) day in advance. Departments shall report leave on the payroll time sheet. Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action. Employees are expected to return to work as soon as their reasons for leaving are accomplished.
6. If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement is required verifying the nature of the illness (see FMLA Policy), including stating the beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition of receiving sick leave benefits (primarily if sick leave benefits are being abused).
7. Sick leave benefits are calculated based on the employee's base pay rate at the time of absence and will not include other forms of compensation.
8. When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover period of illness or incapacity and the charge against vacation leave reduced accordingly. A medical certificate or other acceptable evidence must support application for sick leave substitution, when requested.
9. An employee who exhausts earned sick leave benefits must use accumulated paid leave before taking/requesting unpaid leave of absence without pay (if eligible). No advance of unearned sick leave benefits will be made for any reason.
10. Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Willful misuse of sick leave benefits can result in disciplinary action up to and including termination.
11. Sick time may not be used for days you're not scheduled to work. You may not use sick time during a pay period that will make your **total** hours exceed 80 hours in a two week (or 14 day) pay period, or 86 hours in a work period, if you fall under the 86 hour Law Enforcement rule. Each 40 hour work week stands alone for overtime purposes. **REVISED & ADOPTED 09/28/2017**

4.05 WORKERS' COMPENSATION

Rains County provides workers' compensation insurance program at no cost to employees. This program covers injuries or illness sustained in the course of employment requiring medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a seven (7) day waiting period, or if the employee is hospitalized, immediately (exception: no seven (7) day waiting period for law enforcement officers). Employees sustaining work-related injuries or illnesses must inform their Department Head immediately. It is mandatory employees report to Human Resources within twenty-four (24) hours via fax (note: if an injury occurs on a Friday between the close of business (5 p.m.) and the start of business (8 a.m.) on the following Monday, the injury will be reported within twenty-four (24) hours from the start of business on Monday). This will enable the employee to qualify for the coverage as quickly as possible. Obtain a Workers' Compensation Report of Incident from Human Resources.

4.06 MEDICAL BENEFITS

1. All regular employees working an average of thirty (30) hours or more, per week, will receive medical benefits at the expense of the County (if they so choose medical benefit coverage offered). Medical coverage begins for regular employees on the first day of the month following the employee reaching sixty (60) days employment from the date hired. Contact Human Resources for additional information.

4.07 HOLIDAYS

1. Paid Holidays are established each year by Commissioners' Court.
2. Rains County will grant paid holiday time off to eligible regular full-time and regular part-time employees, who work twenty (20) hours or more weekly, immediately upon assignment as an employee.
3. Holiday pay is based on the employee's straight time pay rate (as of the date of the holiday). All regular full-time employees shall receive eight (8) straight hours and regular part-time employees shall receive six (6) straight hours.
4. Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Rains County. Each Department Head is responsible for granting this leave based on the needs of their individual departments. Vacation, compensatory time, or leave without pay may be used for special leave granted.
5. Holidays do not accrue, and if they are not taken, they will not be paid at termination.
6. Employees absent (without approved leave) on the workday immediately preceding/following a holiday, will not be paid for the holiday.
7. Holiday pay (like any other Paid Time Off) does not count toward "hours worked." Compensation for a paid holiday cannot be credited toward overtime calculations.
8. In the event the County Judge declares an early closing before a holiday, that time will be counted as holiday pay, based on an 8 hour workday, and will not count towards overtime calculations. (Ex: If the County closes early at 3:00pm, employees would receive an additional 2 hours holiday pay). Employees using sick, vacation or compensatory time on an early closure day, will not receive additional holiday pay. If the County Judge does not declare an early closing, but Elected Officials choose to close their offices early, it is up to the Elected Official to decide if their employees are to use their available vacation and/or comp time.

WORK ON A HOLIDAY

9. Department Heads may find it necessary to deny holidays at the scheduled time (i.e. "around-the-clock" operations), and may direct some or all employees of the department to report for work on any holiday.
10. When a regular full-time non-exempt employee is required to work on a holiday, the employee will be paid double the hours worked for the holiday, at their regular hourly rate. For example, if an employee works a 12 hour shift on a holiday, they will receive 12 working hours and 12 holiday hours. If an employee works a 9 hour shift, they will receive 9 working hours and 9 holiday hours. Employees working less than 8 hours on a holiday will still receive the minimum of 8 hours holiday pay.

HOLIDAY ON A DAY OFF

11. If a legal holiday on the current year's list of approved County holidays falls on a regular employee's day off, and the employee does not work that day, they will receive eight (8) regular straight hours if full-time and six (6) regular straight hours for part-time.
12. For most employees, recognized holidays falling on a Saturday or Sunday, the holiday will be observed on the preceding/following Friday or Monday.
13. Holidays falling during a scheduled vacation will be processed as holidays and shall not affect the vacation balance.
14. An employee will not receive holiday pay while on leave without pay.

4.08 MILITARY LEAVE

All Rains County employees who are members of the National Guard or active reserve components of the United States Armed Forces, shall be allowed up to fifteen (15) days off per federal fiscal year, with pay, to attend authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use vacation, earned compensatory time, or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.

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

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

Rains County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States, shall be eligible for re-employment in accordance with state and federal laws in effect at the time of their release from duty.

4.09 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

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

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

4.09 DISABILITY

In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the County to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the County, the employee will be separated from employment with the County (in accordance with ADA and/or FMLA).

4.10 BEREAVEMENT LEAVE

1. An employee wishing to take time off due to the death of an immediate family member should notify their Department Head immediately. Based upon circumstances, the Department Head may grant up to three (3) days of paid bereavement leave per family member to regular employees.
2. Bereavement pay is calculated based on the base pay at the time of absence and will not include any special forms of compensation.
3. Any employee may, with the Department Head's approval, use any available paid leave for additional time off as necessary. Rains County defines "immediate family" as the employee's spouse, parent, child, sibling, grandparents or grandchildren; the employee's spouse's parent, child or sibling.

4.11 APPROVAL OF LEAVE

All leave taken by County employees must be approved by the employee's Department Head. Payroll records are verified against employee leave records. Elected Officials and Department Heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. Department Heads should encourage their employees to schedule vacations and request leave well in advance. Vacation schedules must accommodate the County's work schedule. If there is a conflict in vacation schedules involving two or more employees, the Department Head resolves the conflict at their discretion.

4.12 TIME OFF TO VOTE

Rains County encourages employees to vote in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, Rains County will grant up to two hours of paid time off to vote. Employees should request time off to vote from their Department Head at least two (2) working days prior to Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or the end of the work shift, whichever provides the least disruption to the normal work schedule. When an employee has completed voting, they must report to the County for duty for the remainder of the workday.

4.13 CIVIL LEAVE JURY DUTY

1. Rains County encourages employees to serve on jury duty when required. Employees must show the jury duty summons to their Department Head as soon as possible so that the Department Head may make arrangements to accommodate the absence. Employees are expected to report for work whenever the court schedule permits. If employee is released from jury duty with half (1/2) of their shift remaining the employee is to report to work for the remainder of the shift. Either Rains County or the employee may request an excuse from jury duty if, in Rains County's judgment, the employee's absence would create serious operational difficulties. Rains County will continue to provide health insurance benefits, vacation, sick leave, and holiday benefits for eligible employees. County employees are not eligible for juror checks.

WITNESS DUTY

2. Rains County encourages employees to appear in court for witness duty when subpoenaed. If an employee has been subpoenaed or requested to testify as a witness for Rains County, they will receive paid time off for the entire period of witness duty. Employees will be paid if subpoenaed to testify as a witness unless employee is a party to the suit.

PRIVATE LITIGATION

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

4.14 VEHICLE INSURANCE

The County maintains up-to-date insurance coverage on all vehicles owned by the County. Elected, appointed officials or employees who drive a personal vehicle on County business are required to maintain up-to-date personal insurance coverage. Failure to do so may be grounds for disciplinary action up to and including termination.

4.15 SECTION 125/CAFETERIA PLAN

The County offers a "cafeteria" plan at the employee's option. This plan provides a pre-tax deduction for optional County medical insurance premiums and other insurance options. Contact Human Resources for more information.

4.16 DEFERRED COMPENSATION PLAN

The Deferred Compensation plan is a voluntary pre-tax "optional" retirement program that allows most employees to contribute a portion of their salary before federal taxes to a retirement account. Contact Human Resources for more information.

4.17 BENEFITS CONTINUATION (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries/dependents the opportunity to continue health insurance coverage under Rains County's health plan when a "qualifying" event would normally result in the loss of eligibility. Some common qualifying events are resignation/termination of employment/death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at Rains County's group rates plus an administrative fee. Rains County provides each eligible employee with written notice containing important information about the employee's rights and obligations granted under COBRA. Continued coverage or COBRA payments should be sent directly by the affected person to the insurance company unless other arrangements are made with the Human Resources Department.

4.18 EMPLOYEE RECOGNITION

All regular employees are eligible for the following service awards:

- **Certificates:** Certificates will be issued as longevity awards to recognize employees after three (3), five (5), and in increments of five (5) years thereafter; in addition:
- **Pins:** Lapel pins indicating the number of years service will be issued as longevity awards to recognize employees after three (3), five (5), and in increments of five (5) years thereafter
- **Pens:** An engraved pen will also be issued as a longevity award to recognize an employee after ten (10) years of service

Award periods are on an annual basis. Awards will be presented in December of each year.

BREAKS

3. The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child. Rains County supports the practice of expressing breast milk.

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

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

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

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, it 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.

5.03 OVERTIME CALCULATIONS AND RULES

1. Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on "Law Enforcement Pay and Overtime").
2. 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.
3. Overtime compensation shall be paid in the form of compensatory time off (with the exception of Road & Bridge employees and Dispatchers) in accordance with the provisions of the FLSA. Covered employees shall receive compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked. Road & Bridge employees and Dispatchers shall receive paid overtime at a rate of one and one-half (1 ½) times the amount of overtime worked.
4. Road & Bridge employees called to report for work in emergency situations will earn a minimum of four (4) hours to begin when they receive the call.
5. In the event of a declared disaster in our county or surrounding counties, department heads may request approval from the County Judge to pay overtime wages, in lieu of compensatory time, on a position by position basis for hours worked directly related to the disaster. Only hours worked after the approval was granted are eligible. Each employee must then get permission for overtime wages from their department head. In the event of a declared disaster, with the prior approval of the Judge, exempt employees may also be eligible for overtime wages.

LAW ENFORCEMENT PAY AND OVERTIME

6. Rains County Commissioners' Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes Deputies and Jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

5.00 WAGES AND SALARY ADMINISTRATION

5.01 FAIR LABOR STANDARDS ACT (FLSA)

It is the policy and practice of Rains County to comply fully with the Fair Labor Standards Act (FLSA). All job positions will be reviewed and classified as non-exempt or exempt, according to FLSA standards. All employment practices will be conducted in accordance with this policy.

5.02 WORK HOURS

1. Normal work hours for most County Employees are Monday – Friday; 8:00 a.m. to 5:00 p.m. with one (1) hour for lunch (equals a forty (40) hour workweek). Alternative work schedules are not authorized unless specifically approved by Commissioners' Court. Department Heads will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day of the week. Sheriff's Department personnel work varying shifts in order to provide services twenty-four (24) hours each day. Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule. Elected Officials and Department Heads may, within the limits of state/federal law, make adjustments to these schedules.
2. The official work week is a seven (7) day workweek beginning at 12:01 a.m. on Friday and ending at 12:00 a.m. on the following Thursday.

