

DIMIT COUNTY

PERSONNEL POLICY

MANUAL

Approved : 2/27/2023 (last amended 4/28/2025)

This policy supersedes all other policies.

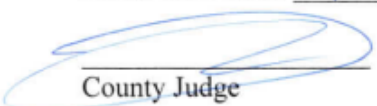
**COUNTY OF DIMMIT
COMMISSIONERS COURT ORDER**

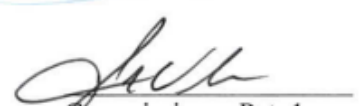
WHEREAS the Dimmit County Commissioners Court desires to provide the employees of Dimmit County with a uniform format for dealing with various employment related issues; and

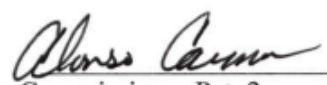
WHEREAS the Dimmit County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County:


THEREFORE, BE IT RESOLVED that the Dimmit County Commissioners Court and hereby approve, and adopt, the Dimmit County Personnel Policy Manual.


ADOPTED THIS 13th DAY OF March, 2023


County Judge

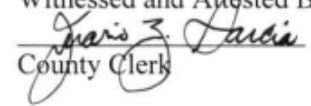

Commissioner Pct. 1


Commissioner Pct. 2


Commissioner Pct. 3


Commissioner Pct. 4

Witnessed and Attested By:


County Clerk

**COMMISSIONERS COURT
COUNTY OF DIMMIT, TEXAS**

Dimmit County Employee Personnel Policy

Welcome to Dimmit County!

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

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

This Personnel Policy Manual contains some key policies, benefits, and expectations of Dimmit County, and other information you will need. Each elected or appointed official may have detailed policy and procedures for their office.

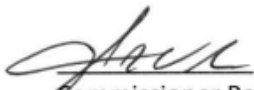
Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Dimmit County employee. You should use this manual as a ready reference as you pursue your career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

Welcome aboard!

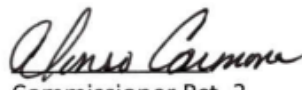
Sincerely,

A blue ink signature, likely of the County Judge, consisting of a stylized 'R' or 'B' shape.

County Judge

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Commissioner Pct. 1

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Commissioner Pct. 2

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Commissioner Pct. 3

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Commissioner Pct. 4

COMMISSIONERS COURT
COUNTY OF DIMMIT, TEXAS

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SECTION 1. COUNTY EMPLOYMENT

1.01 DIMMIT COUNTY POLICY ON EMPLOYMENT AT WILL

This Personnel Policy Manual is not a contract between an employee and the County of Dimmit.

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

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

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

1.02 DIMMIT COUNTY POLICY ON EMPLOYEE STATUS

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of a position cannot be changed without the approval of the Commissioners Court. This policy defines both health insurance and retirement benefits. 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. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Dimmit 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, co-op students, summer mowers, and election workers. Seasonal employees can be either part time or full time, and they may qualify for health insurance through the county under the Affordable Care Act depending on the number of hours worked per week, and the length of employment. Temporary seasonal employees are not 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.

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

1.03 DIMMIT COUNTY POLICY ON EQUAL EMPLOYMENT OPPORTUNITY & AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

EQUAL OPPORTUNITY

Dimmit County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, or department head.

AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

It is the policy of Dimmit 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 they have 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 Dimmit County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities

when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official, or department head. Reasonable accommodation shall be determined through an interactive process of consultation.

1.04 DIMMIT COUNTY POLICY ON APPLICATION FOR EMPLOYMENT JOB ANNOUNCEMENTS

Announcements for job openings with Dimmit County may include, but not be limited to, advertisements in local newspapers, registration with the Texas Workforce Commission, or postings on Dimmit County Courthouse bulletin boards.

Each elected/ appointed official having a job opening shall be responsible for determining how that opening will be announced.

APPLICATION PROCEDURE

Before an individual can be considered to be an applicant for employment with Dimmit County, he/she shall be required to complete an application for employment with Dimmit County and submit to criminal check.

Copies of the application for employment with Dimmit County are available from the County Treasurer's Office or the office in which the person is applying and may be picked up at any time during the normal working hours for that office.

SELECTION

Each elected or appointed official, or his/her designee, shall be responsible for selecting the applicant who he/she feels best meets the qualifications for an open position in his/her department.

DISQUALIFICATION

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

1. The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying;
2. The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process;
3. The applicant has committed or attempted to commit a fraudulent act at any stage of the application process; or
4. The applicant is not legally permitted to hold the position.