REST AND MEAL PERIODS

3. Morning/afternoon breaks of fifteen (15) minutes each may be authorized at the discretion of each department, but if authorized, this time does not accumulate if not taken. To the extent possible, rest periods will be provided in the middle of work periods. Since rest time is counted and paid as time worked, employees must not be absent from their work stations beyond the allocated rest period time. Additionally, employees may be requested to curtail the rest period if it is necessary to provide adequate customer service in high customer service areas. All full time regular employees are provided one (1) unpaid meal period of sixty (60) minutes in length each workday. Department Heads will schedule meal periods to accommodate operating requirements.
4. Rest and meal periods for the Sheriff's Department and the Road & Bridge Department are determined separately at the discretion of the Department Head.

5.03 OVERTIME

1. When operating needs or other requirements cannot be met during regular working hours, employees may be scheduled to work overtime hours (note: Sheriff Deputies work a eighty-six (86) hour week before time and a half begins). When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Department Head's prior authorization. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. For the purpose of overtime compensation, only hours worked in excess of forty (40) during a work week will be counted. Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary action, up to and including possible termination of employment.
2. Road & Bridge employees called to report for work in emergency situations will earn a minimum of four (4) hours comp time to begin when employee leaves their residence.

OVERTIME ACCRUAL

3. Nonexempt employees are compensated for hours worked in excess of forty (40) hours, or eighty-six (86) hours for law enforcement. These hours are required to be worked before the overtime rate shall be accrued. Compensatory leave (comp. time) will accrue at one and one-half (1½) times the number of hours worked in excess of the forty (40) or eighty-six (86), whichever is applicable, in lieu of pay at time and one-half.

5.04 COMPENSATORY CAP AND USE

Maximum compensatory hours which may be accrued are two-hundred and forty (240) hours for nonexempt employees and four-hundred and eighty (480) hours for law enforcement employees.

5.05 TIME KEEPING

1. Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Rains County to keep accurate records of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees should accurately record time they begin and end their work. They should also, record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work shall always be approved before it is performed. Altering, falsifying or tampering with time records or another employee's time record may result in disciplinary action up to and including termination of employment. All nonexempt employees will fill out time sheets.
2. It is the employee's responsibility to sign their time sheet to certify the accuracy of all time recorded. The Department Head will review and then sign the time sheet before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and Department Head shall verify the accuracy of changes by initialing time sheet. Time sheets must be completed in ink.
3. Elected Officials, Department Heads and employees shall report accurate hours worked or time off on all employee time sheets. Accurate record keeping is required under the Fair Labor Standard Act (FLSA) and reporting of inaccurate hours could result in prosecution under the Texas Penal Code 37.10. "Tampering with Government Records". Employee falsifying of time sheets shall result in termination of employment.

5.06 PAY

1. Pay for County Elected and Appointed Officials and employees who are paid from County funds are set each year by the Commissioners' Court in the adopted County Operating Budget.

PAYDAYS

2. Employees are paid on a bi-weekly schedule. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event a regularly scheduled payday falls on a day off such as a weekend or a holiday, employees will receive pay on the last day of work before the regularly scheduled holiday. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon their return from vacation. Employees will receive an itemized statement of wages on each pay day. For each pay period, each Department Head shall submit to Human Resources a time record of leave time used by the employee's pay prior to payment.
3. When becomes available: Employees may have paycheck directly deposited into their bank accounts if they provide advance written authority to Human Resources. Automatic deposit forms can be obtained from Human Resources.

5.07 PAY ADVANCES

Rains County does not provide any pay advances on unearned wages to employees.

5.08 ADMINISTRATIVE PAY CORRECTIONS

Rains County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of Human Resources so that corrections can be made as quickly as possible. Correction(s) will be made on the next paycheck.

5.04 COMPENSATORY CAP AND USE

Maximum compensatory (Comp) hours which may be accrued are two-hundred and forty (240) hours for non-exempt employees and four-hundred and eighty (480) hours for law enforcement employees. Comp time may not be used for days you're not scheduled to work. You may not use comp time during a pay period that will make your **total** hours exceed 80 hours in a two week (or 14 day) pay period, or 86 hours in a work period, if you fall under the 86 hour Law Enforcement rule. Each 40 hour work week stands alone for overtime purposes. Employees must use accrued comp time, if available, before taking/requesting time off without pay.

5.05 TIME KEEPING

1. Each nonexempt employee must fill out a time sheet to be turned in to their Supervisor/Department Head on the last day of each pay period. Failure to complete a time sheet may result in an employee receiving a disciplinary statement or only receiving minimum wage payment until the proper time sheet has been completed and turned in to the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work shall always be approved by the Supervisor/Department head before it is performed. Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record, is a criminal offense and shall result in termination of employment.

5.11 TERMINATION PAY

1. The County will pay for all hours worked for which payment has not been received. If an employee voluntarily resigns, their final paycheck will be issued on the regular payday following their last day, by paper check or direct deposit, whichever option the employee had set up prior to leaving. If an employee is involuntarily terminated, their final paycheck will be issued within six (6) calendar days of their termination date, and will be mailed in the form of a paper check, unless arrangements have been made for it to be picked up by the employee.

UNUSED VACATION AND COMPENSATORY TIME

2. Upon termination, regular full and part-time employees will be paid for unused vacation and compensatory time that has been earned through the last day of work, up to the "cap". The rate of pay will be determined by the salary rate in effect at the time. Any employee who leaves County employment for any reason prior to the first six (6) months employment, will not be paid for unused vacation time. Contact Human Resources for more information.

5.09 PAY DEDUCTIONS

The law requires that Rains County make certain deductions from every employee's compensation. Among these are applicable federal income taxes and Texas County and District Retirement System contributions. Rains County must also deduct social security taxes up to a specified limit that is called the social security "wage base." Rains County matches the amount of social security taxes paid by each employee. Rains County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation programs such as County group medical, dental and vision coverage for the employee and dependents. Employees may also participate by pay deductions in the Cafeteria and Deferred Compensation Plans. Pay setoffs are pay deductions taken by Rains County, usually to help pay off a debt or obligation to Rains County or others.

5.10 INDEBTEDNESS

1. Texas law limits the County's right to make deductions from an employee's pay (TX Labor Code Sec. 61.0418). The County may make deductions that are:
 - Authorized by state or federal law
 - Authorized in writing, in advance by the employee
 - Ordered by court, (e.g., garnishment – see below)

GARNISHMENT VS. ASSIGNMENT OF WAGES

2. A garnishment is an order of a court to an employer (the garnishee or in this case the County) to withhold a sum of money from an employee's earnings for payment of a debt. In Texas, an employee's wages may be garnished to enforce a child support order. All other garnishments are illegal under the Texas Constitution.
3. A garnishment begins the next pay period after notification by a court order and continues for as long as the employee is employed, or until further notice from the court. Payments are sent to a payee designated on the order.
4. The County may deduct an additional five dollars (\$5.00) per month to cover its administrative costs. If the employee leaves the job, the County must notify the court and the payee within seven (7) days, giving the name and the address of any new employer, if known. The maximum amount of earnings that may be garnished for child support is fifty percent (50%) of disposable income. Disposable income is the amount of wages after deductions for taxes, non-discretionary retirement contributions, and medical and disability insurance.
5. If the County receives two (2) or more support garnishments, the Human Resources Director will determine the maximum amount that may be garnished. If the total garnished exceeds the maximum allowable, the employer should first pay an equal amount toward the current support portion of each of the garnishments.

5.11 TERMINATION PAY

1. The County will pay for all hours worked for which payment has not been received.

UNUSED VACATION PAY

2. Upon termination, regular employees will be paid for unused vacation time that has been earned through the last day of work up to the "cap". The rate of pay will be determined by the salary rate in effect at the time. Any employee who leaves County employment for any reason prior to the first six (6) months of employment will not be paid for vacation time. Contact Human Resources for more information.

UNUSED SICK LEAVE

3. Unused sick leave benefits will not be paid at the time of termination.

5.12 ACROSS THE BOARD INCREASES

Pay increases will be determined by the Commissioners' Court each fiscal year.

5.13 CATEGORIES OF EMPLOYEES

1. The County has clarified the definitions of employment classifications so employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will any time is retained by both the employee and Rains County. There are four (4) categories of employment with the County.

Elected Officials: Duties and responsibilities defined by state law: They shall be governed by state law when it is in conflict with the provisions stated within this manual.

Appointed Officials: Department Heads who are appointed (not elected) in accordance with state law.

Exempt: Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and are normally exempt from the overtime pay requirement or compensation time (TIME SHEETS SHALL BE REQUIRED TO VERIFY HOURS FOR VACATION AND SICK LEAVE TAKEN).

Non-exempt: Employees whose positions do not meet FLSA exemption test and who are given compensation time for hours worked in excess of forty (40) hours per week (TIME SHEETS REQUIRED).

2. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by Commissioners' Court.

5.14 EMERGENCY CLOSINGS

1. At times, emergencies such as severe weather or power failures can disrupt County operations. In extreme cases these circumstances may require the closing of a work facility. During non-working hours, local radio stations may be asked to broadcast notification of closing. When operations are specifically closed due to emergency conditions, the time off from scheduled work will be paid. Certain offices such as the Sheriff's Department, Road & Bridge Department, and Emergency Management are expected to remain open during emergency situations. Department personnel should contact their department for specific guidance.
2. Employees generally are expected to report for work during inclement weather conditions if the County does not declare an emergency closing. Employees who are unable to report because of weather conditions will be granted an authorized unpaid absence, or, if they have accrued vacation time or compensatory time, may take a day of paid leave. Employees who are late because of weather conditions will be given a chance to make up their missed time if work schedules and conditions permit.

5.15 BUSINESS TRAVEL EXPENSES

1. County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Department Head. Employees with approved travel are responsible for their own travel arrangements. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed are:

- Air or train fare for travel in coach or economy class or the lowest available fare
- Car rental fees, only for compact or mid-sized cars
- Fares for shuttle or airport bus service, or other public ground travel
- Taxi fares, only when there is no less expensive alternative
- Mileage costs for use of personal cars, only when less expensive transportation is not available. Mileage reimbursement is set by Commissioners' Court.
- Staying at moderately priced establishments
- Meals reimbursement per diem as set by Commissioners' Court.
- Charges for telephone calls, fax, and similar charges required for business purposes
- Valet parking if no other parking available.
- Travel Expense Form is to be submitted to Human Resources for reimbursement.

Revision
adapted
see on
following pgs.

5.14 EMERGENCY CLOSINGS

1. At times, emergencies such as severe weather or power failures can disrupt County operations. In extreme cases, these circumstances may require the closing of a work facility. During non-working hours, local radio stations, emergency alerts and social media platforms may be asked to broadcast notification of closing. When operations are specifically closed due to emergency conditions, the time off from scheduled work will be paid as "Emergency Closure". Certain offices such as the Sheriff's Department, Road & Bridge Department and Emergency Management are expected to remain open during emergency situations. An eligible employee who reports to work during an emergency closing will receive emergency closure pay based on an 8 hour workday (Example: If an emergency closing is declared and County offices are closed all day, full time employees who report in and work their regular shift will receive eight (8) hours emergency closure pay, six (6) hours for part time employees, in addition to the pay they shall receive for the hours they actually worked). If an emergency closing happens on an employee's regular day off, and they've worked their full shifts in the pay period, they will receive Emergency Closure pay as well. Regular time keeping rules still apply for overtime and comp time accrual. Department personnel should contact their Elected Official or department head for specific guidance.