1.05 DIMMIT COUNTY POLICY ON PERSONNEL FILES & CONFIDENTIALITY PERSONNEL FILES

The Dimmit County Treasurer's Office will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, payroll notices, banking information, copy of driver's license, copy of Social Security card, and tax documents.

It is important that the personnel records of Dimmit County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Dimmit County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether the employee has family members confidential. Employees may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after their first day of employment.

CONFIDENTIALITY

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

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

1.06 DIMMIT COUNTY POLICY ON NEPOTISM

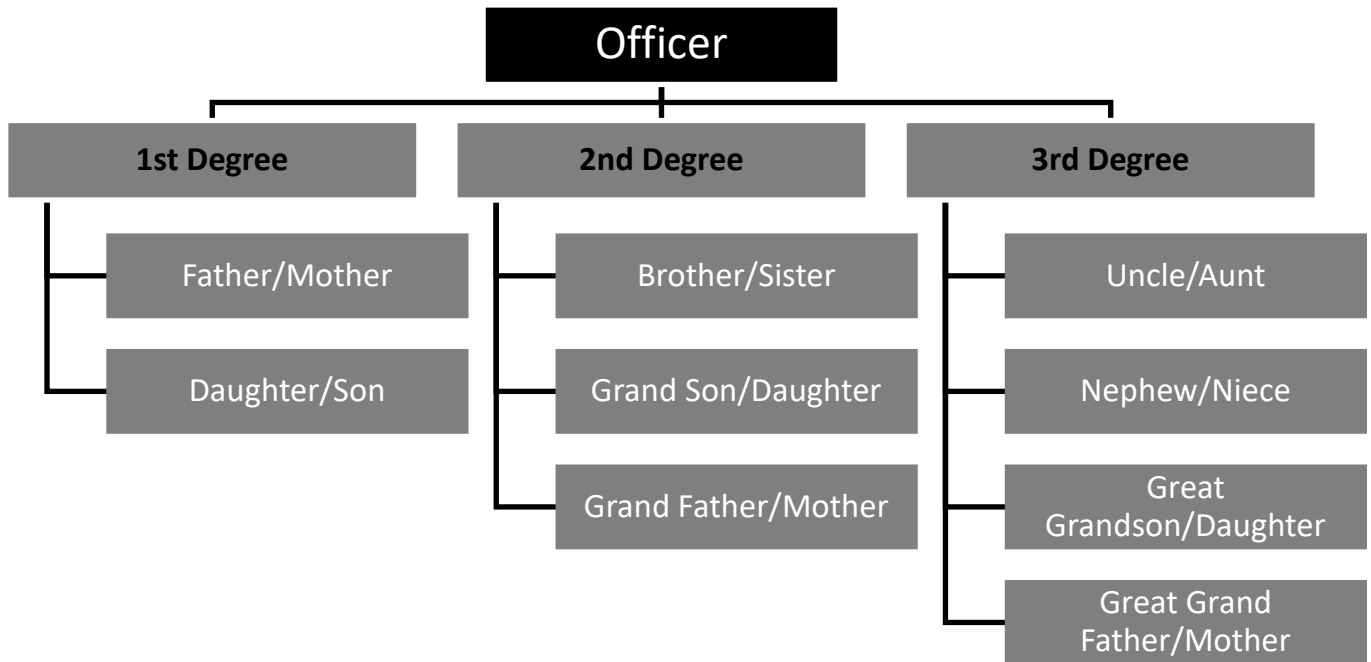
Texas Government Code Chapter 573, a Public Official of Dimmit County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over. A degree of relationship is determined under Texas Government Code Chapter 573.

As of the Texas Constitution and Statutes, the nepotism prohibitions in Chapter 573 of the Government Code, which is current through the 87th 3rd Called Legislative Session 2021, must be considered when determining the degree of relationship. (See the charts that follow.)

Members of the Commissioners Court, County Judge and County Commissioners may not contract with a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage). Should a contract need to be executed the contract should be executed by the Commissioners Court after notice in newspaper authorizing bidding for contract services. Related party must file related party notice with the Commissioner Court and abstain from vote on the granting or denying of such contract. (See the charts that follow.)

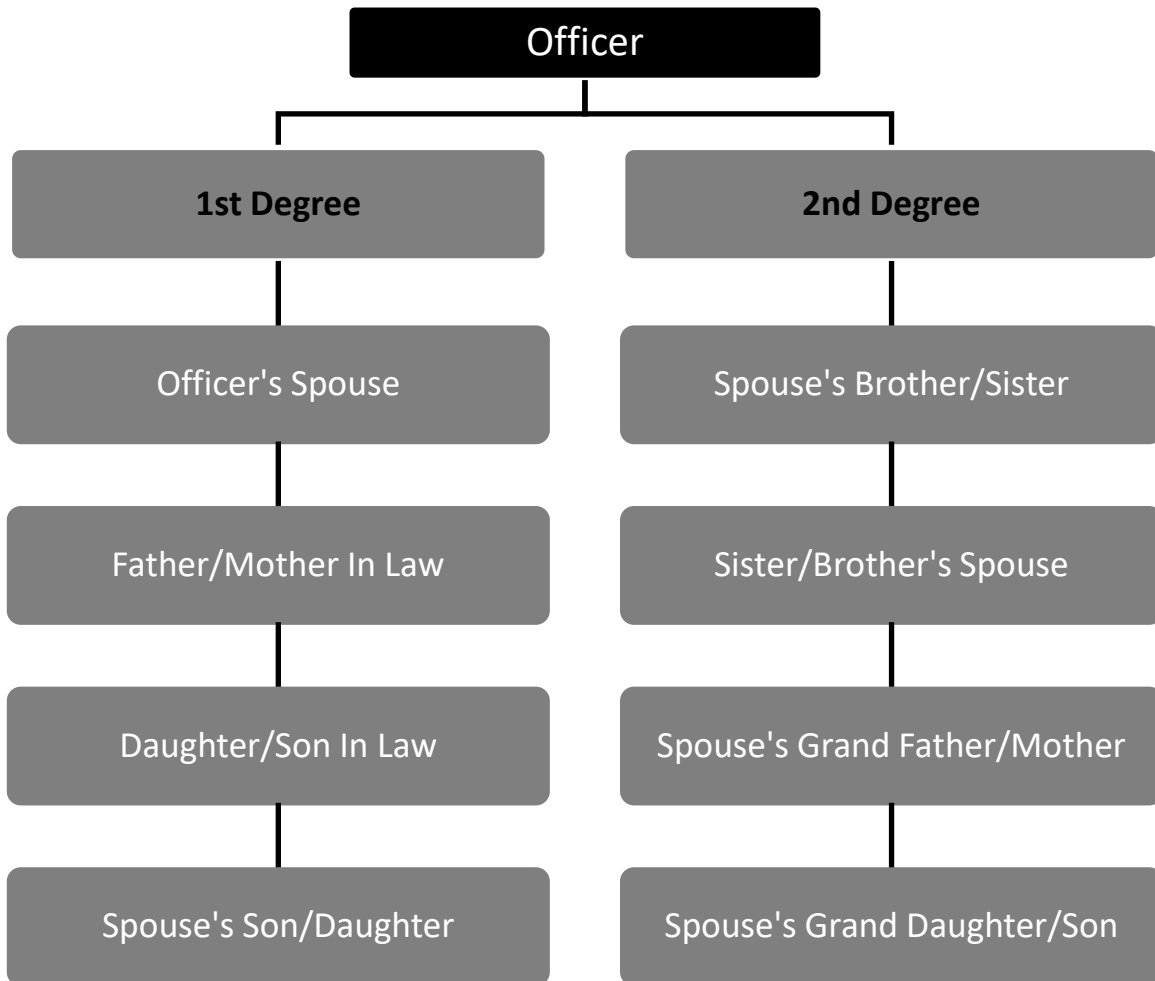
CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



AFFINITY KINSHIP CHART

(Relationship by Marriage)



1.07 PROBATION PERIOD

Permanent employees, either full-time or part-time, are on a Probation Period of ninety days, beginning the date of hire or rehire. Employees on Probation status are not credited with, and may not take paid sick leave or vacation leave. Vacation and sick leave will be accrued but not credited until dates stated in Section 2 "Employee Benefits".

The Probation Period shall be utilized for observing the employee's work, for effective adjustment by the employee to the position, and for rejecting any employees whose performance does not meet the required work standard. Each employee appointed to a regular position shall be required to complete successfully the Probation Period of three months.

During the Probation Period, the department head shall be responsible for observing the employees work and make judgments as to the employee's willingness and ability to perform the duties satisfactorily and in accordance with the county policies.

At any time during the Probation Period the department head may remove an employee if in his or her opinion the employee is unable to or unwilling to perform the duties and/or his or her dependability does not merit continuance in the employment of the County of Dimmit. Fringe Benefits will be given to full-time employees after Probation Period is completed.