Adopted; Revised

5.15 BUSINESS TRAVEL EXPENSES

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Expenses that generally will be reimbursed are:

- Air or train fare for travel in coach or economy class or the lowest available fare
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 - Fares for shuttle or airport bus service, or other public ground travel
 - Taxi fares, only when there is no less expensive alternative
 - Mileage costs for use of personal cars, only when less expensive transportation is not available. Mileage reimbursement is set by Commissioners' Court.
 - Staying at moderately priced establishments
 - Meals reimbursement per diem as set by Commissioners' Court.
 - Charges for telephone calls, fax, and similar charges required for business purposes
 - Valet parking if no other parking available.
 - Travel Expense Form is to be submitted to Human Resources for reimbursement.
2. With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel and business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee. Additional costs incurred by or to accommodate travel for other than County Employees will not be reimbursed.
 3. An employee may request an advance travel allowance for upcoming travel equal to their anticipated mileage and per diem for meals. The form used to request an advance travel allowance must be signed by the employee and the employee's supervisor and will include an acknowledgement that the amount of the travel advance will be treated as an employee liability to the county and is subject to review following the planned travel. The form will also authorize the county as the employer to offset the employee's pay with any amounts advanced in excess of the actual mileage or per diem meals incurred or for amounts not accounted for by the employee within a reasonable period after the travel is completed. These travel advances will need to be approved by commissioner's court before disbursement and the check for these advances may be picked up by the employee in the Treasurer's office on the business day prior to the date you will be leaving for the trip. Accordingly, please take into consideration the upcoming schedule for commissioner's court when submitting your request for an advance travel allowance.
 4. When travel is completed, employees should submit completed travel expense reports to Human Resources on the appropriate form within fifteen (15) days. This reimbursement form should be submitted timely even if the employee received an advance travel allowance for the full amount of the mileage and per diem for meals incurred. This is required so that the travel reimbursement plan will meet the IRS standards for an accountable reimbursement plan. As a result amounts reimbursed up to the federal limits will not be required to be reported as taxable income on an employee's W-2. Travel amounts advanced prior to travel will be will offset and reduce the amount of the travel reimbursement requested. Employees should contact their Department Head or Human Resources for guidance and assistance on procedures related to travel arrangements and expense reports. Travel reimbursement requests must be approved by commissioner's court before a check can be issued. Accordingly, please take into consideration the upcoming schedule for commissioner's court when submitting your request for a travel expense reimbursement.
 5. When two (2) or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. When two (2) or more officials or employees travel in a single automobile, only one (1) employee will receive per-mile or other automobile reimbursements.

Adopted & Revised

6. Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.
7. If an employee who is subject to the overtime provisions of FLSA travels overnight on business (more than one (1) day), they will be paid for time spent traveling (except for meal periods) during their "normal working hours" on their regular days off. Travel time spent as a passenger on an airplane, train, bus or car "outside of regular working hours; is not considered work time.
8. In cases where a rental car is used, employees do not need the optional insurance coverage; the County auto liability will suffice.
9. County Officials and Employees who receive automobile allowances are provided these allowances for travel within the County. In the event one (1) of these Officials or Employees is required to travel outside the County, they are entitled to reimbursement for actual expenses for such trip(s) provided the travel was authorized. Employees or Officials who receive monthly automobile allowances are not eligible for per-mile reimbursement for travel within the County.
10. Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official County business, reimbursement will be at the current rate allowed by Commissioners' Court for business use of an automobile.
11. Employees are expected to report the shortest distance between points of departure and destinations for all travel. All reimbursements must be approved by the Department Head and be within the department's budget.
12. Employees who travel in a County-owned vehicle will be reimbursed for the actual receipted cost of fuel, oil, or other expenses related to the safe operation of the vehicle.
13. Conference registration checks will be made out only to the organization sponsoring the conference.
14. No reimbursement will be made for travel expenses or registration fees charged to the county's travel cards or credit cards as those are paid to Citibank directly by the county and not by the employee.
15. Abuse of this business travel expenses guidance, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for legal and disciplinary action, up to and including termination of employment.

2. With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel and business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee. Costs incurred by persons other than County Employees will not be reimbursed.
3. When travel is completed, employees should submit completed travel expense reports to Human Resources on the appropriate form(s) within fifteen (15) days. Employees should contact their Department Head or Human Resources for guidance and assistance on procedures related to travel arrangements and expense reports. Reimbursements will be made for specific expenses, or any other travel arrangements.
4. When two (2) or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. When two (2) or more officials or employees travel in a single automobile, only one (1) employee will receive per-mile or other automobile reimbursements.
5. Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.
6. If an employee who is subject to the overtime provisions of FLSA travels overnight on business (more than one (1) day), they will be paid for time spent traveling (except for meal periods) during their "normal working hours" on their regular days off. Travel time spent as a passenger on an airplane, train, bus or car "outside of regular working hours; is not considered work time.
7. In cases where a rental car is used, employees do not need the optional insurance coverage; the County auto liability will suffice.
8. County Officials and Employees who receive automobile allowances are provided these allowances for travel within the County. In the event one (1) of these Officials or Employees is required to travel outside the County, they are entitled to reimbursement for actual expenses for such trip(s) provided the travel was authorized. Employees or Officials who receive monthly automobile allowances are not eligible for per-mile reimbursement for travel within the County.
9. Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official County business, reimbursement will be at the current rate allowed by Commissioners' Court for business use of an automobile.
10. Employees are expected to report the shortest distance between points of departure and destinations for all travel. All reimbursements must be approved by the Department Head and be within the department's budget.
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12. Conference registration checks will be made out only to the organization sponsoring the conference.
13. Abuse of this business travel expenses guidance, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for legal and disciplinary action, up to and including termination of employment.

6.00 COMMUNICATIONS

6.01 COMMUNICATIONS

Communication with the public about County issues or problems is the responsibility of the appropriate Department Head or their designee. Employees are to refer the public to the appropriate Department Head if a question is non-routine, controversial, or outside the scope of the employee's normal duties. Failure to do so may result in disciplinary action.

7.00 DRUG AND ALCOHOL POLICY

7.01 DRUG AND ALCOHOL POLICY – ALL EMPLOYEES

Rains 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.

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

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

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

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

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

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

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

If the use of a medication could compromise an employee's ability to do his or her job or the safety of the employee, fellow employees or the public, the employee must report the condition to his or her supervisor at the start of the workday or use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty.)

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

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

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will

be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program, including refusing the volunteer testing program, will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program, the employee will be terminated.

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

1. Rains County has a pre-employment drug testing requirement (at Department Head's discretion) that must be passed post offer, before an employee starts their first day of work. All offers of employment are conditional upon passing a drug test. The employee will sign a consent waiver.

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

7.02 DRUG AND ALCOHOL POLICY - CDL EMPLOYEES

CDL Drivers are an extremely valuable resource for Rains County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Highway Administration ("FHWA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Rains County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Rains County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

A detailed policy and procedure is available in section five of the personnel policy or the Treasurer's office.

8.00 SAFETY

8.01 SAFETY

1. Each Department Head has responsibility for implementing, monitoring and evaluation for safety. A safe work environment depends on the alertness and personal commitment of all. Rains County provides information to employees about workplace safety and health issues through Department Head/Employee meetings, bulletin board postings, or other written communications.
2. Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to share them with their Department Head, or bring them to the attention of the County. Reports and concerns about workplace safety issues may be made without fear of reprisal.
3. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their Department Head. The concern for workplace safety is such that it has been included as an element on performance evaluations.
4. An employee shall immediately report every on-the-job accident, no matter how minor, to their Department Head. The Department Head in charge is responsible for filing a written accident report within twenty-four (24) hours with Human Resources and the Safety Coordinator. A separate workers' compensation file will contain a detailed record of injury compensation/medical data (contact your Department Head or Human Resources for copies of injury report forms).
5. Any damage to a citizen's property caused by a County employee in the course of their work will be promptly reported to the Department Head, who will notify the property owner, the Department Head, and Human Resources. The following rules are designed to promote the safety and well-being of County employees and are to be observed by employees at all times:
 - No employee may engage in horseplay, wrestling, or practical joking while on duty or operating County equipment;
 - Employees should maintain awareness of potential dangerous situations that may cause injury to themselves, other employees or the public;
 - Employees must report immediately to their supervisors any conditions that, in their judgment, threaten the health or safety of employees or the public;
 - An employee who is unable to perform their duties safely due to illness must promptly notify their supervisor, and
6. Employees must immediately seek proper first aid treatment for all on-the-job accidents or injuries, including minor injuries.

8.02 ACCIDENT PREVENTION PLAN

Employees are responsible and will be held accountable for providing the County with a commitment to the safety and health program, abiding by the policies, procedures, rules set forth by the program, and becoming actively involved in the program to assist in providing a safe and healthful workplace for all employees. Department Heads will provide initial orientation and on-going training for their respective areas.

8.03 HAZARD COMMUNICATION POLICY

This program was prepared to comply with the regulation requirements of the Texas Department of Health. Rains County's goal is to ensure necessary information about safe usage, handling and storage of hazardous chemicals guidelines on identification of chemical hazards, the preparation and proper use of container labels, placards, and other warning signs and devices. (Contact Department Head for further information).

8.04 ON THE JOB INJURIES

1. Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments; medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s). These are temporary benefits, which will continue until the physician certifies that the employee has received maximum medical improvement. Death benefits may also be paid.

2. Compensation benefits are subject to a seven (7) calendar day waiting period. After twenty-eight (28) calendar days of lost time, the seven (7) day waiting period will be paid by Workers' Compensation. If Workers' Compensation reimburses the employee for the initial seven (7) day waiting period, then the employee must reimburse the County.
3. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.
4. Injury and FMLA leave begins on the first scheduled work day of absence due to on-the-job injury and continues until the employee returns to work or their eligibility expires.
5. An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.
6. To continue medical insurance for the employee and/or the employee's dependant(s) when the employee is on injury leave and no longer receiving a regular County pay-check, the County will continue to pay the County's portion of the employee's medical insurance for a period of time not to exceed ninety (90) days following the employee's injury. Thereafter, the employee must pay both the employee's and the County's portions of these insurance premiums to the insurance administrator in order to maintain coverage.
7. While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, they shall provide a progress report to Human Resources. Any change in the employee's condition which might affect their entitlement to Workers' Compensation payments must also be reported to Human Resources. In addition, the injured employee must contact their Department Head periodically to report on their condition. Failure to provide the required medical status reports or to contact the Department Head on the schedule required by the Department Head may be grounds for revoking the employee's leave and taking disciplinary action.
8. A written statement from the attending physician certifying the type(s) of work they are capable of performing as well as any limitation(s) must be received by the County before an employee may return to work. All employees on injury leave must report to work after approval of either the employee's attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary action including termination.
9. The employee's Department Head must notify Human Resources upon the employee's return to duty so that they may resume record keeping for purposes of payroll, benefits, and leave and length-of-service accruals.
10. Termination of Employment in Connection With Injury Leave. An employee may be terminated while on leave for an on-the-job injury for the following:
 - Failure to furnish a certificate from the employee's physician stating that the employee is able to perform the essential tasks of their job with or without reasonable accommodation.
 - Refusal to return to duty on the workday on which the employee has been released by the treating physician.

8.05 MODIFIED DUTY OVERVIEW

1. This guidance covers employees who are on leave due to an occupational injury or illness. Because employees are the County's most valuable resource the County attempts to help employees return to work as soon as possible after their physician certifies their fitness to do so.

COORDINATION WITH ATTENDING PHYSICIAN

2. An employee on leave due to a work related disability can return to work only when the County receives the attending physician's written medical release authorizing such return. The Human Resources Director is responsible for providing the physician with a copy of the employee's job description, copies of job description for potential modified-duty assignments, and written information explaining the County's return-to-work program.