Temporary and Part Time Employees:

- A. Temporary and part-time employees will not earn annual leave or vacation or sick leave;
- B. No Temporary employee may be hired to replace persons on vacation leave, except in departments that have only one employee, with the approval of Commissioner's Court; or with prior approval by Commissioners' Court for good cause shown;
- C. Temporary personnel to replace jailers at the Sheriff's Department are required to have their time sheets coincide with full-time jailers' time sheet for cross reference for the record;
- D. All department heads must notify in writing to the County Treasurer of their intent to hire a temporary employee; and
- E. No department head is to hire temporary help to replace regular employees on compensated time. It is very important that regular employees do not exceed the maximum hours allowed by law.

Fringe Benefits:

The County of Dimmit pays the employee the following full-time employees:

- A. All regular, county employees belong to the Texas District and county Retirement System. The County matches it's two fifty dollar per dollar contribution by the employee;
- B. The county employees are covered by Social Security System. The county matches each employee's contribution to the Social Security system;
- C. The county will reimburse all jailers their full tuition upon successful completion of all state basic education requirements. The county will make such reimbursement upon the employee providing a copy of their certificate to the department head.
- D. Psychiatrist's Test for all law enforcement officers will be paid by the county at 100%;

- E. The county pays employees Worker's Compensation Insurance. The county pays its premium for the purpose to provide medical payments and payments on time lost from work, if employees are injured on the job; and
- F. The county employees are covered under the Texas Unemployment Compensation Insurance.

SECTION 2. EMPLOYEE BENEFITS

2.01 DIMMIT COUNTY POLICY ON VACATION

ELIGIBILITY

All full-time regular employees shall begin to accrue vacation benefits after the three-month Probation Period. Part-time and temporary employees shall not be eligible for vacation benefits.

ACCRUAL RATE

Employees who have worked for less than one year in a position eligible to receive vacation shall accrue vacation at the rate of 6.66 hours per month, which is equivalent to 80 hours per year but will not be eligible to receive nor use vacation until one-year employment.

Employees who have worked for one or more years in position eligible to receive vacation shall accrue vacation at the rate of 6.66 hours per month, which is equivalent to 80 hours per year.

Vacation shall not be accrued while an employee is on leave of absence or any other leave including workman's comp unless approved by Commissioners Court.

INITIAL ACCRUAL AND WAITING PERIOD

Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of one year in such a position before being eligible to take any vacation.

MAXIMUM ACCRUAL

The 80-hour maximum of accrued vacation must be taken before the end of the following anniversary date.

EXTENSIONS

Extension of vacation time may be allowed if an employee is unable to take vacation because of the needs of the county and the employee's supervisor prepares a request for accrual above the maximum explaining why the employee was unable to take vacation; and the request is approved by the Commissioners' Court prior to anniversary date.

SCHEDULING

Scheduling of vacations shall be at the discretion of the individual elected official or department head.

MINIMUM USAGE

The minimum amount of vacation that may be taken at one time shall be 4 hours.

BORROWING

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

PAY IN LIEU OF VACATION

Employees shall not be allowed to receive pay for vacation in lieu of taking time off except approved by Commissioners Court.

HOLIDAY DURING VACATION

If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the "2.03 DIMMIT COUNTY POLICY ON HOLIDAYS" and shall not be charged against the employee's vacation balance.

PAY AT TERMINATION

If an employee has worked for at least one year in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

An employee who has not worked for a minimum of one year in a position which accrues vacation shall not be eligible for any vacation pay upon termination of employment.

RECORD KEEPING

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

2.02 DIMMIT COUNTY POLICY ON SICK LEAVE

ELIGIBILITY

All full-time regular employees (except if in Probation Period) shall be eligible for the paid sick leave benefit.

ACCRUAL RATE

Eligible employees shall accrue sick leave at a rate of 8 hours Per month.

Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit but is not eligible to take paid sick leave until the completion of the Probation Period.

MAXIMUM ACCRUAL

For as long as a person is employed with Dimmit County the maximum amount of unused sick leave an employee shall be allowed to accrue at any time is 12 days 96 hours. Sick leave will not accrue while employees on leave of absence.

USE OF SICK LEAVE

Sick leave may be used for the following purposes:

- a. Illness or injury of the employee;
- b. Appointments with physicians, optometrists, dentists, and other qualified medical professionals; and
- c. to attend to the illness or injury of a member of the employee's immediate family.

For purposes of this policy, immediate family shall be defined as spouse, child, parent, grandparent or other relative living in the employee's home who is dependent on the employee for care. Sick leave may not be used as vacation or any other reason not addressed in this policy.

NOTIFICATION

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment.

Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable.

Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable.

If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible.

DOCUMENTATION

If an employee uses two (2) or more consecutive days of sick leave, the supervisor shall require a physician's statement or some other acceptable documentation of injury or illness.

Documentation requirements still apply in situations where the absence is for the care of a member of the immediate family.

Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to resignation of employment with the County.

MINIMUM USE *Amended Commissioners' Court 3/27/2023*

The minimum amount of sick leave that an employee may use at any time shall be 1 hours.

BORROWING

Employees shall not be allowed to borrow sick leave against future accruals or other employees.

PAY AT TERMINAION

Employees shall not be paid for unused sick leave at the termination of employment. An employee using sick leave for other than medical reason may be terminated.

2.03 DIMMIT COUNTY POLICY ON HOLIDAYS

ELIGIBILITY

All full-time regular employees outside of the Probation Period shall be eligible for paid holiday benefits.

HOLIDAYS

The County holidays for the following calendar year shall be determined by the Dimmit County Commissioners' Court at its meeting in December of each year. Law enforcement personnel working on a holiday shall be paid at time and a half.

HOLIDAY DURING VACATION

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

HOLIDAY ON DAY OFF

If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 5 days.

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

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

EMERGENCIES *Amended Commissioners' Court 1/27/2025*

An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, is eligible for paid time off during the next 5 days equivalent to the amount of time worked on the holiday.

Any non-law enforcement employee who works on a county holiday, that has also been declared an emergency or disaster by the Office of the Governor or County Judge, be paid at a rate of 1 ½ the employee's pay rate for the number of hours worked.

2.04 DIMMIT COUNTY POLICY ON JURY DUTY LEAVE

JURY DUTY

Employees of Dimmit County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.

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

Any fees paid for jury service may be kept by the employee.

Employees must show up to work at begin of work prior to attending jury duty. If released prior to 5:00 pm employees must return to work. Failure to return to work place will forfeit county pay.

OFFICIAL COURT ATTENDANCE

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

PRIVATE LITIGATION

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

2.05 DIMMIT COUNTY POLICY ON MILITARY LEAVE

GUARD AND RESERVE *Amended Commissioners' Court 10/09/2023*

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 year with pay to attend authorized training sessions and exercises.

The fifteen (15) day paid military leave shall apply to the calendar year and any unused balance at the end of the year shall not be carried forward into the next calendar 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 annual leave, 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.

Any Dimmit County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

ORDERS

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.

ACTIVE MILITARY

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

2.06 DIMMIT COUNTY POLICY ON FUNERAL LEAVE

FAMILY FUNERAL LEAVE

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

For purposes of this policy, immediate family shall include the employee's spouse and the child, parent, grandparents, brother or sister of the employee.

Employees shall be allowed one (1) day leave with pay for death for In-Laws and Step Parents.

OTHER LEAVE

Employees may be allowed time off without pay to attend the funeral of a relative or friend. Employee may take vacation, compensatory or unused holiday leave for any other family member for which funeral leave not mentioned in this section.

ADDITIONAL LEAVE

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

2.07 DIMMIT COUNTY POLICY ON PAID QUARANTINE LEAVE

Dimmit County shall provide paid quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by Dimmit County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This includes fire fighters, peace officers, detention officers and emergency medical technicians, as defined by this policy, who are employed by, appointed to, or elected to their position.

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

"Emergency medical technician" means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by the county.

"Fire fighter" means a paid employee of a municipal fire department or emergency services district who holds a position that requires substantial knowledge of firefighting; has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body's jurisdiction. A health authority must be a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state and a resident of the state. They must take an official oath and file with the department.

For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to public health in the county's jurisdiction.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the county.

Eligible employees who are on qualifying paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation. An employee on qualifying paid quarantine leave will not have their leave balances reduced. Off duty exposures will not be covered under this policy.

2.08 DIMMIT COUNTY POLICY ON MEDICAL INSURANCE

ELIGIBILITY

All full-time regular employee of Dimmit County shall be eligible for the group medical insurance benefit after orientation period.

Premium for the coverage of eligible employees shall be paid by the County for the employee only. Eligible Spouse or dependents will be paid by the employee through payroll deduction.

DEPENDENT COVERAGE

Eligible employees may cover their qualified dependents paying the full premium for the dependents.

Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

EXTENSION OF COVERAGE

Employees who leave the employment of Dimmit County may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Information on extension of benefits under COBRA is available in the County Treasurer's Office, and may be obtained during the normal working hours for that office.

LIFE INSURANCE

Full time employees shall receive a limited amount of life insurance on themselves as part of their group medical insurance coverage. For further details, see the County Treasurer's Office during normal working hours.

INFORMATION

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

COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information within 14 days of their termination.

2.09 DIMMIT COUNTY POLICY ON WORKERS' COMPENSATION

ELIGIBILITY

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

BENEFITS

Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of his/her job.

Workers' compensation also pays a Temporary Income Benefit (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses.