RETURN TO WORK OPTIONS

3. Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician and/or other qualified medical professions retained by the County or its insurance carrier. The following options are explored:
 - **Return to prior position.** An employee is offered the opportunity to return to their prior position if the attending physician certifies the employee can perform the essential functions of the job with/without reasonable accommodations. The Workers' Compensation Coordinator/Human Resources Director is responsible for working with the employee's Department Head and attending physician (and third-party consultants, as necessary) to provide any reasonable accommodations.
 - **Modified-duty.** Any employees not yet able to return to their former duties are offered (subject to the restrictions set out in the following paragraph) a temporary modified-duty assignment approved by the employee's attending physician. The Human Resources Director is responsible for working with the employee's Department Head, and the employee's attending physician to develop and implement the modified-duty assignment. The assignment can consist of the employee's regular job, with reduced working hours or reduced activities, or an alternative modified duty position.

MEDICAL INFORMATION

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

COORDINATION WITH FAMILY MEDICAL LEAVE ACT (FMLA)

5. Nothing in this guideline should be construed as denying employees their rights under the FMLA or any other federal or state law.
6. Rains County uses the "Rolling" method for calculating the amount of FMLA Leave Entitlement for an employee. Anytime any employee takes FMLA Leave, the remaining leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.

9.00 HARASSMENT

Rains 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.

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

Employees who feel they have been harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which 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.

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.

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.

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.

9.01 SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by Rains 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 Rains County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

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

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

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

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

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

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

Use the following procedures so that your complaint may be 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, Rains County will take effective remedial action in accordance with the circumstances, up to and including termination.

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

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

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

10.00 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE

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

- 1) Have worked for Rains 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
- 2) Have worked at least 1250 hours during the previous 12 months.

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

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

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.

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.

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 of time;

- 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.

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:

- 1) 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;
- 2) 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;
- 3) 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;
- 4) 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;
- 5) Leave may be taken to make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active duty status in a foreign country;
- 6) 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;
- 7) 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;
- 8) Leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation;
- 9) 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;
- 10) 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;
- 11) 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
- 12) 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.

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.

If a married couple 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.

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:

- 1) The single 12 month 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;
- 2) 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;
- 3) 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 a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12 month period.

Rains County requires employees to use available sick, vacation, and compensatory time, if applicable, while on FMLA or Military Family Leave. Employees must use all of the earned compensatory time prior to using accrued vacation or sick leave. The balance of Family Medical Leave is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

The maximum amount of paid and unpaid leave that may be used under this policy in 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 12 month period.

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 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.

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 12 month period.

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.

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.

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.

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.

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.

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.

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.

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 member's 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.

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.

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.

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.

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.

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.

Where practicable, an employee should give his or her immediate supervisor at least 30 days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

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 26 week maximum, in a single 12 month 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 held prior to going on leave.

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.

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.

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.

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.

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.

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.

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.

Employee Acknowledgement of Online Rains County Personnel Policy

This is to acknowledge the Rains County Personnel Policy located on the
Rains County website at www.co.rains.tx.us

I understand it is my responsibility as an employee to read and comply with these guidelines. I understand that additional explanation and/or information is available through the Rains County Human Resources Department. I further understand that failure to sign this acknowledgement in no way diminishes the terms of these procedures applying to me. I also clearly understand that this Personnel Policy does not create a contract for employment with Rains County, and that Rains County may change or modify the policy, guidance and procedures found in this manual at any time. I further understand that Rains County is an At-Will employer and either party can terminate the employment relationship at any time, with or without notice.

Employee Signature

Employee Printed Name

Date

***This receipt will become part of your Employee Personnel File.**

Received by Rains County Human Resources Department:

Date: _____

Human Resource Signature

Effective November 1, 2023

RAINS COUNTY FORMS

FORMS

- Employee Time Sheet
- Advance Travel Allowance Request Form
- Post Travel Reimbursement Form
- Direct Deposit Form
- Authorization for Release of Payroll Check

RAINS COUNTY EMPLOYEE TIME SHEET

NAME: _____

DEPARTMENT: _____

PAYROLL PERIOD: _____

THRU: _____

BEGINNING DATE (FRIDAY)

ENDING DATE (THURSDAY)

ACTUAL HOURS WORKED

FRIDAY	SATURDAY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	TOTAL
DAY -	DAY -	DAY -	DAY -	DAY -	DAY -	DAY -	
IN:	IN:	IN:	IN:	IN:	IN:	IN:	
OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	
IN:	IN:	IN:	IN:	IN:	IN:	IN:	
OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	
TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	
DAY -	DAY -	DAY -	DAY -	DAY -	DAY -	DAY -	
IN:	IN:	IN:	IN:	IN:	IN:	IN:	
OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	
IN:	IN:	IN:	IN:	IN:	IN:	IN:	
OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	OUT:	
TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	

All 80 hours (or 86 hours if law enforcement) must be accounted for. If absent, place the appropriate letter (listed below) on the day(s) you were not present (if partial hours are used, list actual hours worked and the appropriate letter). List the total number of hours used by the appropriate letter below.

(C)	Comp Time	Total Hours	
(H)	Holiday Pay	Total Hours	
(S)	Sick Leave	Total Hours	
(V)	Vacation Time	Total Hours	
(B)	Bereavement Leave	Total Hours	
(J)	Jury Duty	Total Hours	
(E)	Emergency Closure	Total Hours	
(U)	Unpaid Time Off	Total Hours	
(FMLA)	Family Medical Leave	Total Hours	

Reason for overtime/comp earned:	TOTAL HOURS TO BE PAID

TO BE COMPLETED BY PAYROLL DEPARTMENT

COMP TIME EARNED DURING THIS PAY PERIOD

On my oath, I swear or affirm that the hours worked during this pay period are correct and accurate.

I certify that the hours reflected above, during this pay period, were required to meet the functions of this department.

Employee Signature

Date

Department Head Signature

Date

2024 RAINS COUNTY ADVANCE TRAVEL ALLOWANCE REQUEST FORM

THIS FORM MUST BE COMPLETED FOR ALL REQUESTS FOR ADVANCE TRAVEL ALLOWANCES FOR BUSINESS TRAVEL. ADVANCE TRAVEL ALLOWANCES WILL BE RECORDED AS A LIABILITY OF THE EMPLOYEE TO THE COUNTY UNTIL A PROPER ACCOUNTING OF EXPENSES INCURRED IS FILED OR UNTIL THE EMPLOYEE RETURNS ANY EXCESS TRAVEL ALLOWANCE TO THE COUNTY.

Name _____ Department. _____

Purpose of Travel _____ Destination _____

Date of Departure _____ Departure Time _____ Circle One: AM / PM

Return Date _____ Return Time _____ Circle One: AM / PM

Anticipated Meals: \$54.00 per diem for meals **(Please attach seminar agenda):**

DATE	# OF MEALS	TOTALS

Anticipated Mileage: Miles to be Driven: _____ @ \$0.67 per Mile _____
(Please attach driving directions starting from Courthouse)

TOTAL AMOUNT TO BE ADVANCED _____

Employee Certification:

"I certify that the amounts as shown on this form are a true estimate of the mileage and per diem meal expenses to be incurred by me while traveling on official County business. I agree to submit a Travel Expense Reimbursement / Post Travel Accounting Form within 15 days of completing my travel. In the event the amount advanced exceeds the per diem for meals incurred plus the actual mileage, I agree to reimburse the County for the amount of the excess. In the event I fail to submit the proper form or in the event I fail to reimburse the County for the excess amount advanced, the County hereby has my permission to deduct the amount not properly accounted for or the excess amount advanced from my first paycheck following 20 days from the completion of my travel."

Signature of Employee submitting report

Date

Department Head or Official Certification:

"I certify that the above named person received proper authorization for official County travel, that I have examined the request for an advance travel allowance and approve the same."

Signature of Department Head or Official (if required)

Date

**2024 RAINS COUNTY
TRAVEL EXPENSE REIMBURSEMENT
/ POST TRAVEL ACCOUNTING FORM**

THIS FORM MUST BE COMPLETED FOR ALL REQUESTS FOR REIMBURSEMENT FOR ALL OFFICIAL BUSINESS TRAVEL. IF AN ADVANCE TRAVEL ALLOWANCE HAS BEEN MADE, THIS FORM MUST BE FILED IN ORDER TO RELIEVE THE EMPLOYEE FROM LIABILITY TO THE COUNTY.

Name: _____ Department: _____

Purpose of Travel _____ Destination: _____

Date of Departure _____ Departure Time _____ Circle One: AM / PM

Return Date _____ Return Time _____ Circle One: AM / PM

Meals and Lodging: \$54.00 per diem for meals **(Please attach seminar agenda):**

DATE	MEALS	LODGING	PARKING	TOTALS

Travel / Transportation & Other Expenses **(Please attach driving directions starting from Courthouse):**

Personal Vehicle Usage:	Miles (\$0.67 per mile)	
Conference Registration (Receipt Required)		
Car Rental (Receipt Required)		
Miscellaneous Expenses (Receipt Required)		
Misc. Exp. Description		
Less Advance Travel Allowance (If any)		()

TOTAL AMOUNT TO BE REIMBURSED _____

Employee Certification:

"I certify that expenses as shown on this form are true and correct statements of expenses incurred by me while traveling on official County business."

Signature of Employee submitting report

Date

Department Head or Official Certification:

"I certify that the above named person received proper authorization for official County travel. I have examined the request for reimbursement and approve the same."

Signature of Department Head or Official (if required)

Date

AUTHORIZATION AGREEMENT FOR AUTOMATIC DEPOSITS (ACH CREDITS)

EMPLOYEE NAME _____

I (we) hereby authorize Rains County, hereinafter called COMPANY, to initiate credit entries and to initiate, if necessary, debit entries and adjustments for any credit entries in error to my / (our) ☐ Checking ☐ Savings account (select one) indicated below and the depository named below, hereinafter called DEPOSITORY, to credit and/or debit the same to such account.

DEPOSITORY (YOUR BANK)

BANK NAME _____

BRANCH (IF ANY) _____

CITY _____ STATE _____ ZIP _____

TRANSIT/ABA NO/ROUTING NUMBER _____

ACCOUNT NO. _____

This authority is to remain in full force and effect until COMPANY has received written notification from me (or either of us) of its termination in such time and in such manner as to afford COMPANY and DEPOSITORY a reasonable opportunity to act on it.

NAME (S) _____

(PLEASE PRINT)

DATE _____

SIGNED X _____

A VOIDED CHECK MUST BE ATTACHED TO THIS FORM



COUNTY OF RAINS

Teresa Northcutt
County Treasurer
220 West Quitman St, Suite A
Emory, Texas 75440

Tel: (903) 473-5000 ext 111

Fax: (903) 473-5065



Authorization for Release of Payroll Check

I, _____, give Rains County permission to allow
(employee name)
_____ to pick up my paycheck.
(person authorized to pick up check)

I understand that it is my responsibility to notify the Rains County Treasurer's office,
in writing, if this person is no longer authorized to pick up my paycheck.

I want my paycheck picked up (choose one):

One time only _____

Bi-Weekly _____

Reason for having paycheck picked up by someone other than myself: _____

Date: _____

Employee's Printed Name: _____

Employee's Signature: _____

**Printed name of person authorized to pick up paycheck: _____

****THIS PERSON MUST PRESENT A STATE ISSUED ID TO
RECEIVE THE CHECK**

RAINS COUNTY ACCEPTABLE USE POLICY

Rains County Acceptable Use Policy

Introduction

This document of acceptable use is for and accepted by Rains County and supersedes any and all acceptable use agreements that may be previously documented.