Employees may use paid leave for all time off less than 7 days.

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

ACCIDENT REPORTING

Any employee who suffers a job-related illness or injury shall be required to notify his/her supervisor or the County Judge's Office as soon as possible. Report should be made no later than 72 hours.

Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

PHYSICIAN'S RELEASE

An employee who has lost time because of a work-related accident or illness shall be required to provide a release with no restrictions from the attending physician before being allowed to return to work.

CONTRIBUTORY FACTORS

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

2.10 DIMMIT COUNTY POLICY ON RETIREMENT

Amended Commissioners' Court 4/28/25

ELIGIBILITY

All part time and regular employees shall be eligible for the retirement benefit through the Texas County and District Retirement System. Temporary employees will not be eligible for retirement benefits.

CONTRIBUTIONS

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

Dimmit County shall make a contribution to each eligible employee's retirement account equal or greater to the contribution of the employee.

INFORMATION

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

AVOIDING IN-SERVICE DISTRIBUTIONS

An in-service distribution is either a retirement benefit or an account withdrawal to an employee who is still actively employed with you. These kinds of distributions are impermissible under federal and state law. An in-service distribution invalidates the employee's retirement or withdrawal. If it is not corrected by the return of benefit payments or the withdrawn amount (by either the employee or the employer), then it could jeopardize your TCDRS retirement plan's qualified status. Losing your plan's qualified status could subject you and your employees to significant fees, penalties and additional taxes levied by the IRS.

CONDITIONS FOR REHIRING

Rehiring a retiree who is receiving a benefit from your TCDRS plan, or rehiring a former employee who has withdrawn his or her account, is not an in-service distribution as long as the following two conditions are met:

- **Bona fide separation in service:** There must be a true separation in service between the employer and the employee in which the employer/employee relationship is completely severed. There can be no agreement to be rehired by your organization in the future.

- **One full calendar month separation in service:** Assuming a bona fide termination, the employee must be separated from employment for one full calendar month. For example, if an employee separates from employment on April 15, the earliest that person could be rehired with the same employer is June 1.

Keep in mind that a termination is not considered bona fide if there is an expectation, understanding or agreement that the termination is temporary or that the person will be rehired in the future. This applies even if the position that the employee will occupy:

- Is different from his or her current position
- Pays more or less than the current position
- Is in a different department
- Requires different hours (for example, going full time to part time, or vice versa)
- Is an independent contractor position that has the individual providing the same services they provided while an employee
- Is an elected position. Elected officials are considered employees of the county or district for purposes of participating in TCDRS.

These rules apply to employees rehired on a *pro re nata* (PRN) or “as needed” basis.

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

2.11 DIMMIT COUNTY POLICY ON SOCIAL SECURITY/MEDICARE

SOCIAL SECURITY/MEDICARE

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

CONTRIBUTIONS

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

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

2.12 DIMMIT COUNTY POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY LEAVE

ELIGIBILITY

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

- a. Have worked for Dimmit County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); and
- b. Have worked at least 1250 hours during the previous 12 months.

QUALIFYING EVENTS

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

- The birth of a child and in order to care for that child;

- The placement of a child in the employee's home for adoption or foster care;
- To care for a spouse, child, parent or grandparent with a serious health condition;
- The serious health condition of the employee that make the employee unable to perform the essential functions of their job
- A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member (National Guard or Reserves) on active duty or has been notified of an impending call or order to active duty in support of a contingent operation
- To care for a covered service member (Regular Armed Forces, National Guard or Reserves) 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.
- 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

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

CONTINUING TREATMENT

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

- 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: Treatment two or more times within 30 days of incapacity, or 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.
- Any period of incapacity due to pregnancy or pre-natal care.
- 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.
- Any period of incapacity which is permanent or long term due to a condition that treatment is not effective.
- Any period of incapacity or absence to receive multiple treatments by a health care provider.

QUALIFYING EXIGENCY LEAVE

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 support of a contingency operation. The following qualify as exigency leave:

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 employees may take up to 7 days beginning on the date the covered military member receives the call or order to active duty.

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 of a covered military member. 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 of a covered military member.

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.

Leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active-duty status.

Leave may be taken to act as the covered military members 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 and for a period of 90 days following the termination of the covered member's active-duty status.

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 of a covered military member.

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 five (5) days of leave for each instance of rest and recuperation.

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.

Leave may be taken to address issues that arise from the death of a covered military member while on active-duty status.

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 provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

LEAVE AMOUNT

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 husband and wife both work for the County the maximum combined leave they shall be allowed to take in any 12-month period for the birth or placement of a child is 12 weeks.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period.