Purpose

The purpose of this general policy is to define the proper use of the network, services and systems (computer usage), electronic mail (email) and Internet services within Rains County.

The following document outlines guidelines for use of the computing systems and facilities located in Rains County. The definition of Rains County computing facilities will include any computer, server, network or network service provided or supported by the county. Use of the computer facilities includes the use of data/programs stored on the county's systems, data/programs stored on tape, floppy disk, CD ROM or other storage media that is owned and maintained by Rains County. The User of the system is the person requesting an account(s) in order to perform work in support of Rains County operations or a project authorized for the County. The purpose of these guidelines is to ensure that all of Rains County users use the County's computing facilities in an effective, efficient, ethical and lawful manner.

Policy

Rains County is committed to providing an environment that encourages the use of computers and electronic information as essential tools to support the County's business. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. The unauthorized use of Rains County computing systems and facilities may constitute grounds for civil or criminal prosecution. This policy supplements, and should be read in conjunction with, Rains County employment policies.

Computer Usage

The Department Heads are responsible for coordinating the day-to-day operations of the end-users. The Department Heads will also be responsible for monitoring and reviewing end-user activities to ensure their compliance with the policies and procedures. The Department Heads will assist Commissioners' Court in developing and implementing policies for the end-user computing environment.

Protecting the processing, storage and use of data on computers in Rains County is a high priority. Access to Rains County's network will be based on the level of the data's sensitivity and value to the county. The Department Heads will establish and implement access controls to restrict access to data and software. The Department Heads are

responsible for implementing security measures and controls and developing and maintaining a list of all sensitive data and programs used to process the data. In addition, a virus detection strategy has been developed and implemented by the Network Administrator.

Internet Usage

All of the County's employees with access rights to the county's Internet systems will follow these guidelines and are required to acknowledge their understanding and acceptance in writing prior to using Rains County's Internet systems. Designated employees will access the Internet for county related business purposes only during county business hours. Internet facilities may be used for non-business research or browsing at other times with approval from their Department Head (provided that all other usage policies are adhered to).

All software or files downloaded from the Internet must first be approved by the Department Heads and scanned immediately for viruses. Any software or files downloaded will become the property of Rains County. Rains County Commissioners' Court reserves the right to inspect all files stored on the county's PC's to ensure compliance with Internet usage guidelines excluding records excepted by provisions of the open records act or records that may be sealed by the court.

No employee shall use the county's Internet facilities to knowingly download or distribute pirated software or data. Any such files or software must be used in ways consistent with their licenses or copyrights. All Internet users shall identify themselves honestly, accurately and completely when participating in chat groups or newsgroups, or when setting up accounts on outside computer systems.

The Internet usage policy prohibits access to sexually explicit or offensive Internet sites. If a user connects to such a site in error, the user must disconnect immediately. It is a violation of the Internet policy to store, view, print or redistribute any document or graphic file that may be deemed offensive by colleagues or customers.

Each Internet user should understand that there should be no expectation of Internet or email privacy. The County will comply with reasonable requests from law enforcement and regulatory agencies for diaries and archives of user's Internet activities.

The Department Heads will be responsible for following the procedures listed below with each of their employees.

1. Each employee should read the agreement.
2. Answer any questions the employee may have about the agreement.
3. Have the employee sign the agreement.
4. Provide each employee with a signed copy of the agreement.
5. File the agreement in the employee's file with Human Resources.

Rains County Acceptable Usage Agreement

Computer Usage

1. Prohibited activities: Sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating or defamatory is prohibited. Users must not use Rains County's facilities for the transmission, obtaining possession, demonstration, advertisement, or requesting the transmission of any material that be deemed "objectionable". Objectionable material includes but is not limited to language or images, which include pornography. Users encountering such material should report it to their Department Heads immediately.
2. Prohibited uses: Users may not buy and/or install software on Rains County's workstations without prior approval of the Network Administrator. This includes software designed for evaluation, shareware or freeware.

Users may not copy any software program owned by Rains County or residing on a county computer. Using a master diskette/CD-ROM/ZIP disk or a copied diskette/CD-ROM/ZIP disk owned by Rains County on an employee's home computer is strictly prohibited unless given special written permission by senior management. No employee may install software on a county computer that has been brought into the county from an outside source without written permission. This includes information from a diskette/CD-ROM/ZIP disk or other media. No user may remove hardware from the county. Removing hardware from Rains County is strictly prohibited unless given special written permission by Commissioners' Court.

3. Virus detection: All material loaded onto the County's computer or from computers or networks that do not belong to the County MUST be scanned for viruses and other destructive programs before being placed onto Rains County computer system.
4. Waiver of privacy: Rains County has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by employees and reviewing email sent and received by employees. Users waive any right to privacy in anything they create, store, send or receive on the computer or the Internet.
5. Compliance with applicable laws and licenses: Users must comply with all software licenses, copyrights and all other state and federal laws governing intellectual property and online activity. United States copyright law prohibits the unauthorized reproduction or distribution of copyrighted materials (including electronic mail, text, images, programs or data) without the explicit permission of the copyright holder. Responsibility for any consequences of copyright

infringement lies with the user; the County expressly disclaims any liability or responsibility resulting from such use.

6. Backups: User should backup their own data by copying it into their home directory on the network (which is automatically backed up nightly).
7. Access: Users shall not store and/or give access to County's facilities that could result in legal action against Rains County.
8. Amendments: This policy may be amended or revised from time-to-time. Employees will be provided with written copies of all amendments and revisions to this policy.

Passwords

1. Users should memorize passwords and never write them down.
2. Passwords belong to individuals and the Department Head and must never be shared with anyone else.
3. Users should log off their systems when not in use.
4. User passwords will be a minimum of eight (8) characters and a maximum of twenty-four (24) characters. Passwords must contain at least one alpha character, one numeric character and one punctuation character.
5. User passwords have a typical duration of ninety (90) days.
6. User passwords are tracked and may not be duplicated for the previous three (3) cycles.
7. Users must observe the following guidelines when choosing your password:
 - NEVER make your password a name or something familiar, your pet, your children or partner. Favorite authors and foods are also guessable.
 - NEVER, under any circumstances, should your password be the same as your username or your real name.
 - DO NOT use words that can be associated with you.
 - DO NOT have a password consisting of a word from a dictionary. Most basic cracking programs contain over 80,000 words, and plenty of variations.
 - Try to have a password with a number or mixed case letters. Simple substitutions like a '1' for an 'l', and '0' for a 'o' are easily guessed. Add a '%' or '\$' to the middle of the password.
 - Choose something you can remember, that can be typed quickly and accurately and includes characters other than lowercase letters.

Examples:

- Number substitutions -1nsure (a "1" instead an "I" for insure)
- Made-up "words" – chok-bel (can be "pronounced", has a punctuation character)
- Personal acronyms – ihcalt (I Hate Coffee And Love Tea)
- Invert syllables – sicksea (instead of "seasick")

Network Usage

1. Users are responsible for protecting any information used and/or stored on/in their county's accounts.
2. Users shall not attempt to access any data or programs contained on Rains County systems for which they do not have authorization or explicit consent of the owner of the data/program.
3. User password changes require the user to supply the previous password.
4. Logon failures will result in:
 - Account lockout enabled after five (5) bad attempts
 - Reset count after thirty (30) minutes
 - Lockout duration of thirty (30) minutes
5. Please contact the Network Administrator to get back into the system right away.
6. Users are requested to report any weaknesses in the County's computer security, any incidents of possible misuse or violation of this agreement to the proper authorities by contacting the Department Head.
7. Users shall not divulge dial-up or dial-back modem phone numbers to anyone, these lines are restricted to users specifically authorized to perform functions requiring these facilities.
8. Users shall not make copies of system configuration files for their own, unauthorized personal use or to provide to others for unauthorized uses.
9. Users shall not purposely engage in activity with the intent to: harass other users; degrade the performance of systems; deprive an authorized County user access to Rains County resource; obtain extra resources, beyond those allocated; circumvent Rains County computer security measures or gain access to the county's system for which proper authorization has not been given.
10. Users shall not download, install or run security programs or utilities that reveal weaknesses in the security of a system.

Email Usage

1. **All** email correspondence is the property of Rains County.
2. Employee email communications are *not* considered private despite any such designation either by the sender or the recipient.
3. Messages sent to recipients outside of Rains County are *not* secure.
4. Rains County reserves the right to monitor its email system including an employee's mailbox – at its discretion in the ordinary course of business. Please note that in certain situations, employer may be compelled to access and disclose messages sent over its email system.
5. The existence of passwords and "message delete" functions do *not* restrict or eliminate the county's ability or right to access electronic communications.
6. Highly confidential sensitive or otherwise proprietary information should not be sent by email without encryption.
7. Employees shall not share an email password, provide email access to an unauthorized user or access another user's email box without authorization.
8. All email attachment files must be checked for possible computer viruses. If uncertain whether your virus-checking software is current, you must check with the Network Administrator before downloading.
9. Employees shall not post, display or make easily available any access information, including, but not limited to, passwords.
10. Offensive, demeaning or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with Rains County policies concerning "Equal Employment Opportunity" and "Sexual Harassment and Other Unlawful Harassment."
11. Any employee who violates this policy shall be subject to discipline, up to and including discharge.

Internet Usage

1. Rains County's network, including its connection to the Internet, is to be used for primarily business-related purposes. Any unauthorized use of the Internet is strictly prohibited. Employees may not use the County's Internet resources for commercial or personal advertisements, solicitations, promotions, destructive programs (i.e. viruses and/or self-replicating code), political material or any other unauthorized personal use.

2. Prohibited activities: Sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating or defamatory is prohibited. Employees encountering such material should report it to their Department Head immediately. Unauthorized use includes, but is not limited to: connecting, posting or downloading pornographic material; engaging in computer-"hacking" and other related activities; attempting to disable or compromise the security of information contained on the County's computers; otherwise using the County's computers in a manner which interferes with their business purpose.
3. The Internet should not be used for sending highly confidential information without encryption. Anything sent through the Internet passes through a number of different computer systems, all with different levels of security. The confidentiality of messages may be compromised at any point along the way.
4. Because postings placed on the Internet may display Rains County addresses, make certain before posting information on the Internet that the information reflects the standards and policies of Rains County. Under no circumstances shall information of a confidential, sensitive or otherwise proprietary nature be placed on the Internet.
5. Subscriptions to news groups and mailing lists are permitted when the subscription is for a work-related purpose. Any other subscriptions are prohibited.
6. Compliance with applicable laws and licenses: Information posted or viewed on the Internet may constitute published material. Therefore, reproduction of information posted or otherwise available over the Internet may be done only by express permission from the author. Employees must comply with all software licenses, copyrights and all other state and federal laws governing intellectual property and online activity. United States copyright law prohibits the unauthorized reproduction or distribution of copyrighted materials (including electronic mail, text, images, programs or data) without the explicit permission of the copyright holder. Responsibility for any consequences of copyright infringement lies with the user; Rains County expressly disclaims any liability or responsibility resulting from such use.
7. Unless the prior approval of the Department Head has been obtained, users may not establish Internet or other external network connections that could allow unauthorized persons to gain access to employer's systems and information. These connections include the establishment of hosts with public modem dial-ins, World Wide Web home pages and File Transfer Protocol (FTP).
8. All files downloaded from the Internet must be checked for possible computer viruses. If uncertain whether your virus-checking software is current, you must check with the Network Administrator before downloading.

9. Offensive, demeaning or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with Rains County's policies concerning "Equal Employment Opportunity" and "Sexual Harassment and Other Unlawful Harassment."
10. Communicating information: Employees should exercise the same care in drafting email, communicating in chat groups and posting items to newsgroups as they would for any other written communication. Anything created on the computer or Internet may, and likely will, be reviewed by others.
11. Choosing and evaluating sources: Users should evaluate Internet sources just as they do print materials, questioning the accuracy and completeness of information. Users must use the Internet at their own risk, realizing that beyond Rains County's home page and supporting documents, they may encounter material they find offensive.
12. Disclaimer of liability: Rains County will not be responsible for any damages, direct or indirect, arising out of the use of its Internet resources.
13. Waiver of privacy: Rains County has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by employees and reviewing email sent and received by employees. Employees waive any right to privacy in anything they create, store, send or receive on the computer or the Internet.
14. Amendments: This Policy may be amended or revised from time-to-time. Employees will be provided with written copies of all amendments and revisions to this Policy.
15. Any employee who violates this policy shall be subject to discipline, up to and including termination.

Acknowledgment of Agreement

Rains County reserves the right to limit permanently or restrict any user's usage of the computing and networking facilities; to copy, remove or otherwise alter any information or system that may undermine the authorized use of the computing and networking facilities; and to do so with or without notice to the user in order to protect the integrity of the computing and networking facilities against unauthorized or improper use, and to protect authorized users from the effects of unauthorized or improper usage.

As an employee of Rains County, I understand that the confidentiality and protection of the County's information is of the utmost importance. I have read and understand the County's Acceptable Usage Agreement.

Rains County reserves the right to make changes to Acceptable Use Policy and Agreement as needed by the business environment.

I am aware that any violation of the Acceptable Use Policy may subject me to disciplinary action, up to and including termination.

First Name

Middle Initial

Last Name

Date of Hire

Department

Signature

Date

Received by Rains County Human Resources Department

Date: _____

Human Resources Department

**RAINS COUNTY
SICK LEAVE POOL
POLICY**

SICK LEAVE POOL POLICY
Approved in Commissioners' Court on 8/11/2016
Effective 8/11/2016

SICK LEAVE POOL POLICY

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

SICK LEAVE POOL DEFINITIONS

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

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

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

EMPLOYEE:

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

LICENSED PRACTITIONER:

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

IMMEDIATE FAMILY:

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

ADMINISTRATION OF THE POOL

The Rains County Commissioners Court designates the County Treasurer as the Sick Leave Pool Administrator who will be responsible for developing rules and procedures for the operation of the pool; and developing forms for contribution to or withdrawal requests from the pool.

SICK LEAVE POOL REVIEW BOARD

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

LEGAL:	County Attorney, District Attorney
JUDICIAL:	District Courts, County Courts-At-Law, Justice of the Peace Court
LAW ENFORCEMENT:	Sheriff, Constable, District Attorney, Investigator, Environmental & Emergency Management
ADMINISTRATIVE:	District Clerk, County Clerk, Tax Assessor/Collector, SERVICES: Library, Road & Bridge, Information Systems, Auditor

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

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

SICK LEAVE POOL RECORDKEEPING

The Plan Administrator shall keep permanent records of:

HOURS DONATED TO THE POOL:	Date of Donation Name of Donor Department of Donor Number of Hours Donated
HOURS GRANTED FROM THE POOL:	Name of Employee Date of Request Number of Hours Requested Number of Hours Granted Illness Requiring Leave
REVIEW BOARD DECISIONS:	Date of Required Review Board Meeting Pool Request Requiring Vote Final Decision of Review Board

SICK LEAVE POOL REPORTING

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

SICK LEAVE POOL GENERAL PROVISIONS

Any employee of Rains County who is entitled to accrue sick leave and has completed 12 months of continuous service with the County and is eligible to use and to be compensated for personal accrued leave may apply to use leave from the Sick Leave Pool if they are an active member of the pool. If an employee is separated from employment with Rains County and then returns to Rains County employment, the employee must complete another

12 months of continuous service to be eligible to use the Sick Leave Pool. Employees may use pool leave for their own personal catastrophic illnesses or injuries as defined by the Commissioners Court or for those of a member of their immediate family as defined above.

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

Employees are prohibited from using the sick leave pool in conjunction with a workers' compensation claim.

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

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

CONTRIBUTING TO THE POOL

Contributions to the pool are strictly voluntary.

An employee wishing to join the sick leave pool shall be required to contribute a minimum of ten (10) hours accrued sick leave when they first join and a minimum of ten (10) hours each fiscal year after thereafter (a fiscal year is from October 1 to September 30). The hours donated become the property of the Rains County Sick Leave Pool. **All donations will remain in the pool until used by a requesting member and cannot be returned to the donor even upon cancellation of membership.**

Employees may contribute additional hours above the annual minimum up to a maximum of forty (40) per fiscal year including the initial ten (10) hour minimum. Each contribution must be at least ten (10) hours. Contributed leave must be already earned and recorded on the books at the time of the contribution. All donations to the pool must be in whole hours only.

Contributions shall be made through the Sick Leave Pool Administrator. Contributions will be accepted to the pool two (2) times each fiscal year during October and April. However, should the pool balance fall below a level that would only allow for eighty (80) hours or less available to be granted, the administrator may declare an "Open Season" to accept additional donations of hours to the pool. In order to build the initial pool of hours, the first ninety (90) days after the policy is approved will also be "Open Season".

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

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

REQUESTING LEAVE FROM THE POOL

An employee requesting leave from the pool must be a current and active member of the pool. This means, they must have contributed the minimum of ten (10) hours accrued sick leave when they joined the pool and they must have donated a minimum of ten (10) hours each fiscal year thereafter up until the date they are requesting use of the pool. Keep in mind regular contributions can only be made in October and April unless the administrator declares "Open Season" as defined above. Therefore, it is advised that members make their minimum annual contribution in October, whenever possible, so as to ensure eligibility should you have need of the pool November through March.

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

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

Leave from the pool may **not** be applied to any date that is more than one pay period prior to the application date. EXAMPLE: If the application date is March 31, 2015, the hours from the pool may **not** be applied to the pay period ending February 15, 2015.

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

request subsequent confirmation or medical documentation from a licensed practitioner in the event a request for sick pool leave exceeds the lesser of thirty (30) days or the physician's initial expected duration for the injury or illness.

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

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

**RAINS COUNTY
EMPLOYEE
REFERRAL
PROGRAM**

RAINS COUNTY EMPLOYEE REFERRAL PROGRAM

WHAT IS THE PURPOSE?

Employee referrals are the number one source of quality candidates for the most successful organizations, resulting in hires, improved employee retention levels and higher productivity. Rains County is implementing an Employee Referral Program to evaluate the impact of employee referrals.

WHAT ARE THE PROGRAM GUIDELINES?

Eligibility Requirements for Current Employees to refer recommended candidates for hire:

- Must be an active regular full time or part time employee. Variable hour or temporary employees are not eligible.
- Employees excluded from participating include those who work in the Human Resources (HR) Department, department heads responsible for hiring, and elected/appointed officials of the County.
- Employee must be named by the applicant at the time of the application submission and noted on the application; failure to do so renders the referring employee ineligible for the referral program.
- Employees must be active employees at the time of the scheduled employee referral payout. Employees that separate employment prior to payout are not eligible.
- There is no limit to the number of referrals an employee is permitted to make.
- No employee referral incentive will be issued if the referral is hired more than one year after the original date of application submission.
- Additional Departmental requirements and guidelines may be established with approval by the HR department.

Candidates Referred:

- All referred candidates must complete a Rains County application and indicate the employee referral at the time of the application submission.
- A candidate is considered a successful referral if the candidate is: 1) selected for hire, 2) accepts the job offer, 3) successfully on-boards employment with Rains County, and 4) remains gainfully employed and performs duties in the role for 6 consecutive months after the start date.
- Both employees must be employed by Rains County at the time the referral incentive is scheduled to be paid out, which is anticipated to be on or after the successful completion of 6-consecutive months of employment.

WHO WOULD NOT BE ELIGIBLE FOR THE REFERRAL ADD PAY?

A referring employee will not receive a referral award if their referral:

- Is hired as a temporary or variable hour employee; however, if an employee refers someone who is hired as a temporary or variable hour employee, then moves to a regular full or part time position, they become an eligible referral and the eligibility start date will be the date the employee begins as a regular full or part time employee.
- Has already been referred by someone else (as evidenced by the application).
- Has already completed a candidate profile and application for the respective position.
- Is currently or was previously employed by Rains County.
- If the applicant's application fails to identify the referring employee.
- Fails to successfully complete the required tenure of eligible employment post hire.
- Is an immediate family member, which includes spouse/partner, mother/father, brother/sister and/or son/daughter or similar relationships created by marriage or domestic partnership.
- Candidates resulting from recruiting functions (example: college hiring efforts, career fairs, social media sites, Rains County website) are not eligible referrals.
- Subsequent names listed as a referring employee.

WHAT WILL THE ONE-TIME ADD PAY AMOUNT BE?

The one-time add pay amount will be \$500 (less taxes and retirement).

WHAT IF A DEPARTMENT HAS A POSITION AND WOULD LIKE TO PARTICIPATE?

The HR department should be notified of the position for the Employee Referral Program. The department with a position filled through this program will be responsible for the cost, including the Employer expenses associated with payroll.

HOW WILL THE REFERRAL ADD-PAY BE PAID?

The HR department will track employees who successfully referred hires and provide a memo for payment on the payroll following the successful tenure completion (6-months).

HOW WILL THE REFERRAL ADD-PAY PILOT BE EVALUATED?

Commissioners' Court will, at a minimum, use baseline data of number of candidates referred and number of candidates selected for hire. Turnover rates of new hires for the respective position will be evaluated for both referred and non-referred candidates to assess program effectiveness, along with soliciting feedback from participating departments to help determine the impact and benefits of the program. In addition, Commissioners' Court will evaluate the full cost of the program on a yearly basis and determine if it should be continued.

IF I HAVE ADDITIONAL QUESTIONS REGARDING THIS PROGRAM, WHO SHOULD I VISIT WITH?

Contact the HR department at (903) 473-5011.

**RAINS COUNTY
CDL DRUG AND
ALCOHOL TESTING
POLICY AND
PROCEDURES**

**RAINS COUNTY CDL DRUG AND ALCOHOL TESTING
POLICY AND PROCEDURES**

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I. INTRODUCTION

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

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these regulations and is committed to maintaining a drug-free work place. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

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

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

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. Rains County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective June 27, 2019, and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.

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

II. POLICY STATEMENT

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

It is the policy of Rains County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Rains County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

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

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

III. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. All time on the County's premises, at a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty by the County.
2. All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time;

4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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

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

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

Screening test:

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

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

IV. RESPONSIBILITIES

HR/Treasurer's Office: The HR Department/Treasurer's Office is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by HR, pursuant to County policy.
- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)
- Use the DOT Clearinghouse to make queries regarding CDL drivers violations, as well as, updating Clearinghouse after a CDL driver has completed drug and alcohol testing in accordance with DOT regulations.

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

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

Driver: The responsibilities of a driver include:

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

V. SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS

- A. **Alcohol use** means the consumption of any beverage, mixture, or preparation, including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.

B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

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

VI. PROHIBITIONS

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

1. Use while performing safety-sensitive functions.
2. Use during the 4 hours before performing safety-sensitive functions.
3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.
4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines which contain alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
5. Use during 8 hours following an accident or until he/she undergoes a post-accident test.
6. Refusal to take a required test.