The single 12-month period begins on the first day the eligible employee takes FMLA to care for covered service member and ends 12 months after that date.

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 is forfeited.

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 to care for the same covered service member with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12-month period. If an eligible employee has already taken any portion of their eligible FMLA leave they will only be entitled to a combined total of 26 workweeks for any FMLA qualifying event in the single 12-month period.

PAID AND UNPAID LEAVE

If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed: compensatory time, vacation, holiday and sick. The remainder of the leave shall be unpaid.

An employee who is taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the birth of a child shall be required to use paid sick leave first, then earned compensatory time, vacation and holiday leave for the recovery period after the birth of the child and prior to being on unpaid leave.

After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 week leave period being unpaid leave.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time, then vacation, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee is taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the care of a covered service member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26 week leave period being unpaid 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.

INSURANCE

While on leave under this policy, the County shall continue to pay the employee's medical insurance 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 insurance coverage for which the employee would normally pay, or the coverage will be discontinued.

If on Paid Leave, payment for coverage under of this policy shall be made through regular payroll deduction. Although, 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 AND REDUCED SCHEDULE

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.

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.

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 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.

CERTIFICATION REQUIREMENTS

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:

- The date the condition began;
- Its expected duration;
- The diagnosis of the condition;
- A brief statement of the treatment; and
- 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:

- The date the condition began;
- Its expected duration;
- The diagnosis of the condition;
- A brief statement of treatment; and
- 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:

- 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 support of a contingency operation;
- The dates of the covered military members active-duty service;
- A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave;
- The approximate date on which the qualifying exigency will start and end;
- If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;
- 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 shall include:

- If the injury or illness was incurred in the line of duty while on active duty;
- The approximate date on which the illness or injury occurred and the probably duration;
- A description of the medical facts regarding the covered military members health condition, sufficient to support the need for care;
- 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;
- The relationship of the employee and the covered military service member;
- 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 covered family relationship to the seriously injured or ill covered military member.

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.

REQUESTING LEAVE

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.

REINSTATEMENT

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.

REPAYMENT OF PREMIUMS

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.

OTHER BENEFITS

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.

OTHER ISSUES

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.

In the Case of a terminally ill employee, when employee has exhausted all benefits, such employee will be placed on Leave without Pay and Insurance Premium will continue to be paid by the County until Medical Doctor releases or employee dies.

SECTION 3. WORK RULES AND EMPLOYEE RESPONSIBILITIES

3.01 DIMMIT COUNTY POLICY ON ATTENDANCE AND TIMELINESS

ATTENDANCE

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

TIME CLOCK RULE

The Time Clock rounds in increments of 5-minutes. The earliest to clock in shall be 2 minutes before 8:00AM or 2 minutes after 8:00AM. The earliest to clock out for lunch shall be 2 minutes before 12:00PM or 2 minutes after 12:00PM. The earliest to clock in after lunch shall be 2 minutes before 1:00PM or 2 minutes after 1:00PM. The earliest to clock out to go home shall be 2 minutes before 5:00PM or 2 minutes after 5:00PM. **An employee is not permitted to clock in for another employee.**

TARDINESS

Each employee shall be at his or her place of work at the starting time set by his/her supervisor unless prior approval is given by the supervisor or the employee is unable to be at work on time for reasons beyond the control of the employee. Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

NOTIFICATION

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

EXCUSED AND UNEXCUSED

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

Frequent unexcused absences or tardiness shall make an employee subject to disciplinary measures, up to and including termination of employment.

ABANDONMENT OF POSITION

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

3.02 DIMMIT COUNTY POLICY ON COUNTY PROPERTY/VEHICLES

RESPONSIBILITY

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

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

PERSONAL USE

Personal use of county equipment, supplies, tools, and any other county property is not permitted and may result in discipline up to and including termination. Improper use may subject employees to criminal prosecution.

If personal use of a county vehicle is approved the Employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be taxed at the current IRS rate in accordance with IRS rules and regulations.

LICENSES

A County employee who operates any County equipment or any vehicle which requires a license shall be required to have a current active license for that vehicle or equipment any time he/she operates it. Any employee who operates a vehicle or equipment which requires a license for legal operation shall notify his or her supervisor of any change in the status of that license.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change or termination if that license is suspended or revoked.

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

An employee using a vehicle requiring a license without a license is subject to immediate termination.

All county vehicles must be clearly marked.

ACCIDENTS

Any employee involved in an accident, however slight while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement, County Judge's office or other authority immediately.

A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge's office.

After an accident in a county vehicle, county employee is subject to an Alcohol and Drug Test immediately following the incident and required to take a Defensive Driving Course.