- **NOTE:** A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that County policy has been violated, and could result in disqualification of a driver and disciplinary action, up to and including termination under Rains County policy.

B. **Drug Prohibitions:**

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

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

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

VII. PROCEDURES

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

- **Pre-employment.** All applicants for employment in CDL positions, or candidates for transfer or promotion to such positions are subject to screening for improper use of controlled substances. (Pre-employment alcohol testing is optional) **Note:** A pre-employment drug test may be required for an existing employee who was removed from the random testing program for more than 30 days.
- **Post-Accident.** Conducted after accidents on CDL employees in County vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation.
 - Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours, after the accident.
 - CDL employees must refrain from all alcohol use until the test is complete.
 - Post-accident drug tests must be conducted within 32 hours.
- **Reasonable Suspicion.** Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse.
 - If a CDL employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
 - If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours.
 - Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties.
 - Testing for substance abuse may occur at any time upon suspicion.

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

- Abnormally dilated or constricted pupils
 - Glazed stare - redness of eyes (sclera)
 - Flushed face
 - Change of speech (i.e. faster or slower)
 - Constant sniffing
 - Increased absences
 - Redness under nose
 - Sudden weight loss
 - Needle marks
 - Change in personality (i.e. paranoia)
 - Increased appetite for sweets
 - Forgetfulness-performance faltering-poor concentration
 - Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
 - Constant fatigue or hyperactivity
 - Smell of drugs or alcohol
 - Slurred speech
 - Difficulty walking
 - Excessive, unexplained absences
 - Dulled mental processes
 - Slowed reaction rate
- **Random:** Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.
 - Each year, the number of random alcohol tests conducted by the County must equal at least *10% of all the safety-sensitive CDL employees.
 - Random drug tests conducted by the County must equal at least *25% of all CDL employees.

*Note: These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled substances testing will be applicable starting January 1 of the calendar year following publication in the **Federal Register**.
 - **Return to Duty and Follow-up.** Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in or for employee to return to duty.
 - Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
 - Follow-up testing may be extended for up to sixty (60) months following the return to duty.

Conducting Tests

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
 - Two breath tests are required to determine if a person has a prohibited alcohol concentration.
 - A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted
- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility.
 - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
 - DOT rules require a split specimen procedure.
 - Each urine specimen is subdivided into two bottles labeled as primary and split.
 - Both bottles are sent to the laboratory.
 - Only the primary specimen is opened and used for the urinalysis.
 - The split specimen remains sealed at the laboratory.
 - If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
 - All urine specimens are currently analyzed for the following drugs:
 - Marijuana (THC metabolite)
 - Cocaine
 - Amphetamines
 - Opiates (including heroin), and
 - Phencyclidine (PCP)
 - Testing is conducted using a two-stage process.
 - First, a screening test is performed.
 - If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
 - Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
 - All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
 - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
 - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. The MRO will take into consideration when the use is pursuant to the

instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

- If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

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

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
 - Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy,
 - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy,
 - Refuses to wash his or her hands after being directed to do so during collection of a urine sample,
 - Admits to the collector of a urine sample that he or she has adulterated or substituted their specimen,
 - An observed collection of a urine sample, fails to follow the observer's instructions to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he or she has any type of prosthetic or other device that could be used to interfere with the collection process,
 - Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or
 - Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

Consequences of Alcohol/Drug Misuse

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

be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.

- Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use.

Information/Training

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

Record Keeping

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

VIII. APPEAL OF TEST RESULTS

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Rains County, but causes serious individual health consequences to

those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.

- B. Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.
- C. Within 72 hours after the driver has been notified of a positive test result for drugs he/she may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

IX. CONFIDENTIALITY

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

Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests. Copies will be provided within 5 days.

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

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

APPENDIX A

ALCOHOL AND DRUG EFFECTS

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

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

ALCOHOL

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

Health Effects

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

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

Social Issues

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

Workplace Issues

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

ALCOHOL'S TRIP THROUGH THE BODY

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

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin 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. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

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

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of 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.

Opiates

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

Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.

- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- Because of tolerance, there is an ever increasing need for more.
- Strong mental and physical dependency occurs.
- With increased tolerance and dependency combined, there is a serious financial burden for the users.

Workplace Issues

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

Amphetamines

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

Health Effects

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

Workplace Issues

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

Phencyclidine (PCP)

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

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced, and treating with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

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

APPENDIX B

EMPLOYEE NOTIFICATION LETTER FOR REQUIRED CDL HOLDERS

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

Employee Signature

Employee Print Name

Date

APPENDIX C

ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST NOTIFICATION

Part 382 – Controlled Substances and Alcohol Use Testing applies to drivers of Rains 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 Rains 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 Rains County, the above identified test is required.

Driver/Applicant's Signature _____ Date _____

Witnessed by:

Rains County's Representative _____ Date _____

APPENDIX D

OBSERVED BEHAVIOR REASONABLE SUSPICION

Rains County Office Use Only

Employee Number: _____

Location: _____

Incident Number: _____

Driver's Name _____ Date Observed _____

Address of Incident:
Street _____

City, State, Zip _____ Time Observed: From _____ A.M. P.M.
To _____ A.M. P.M.

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

Reasonable Suspicion determined for: _____ Alcohol _____ Controlled Substance

1. Appearance: _____ Normal _____ Sleepy _____ Tremors _____ Clothing _____ Cleanliness

Description: _____

2. Behavior: Normal _____ Erratic _____ Inappropriate gaiety _____ Mood swings _____ Lethargic _____

Description: _____

3. Speech:

Description: _____

4. Body Odors:

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

Explain: _____

6. Other observations of reasonable suspicion:

Signature _____ Title _____ Preparation Date _____ Time _____ A.M. P.M.

Signature _____ Title _____ Preparation Date _____ Time _____ A.M. P.M.

The alcohol test must be administered within eight (8) hours following a reasonable suspicion determined.

Employer retain in employee's confidential file.

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's Name

Date

Rains County Representative

Date

Retain in employee's confidential file

APPENDIX F

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

SECTION 1: TO BE COMPLETED BY PROSPECTIVE EMPLOYEE

(Print name)

First, M.I., Last

Social Security Number

Previous Employer:

Street:

Telephone:

City, State, Zip:

Fax No.:

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

Prospective Employer:

Attention:

Street:

Telephone:

City, State, Zip:

Fax No.:

Applicant Signature

Date

This is in compliance with §382.405(f) and (h), which state:

(f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by that subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

(h) An employer shall release information regarding driver's records as directed by the specific, written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

§382.413(a)(b)(c)(e)(f) further state:

(a) An employer may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this part by the driver's previous employers.

(b) An employer shall obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of 0.104 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the driver's previous employers under §382.401(b)(1)(i) through (iii).

(c) The information in paragraph (b) of this section must be obtained and reviewed by the employer no later than 14 calendar days after the first time a driver performs safety-sensitive functions for an employer.

(e) The prospective employer must provide to each of the driver's employers with the two preceding years the driver's specific written authorization for release of the information in paragraph (b).

(f) The release of any information under this part may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

SECTION 2: TO BE COMPLETED BY PREVIOUS EMPLOYER

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

1. Has this person ever tested positive for a controlled substance in the last two years? ____ Yes ____ No

2. Has this person ever had an alcohol test with a Breath Alcohol Concentration 0.04 or greater in the last two years? ____ Yes ____ No

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

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

Name:

Street:

City, State, Zip:

Telephone:

Section 2 completed by (signature):

Date:

SECTION 3: TO BE COMPLETED BY PROSPECTIVE EMPLOYER

This form was (check one) ____ Faxed to previous employer ____ Mailed

Date: ____

Complete below when information was obtained.

Information received from: ____

Recorded by: ____

Method: ____ Fax ____ Mail ____ Phone

Date: ____

Personal interview

**RAINS COUNTY
HAZARD
COMMUNICATION
POLICY**

RAINS COUNTY HAZARD COMMUNICATION POLICY

General

- 1.1 The Texas Hazard Communication Act (THCA) is designed to help protect against chemical illnesses and injuries by ensuring that employers and employees are provided with sufficient information to recognize chemical hazards and take appropriate protective measures. Employers are required to provide this information through comprehensive chemical hazard communication programs that include safety data sheets (SDSs), labels, and worker training.
- 1.2 In order to comply with Texas HAZCOM Act the following written Hazard Communication Program (HCP) will be used to protect for personnel of Rains County. The originals will be kept on file in the Human Resource Department at the Rains County Courthouse Annex. Each Commissioner Precinct and each County office not located in the Courthouse Annex, will have a copy pertaining to the appropriate location. All employees are expected to comply with the program. The Rains County Commissioners' Court and Department Heads will be responsible for ensuring that the program is current and enforced.
- 1.3 A copy of this program is to be made available to employees upon hiring, and a copy will be supplied to any employees upon request. Human Resources should be contacted when a copy of the program is needed.
- 1.4 The program will be updated as new chemicals or hazards are introduced into the working environment. The program will be reviewed annually
- 1.5 Each Elected Official, Department Head, or person ordering chemicals will check all chemical purchase requests (PR) to be sure a statement requesting a Safety Data Sheet (SDS) appears on the purchase request (PR) before being processed.

CHEMICAL CONTAINER LABELING - Health Safety Code Art. 502.007 and Texas Administration Code Sec. 25 Art. 295.6

- 2.1 Each Elected Official, Department Head, or Supervisor will be responsible for all containers of hazardous chemicals entering the workplace, and will assure that the chemical containers are properly labeled with at least:
 - A) Chemical name
 - B) Hazard warning AND
 - C) Name and address of the manufacturer, importer, or responsible party
- 2.2 No container shall be used until it has been checked by a qualified person. If the chemical is to be transferred to a separate container, a qualified person will ensure that the new container is properly labeled, that all secondary containers are labeled with an extra copy of the original manufacturer's label, or with a generic label which has a block for identity and blocks for the hazard warning. For help with labeling, please contact Human Resources. Each Department Head will review the labeling system annually and update as required.

SAFETY DATA SHEETS (SDS)- HSC Article 502.006 and TAC 25 Article 295.5

- 3.1 The SDS system shall include:
- a) Current master inventory list of all SDS
 - b) The identity used on the SDS shall be the same as used on the container label
 - c) The chemical and common name of all ingredients determined to present a hazard shall appear on all SDS
- 3.2 The SDS shall contain the following elements:
- a) **Identification**; includes product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.
 - b) **Hazard(s) identification**; includes all hazards regarding the chemical; required label elements.
 - c) **Composition/information on ingredients**; includes information on chemical ingredients; trade secret claims.
 - d) **First-aid measures**; includes important symptoms/ effects, acute, delayed; required treatment.
 - e) **Fire-fighting measures**; lists suitable extinguishing techniques, equipment; chemical hazards from fire.
 - f) **Accidental release measures**; lists emergency procedures; protective equipment; proper methods of containment and cleanup.
 - g) **Handling and storage**; lists precautions for safe handling and storage, including incompatibilities.
 - h) **Exposure controls/personal protection**; lists OSHA's Permissible Exposure Limits (PELs); Threshold Limit Values (TLVs); appropriate engineering controls; personal protective equipment (PPE).
 - i) **Physical and chemical properties**; lists the chemical's characteristics.
 - j) **Stability and reactivity** lists chemical stability and possibility of hazardous reactions.
 - k) **Toxicological information**; includes routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity.
 - l) **Other information**; includes the date of preparation or last revision.
- 3.3 The original SDS's will be kept on file in the Emergency Management office. The SDS will also be part of the program for use by employees. Each office will keep a current and up-to-date copy of the program and SDS's pertaining to that location on file. New chemicals shall not be used until a SDS has been obtained.

EMPLOYEE TRAINING PROGRAM - HSC Article 502.009 and TAC 25 Article 295.7

- 4.1 Before starting work, the respective Elected Official, Department Head, or Supervisor of a new employee will go over their copy of the HCP and each SDS applicable to their job. Before any new chemical is used, all employees will be informed of its use, will be instructed on safe use, and will be trained on hazards associated with the new chemical. All employees will attend additional training, as appropriate, to review the HCP and SDS. Appropriate library reference material will also be discussed during the training session(s).
- 4.2 The minimum orientation and training for a new employee is as follow:
- a) an overview of the requirements contained in the Texas Hazard Communication Act
 - b) location and availability of the written HCP
 - c) location of SDS file and location of hazardous inventory list
 - d) interpreting labels and SDS sheets
 - e) chemical hazards present in their workplace operations and this office
 - f) acute and chronic effects of workplace chemical hazards
 - g) methods and observation techniques used to determine the presence of, and release of, hazardous chemicals in the work area

- h) how to lessen or prevent exposure to these hazardous chemicals through usage of control/work practices and personal protective equipment
 - i) steps taken by Rains County to lessen or prevent exposure to the chemicals listed on the inventory list
 - j) emergency and first aid procedures to follow if exposed to hazardous chemicals
 - k) handling, clean up, and disposal procedures
- 4.3 Prior to a new chemical hazard being introduced into any section of the workplace, each employee will be given information and training as outlined above
- 4.4 After attending the training class, each employee will sign a form to verify that they attended the training, that the written HCP is made available for review, and that he/she understands the HCP.
- 4.5 Before entering an establishment, a Rains County employee will ascertain what hazards they may be exposed to and take appropriate action to protect themselves. If the employee has any questions about what protection they need, they will contact their Department Head or Supervisor immediately.

WORKPLACE CHEMICALS - HSC Article 502.005 and TAC 25 Article 295.4

- 5.5 Rains County will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds in aggregate amount. This Workplace Chemical List will be developed for each workplace where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives
- 5.6 The Elected Official, Department Head or Supervisor will be responsible for reviewing and updating the Workplace Chemical List as necessary, but at least by December 31st of each year.
- 5.7 The Workplace Chemical List will be maintained for at least 30 years. This list shall contain the old format, Material Safety Data Sheets (MSDS), and the new format, Safety Data Sheets (SDS).
- 5.8 Further information on chemicals listed on the Workplace Chemical List can be obtained by referring to the Safety Data Sheet (SDS) located in each workplace where these chemicals are used or stored.

NON-ROUTINE TASKS

- 6.1 Before any non-routine task is performed, employees shall be advised and/or they must contact their Elected Official, Department Head, or Supervisor for special precautions to follow, and he/she shall inform any other personnel who could be exposed.
- 6.2 In the event such tasks are required, the Elected Official, Department Head, or Supervisor will provide the following information about such activity as it relates to the specific chemicals expected to be encountered:
- A) specific chemical name (s) and hazard (s)
 - B) personal protective equipment required and safety measures to be taken
 - C) measures that have been taken to lessen the hazards including ventilation, respirators, presence of other employee (s), and emergency procedures.

OTHER PERSONNEL EXPOSURE (CONTRACTORS)

- 7.1 It will be the responsibility of official in charge of project to provide other personnel or outside contractor(s) with the following information:
- A) hazardous chemicals to which they may be exposed while in the workplace
 - B) measures to lessen the possibility of exposure
 - C) location of SDS for all hazardous chemicals
 - D) procedures to follow if they are exposed.
- 7.2 The official in charge of a project will also be responsible for contacting each contractor before work is started to gather and disseminate any information concerning chemical hazards the contractor is bringing into the workplace, and vice versa.

REPORTING EMPLOYEE DEATHS AND INJURIES - HSC Article 502.012 and TAC 25, Article 295.9

- 8.1 Rains County will notify the Texas Department of State Health Services, Environmental Hazards Unit, Hazard Communication Program, Division for Regulatory Services, Enforcement Unit, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.
- 8.2 The Elected Official, Department Head, or Supervisor will be responsible for reporting all such accidents to the Texas Department of State Health Services, Environmental Hazards Unit, Hazard Communication Program Division for Regulatory Services, Enforcement Unit, within 48 hours after their occurrence.

Notifications will be made either orally or in writing to:

Texas Department of State Health Services - Environmental Hazards Unit
Hazard Communication Program,
P.O. Box 149347, MC 1987
Austin, TX 78714-9347
Phone: 1-800-293-0753
Fax: 1-512-834-6726
eMail: TxHazComHelp@dshs.texas.gov

Division of Regulatory Services - Enforcement Unit
1100 West 49th St.
Austin, TX 78756
Phone: 512 834-6665
Fax: 512 834-6606

- 8.3 Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.
- 8.4 Supervisors will be responsible for reporting all accidents involving hazardous chemicals to the Elected Officials or Department Head.

POSTING THE NOTICE TO EMPLOYEES - HSC Article 502.0017 and TAC 25, Article 295.12

- 9.1 Rains County will post and maintain in all workplaces where hazardous chemicals are used or stored the most current version of the TDH Notice to Employees, informing employees of their rights under the THCA.
- 9.2 The Notice to Employees shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.
- 9.3 In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the Notice, printed in Spanish, will be posted together with the English version of the Notice.

PERSONAL PROTECTIVE EQUIPMENT- HSC Article 502.017 and TAC 25 Article 295.12

- 10.1 Rains County will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.
- 10.2 The Elected Official, Department Head or Supervisor will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided to include:
 - A) Routes of entry
 - B) Permeability of PPE material
 - C) Duties being performed by the employee
 - D) Hazardous chemicals present
 - E) Proper fit and functionality of PPE as described by the manufacturer's specifications.
 - F) Appropriate maintenance and storage of PPE.

MAINTAINING EMPLOYEE RIGHTS - HSC Article 502.017 and TAC 25 Article 295.12

- 11.1 Rains County shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related to the Act, or exercising any rights under the Act.
- 11.2 Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

EXEMPTIONS

- 12.1 Per Section 502.004(f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:
 - A) Hazardous waste that is subject to regulation by the Texas Natural Resources Conservation Commission and/or the U.S. Environmental Protection Agency
 - B) A chemical in a laboratory under the direct supervision or guidance of a technically qualified individual if: Labels on incoming containers of chemicals are not removed or defaced, this employer complies with Sections 502.006 and 502.009 of the THCA with respect to laboratory employees; and the laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes
 - C) Tobacco or tobacco products
 - D) Wood or wood products
 - E) Articles formed to a specific shape or design during manufacture and that does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use
 - F) Food, drugs, cosmetics or alcoholic beverages
 - G) Consumer products or hazardous substances used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by a consumer
 - H) Radioactive waste

DEFINITIONS

- A. **"Appropriate Hazard Warning"** Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects of the chemical(s) in the container(s).
- B. **"Categories of Hazardous Chemicals"** A grouping of hazardous chemicals with similar properties.
- C. **"Container"** Any bag, barrel, bottle, box, can, cylinder, drum, ration vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical.

The term “container” does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A primary container is one in which the hazardous chemical is received from the supplier. A secondary container is one to which the hazardous chemical is transferred after receipt from the supplier.

- D. **“Employee”** A person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for purposes of this Act.
- E. **“Expose”** Subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonable foreseeable emergency.
- F. **“Hazardous Chemical”** or **“Chemical”** An element, compound, or mixture of elements or compounds, that is a physical hazard or a health hazard.
- G. **“Health Hazard”** A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
- H. **“Label”** Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the material safety data sheet.
- I. **“Safety Data Sheet (SDS)”** An updated format of the previously used Material Safety Data Sheet (MSDS). This document contains chemical hazard and safety handling information that is prepared in accordance with the requirements of the federal Occupational Safety and Health Administration (OSHA) and the Globally Harmonized System (GHS) standard for that document. A current SDS is one which contains the most recent significant hazard information for the hazardous chemicals as determined by the chemical’s manufacturer.
- J. **“Material Safety Data Sheet (MSDS)”** A previously used format of the current Safety Data Sheet (SDS). This document contains chemical hazard and safety handling information that is prepared in accordance with the past requirements of the federal Occupational Safety and Health Administration (OSHA).
- K. **“Physical Hazard”** A chemical which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.
- L. **“Personal Protective Equipment”** Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.
- M. **“Stationary Process Container”** A tank, vat, or other such container which holds different hazardous chemicals at different times.
- N. **“Technically Qualified Individual”** An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor’s degree in a physical or natural science.
- O. **“Work Area”** A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are.
- P. **“Workplace”** A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces, in which case they can be either work areas of a headquarters’ workplace or separate workplaces, which is at the discretion of the employer.

Workplace Chemical List

Name of Workplace, Work Area, or Temporary Workplace:

Identity Used on the Safety Data Sheet & Container Label	Work Area	Quantity (optional)	Unit Size (optional)

Workplace Chemical List Prepared By: _____
Name (Printed)

Signature (Required)

Date of Preparation: _____ (This form must be updated annually.)

Employee Training Roster

Texas Hazard Communication Act, Section 502.009(g)

Department / Work Area: _____

Instructor: _____ Date: _____

[illegible]

Employee Training Roster (continued)

A. Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- ☐ Reading and interpreting chemical container labels
- ☐ Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- ☐ Reading and interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- ☐ Location of hazardous chemicals in the workplace
- ☐ Physical and health effects of exposure
- ☐ Proper use of personal protective equipment
- ☐ First aid treatment for exposure
- ☐ Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009(g) of the THCA, training was conducted based on:

- ☐ Categories of hazardous chemicals
- ☐ Individual hazardous chemicals

C. This hazard communication training was provided as:

- ☐ Initial training per Section 502.009(a) and (f) of the THCA
- ☐ Periodic/refresher training per Section VII(B)(6) of this Written Hazard Communication Program

Employee Training Record

Texas Hazard Communication Act, Section 502.009(g)

Department / Work Area: _____

Instructor: _____ Date: _____

Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- ☐ Reading and interpreting chemical container labels
- ☐ Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- ☐ Reading and interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- ☐ Location of hazardous chemicals in the workplace
- ☐ Physical and health effects of exposure
- ☐ Proper use of personal protective equipment
- ☐ First aid treatment for exposure
- ☐ Safety instruction on handling, cleanup and disposal procedures

Per Section 502.009(g) of the THCA, training was conducted based on:

- ☐ Categories of hazardous chemicals
- ☐ Initial training per Section 502.009(a) and (f) of the THCA
- ☐ Periodic / refresher training per section VII(B)(6) of this Written Hazard Communication Program

Employee: _____ Date: _____
(Printed)

Employee: _____
(Signature)

Instructor: _____
(Signature)

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:

- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787

(800) 293-0753 (toll-free)

Fax: (512) 834-6614

E-mail: TXHazComHelp@dshs.texas.gov

Website: www.dshs.texas.gov/hazcom



TEXAS
Health and Human
Services

**Texas Department of State
Health Services**

Worker Right-To-Know Program
Publication # 23-14173
Revised May 2022

AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallen los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renunciaciones de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS \$50 HASTA LOS \$100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY

Puede obtener mayor información en:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (llamada gratuita)
Fax: (512) 834-6614
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



TEXAS
Health and Human
Services

Texas Department of State
Health Services

Worker Right-To-Know Program
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