3.03 DIMMIT COUNTY POLICY ON CONFLICT OF INTEREST

CONFLICT OF INTEREST

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

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

PROHIBITED

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

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

3.04 DIMMIT COUNTY POLICY ON POLITICAL ACTIVITY

POLITICAL ACTIVITY

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

County employees shall not:

- Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or
- Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

3.05 DIMMIT COUNTY POLICY ON SAFETY

SAFETY STANDARDS

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

he/she works. Safety procedures may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.

VIOLATIONS

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

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

REPORTING

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

FIREARMS AND WEAPONS

No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Dimmit County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

WORKPLACE VIOLENCE

Dimmit County is committed to providing a workplace free of violence. The County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

3.06 DIMMIT COUNTY POLICY ON HARASSMENT

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

Harassment is strictly prohibited by Dimmit 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 official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the official or 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. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. 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 official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or 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.

3.07 DIMMIT COUNTY POLICY ON SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by Dimmit County, whether committed by an elected official, department head, or co-worker. Dimmit County does not tolerate harassment in the workplace of its employees by non-employees. It shall be the policy of Dimmit 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.

DEFINITION

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:

- Submission to such conduct is either an expressed or implied condition of employment;
- Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- 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.

CLAIMS

All claims of sexual harassment shall be taken seriously and investigated promptly, thoroughly and as is consistent with the investigation; confidentially.

While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment or those employees who cooperate in the investigation of a complaint.

REPORTING

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, another member of the Commissioners' Court, or to the County Attorney.

The official or department head to whom 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.

When practical, confront the harasser and ask them to stop the unwanted behavior.

Record the time, place and specifics of each incident, including any witnesses.

Report continuing harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge, another member of Commissioner's Court, or County Attorney.

If a thorough investigation reveals that unlawful harassment has occurred, Dimmit County will take effective remedial action in accordance with the circumstances up to and including termination.

OTHER RIGHTS

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.

SECTION 4. PAYROLL

4.01 DIMMIT COUNTY POLICY ON PAY PERIODS AND TIME SHEETS

PAY PERIOD

The pay period for Dimmit County shall be a bi-weekly pay period with the pay period dates established by the Commissioners' Court. There are 26 pay periods in a year.

If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

FORM OF PAYMENT

The Treasurer will process payroll through direct deposit to all employees and the paystub will be mailed to the employee.

TIME SHEET

Each employee shall be required to fill out a time sheet and, if appropriate, a paid leave authorization form to be turned in to his/her supervisor on the last day of each pay period. Failure to complete/correct a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet as been completed/corrected and turned into the payroll department.

The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

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

Departments where the time clocks have been installed shall be required to punch in. An employee is not allowed to clock-in for another employee. Supervisors shall approve all time.

PAY ADVANCES

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

CORRECTIONS ON PAYROLL *Amended Commissioners' Court 5/22/2023*

Payroll reserves the right to reduce any type of paid leave an employee uses on their timesheet. Although, the reduction **cannot** bring the employee's total hours to less than 40 for the given workweek. Any reduction will be awarded back to the employee's individual pool and notification will be given to the employee's immediate supervisor.

Dimmit County reserves the right to correct any errors that are made on payroll next pay period.

4.02 DIMMIT COUNTY POLICY ON COMPENSATION

APPLICATION *Amended Commissioners' Court 5/22/2023*

This policy shall apply to all County employees.

SALARY/HOURLY EMPLOYEES

All non-exempt County employees shall be paid an hourly salary. Some employees may have the classification of hourly employees paid on a salary basis. Exempt employees shall receive a bi-weekly salary for all hours worked.

For full time non-exempt employees, the bi-weekly salary compensates the employee for all hours worked up to 40 hours in any workweek.

For part time regular employees, the bi-weekly salary compensates the employee for all hours worked in a workweek up to the amount designated by the County for the position.

TEMPORARY

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

4.03 DIMMIT COUNTY POLICY ON PAYROLL DEDUCTIONS

REQUIRED DEDUCTIONS

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

RETIREMENT

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

OPTIONAL DEDUCTIONS

Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the County Treasurer's office.

4.04 DIMMIT COUNTY POLICY ON WORK SCHEDULE AND WORKWEEK

WORK SCHEDULE

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday.

EMERGENCIES *Amended Commissioners' Court 1/27/2025*

In order to meet the needs of the County, certain departments or employees may be required to work at times that vary from the normal work schedule. The need for schedules that vary from the normal schedule shall be determined by each department head.

Any work during a county closure due to a declared emergency or disaster by the Office of the Governor or County Judge, which is not on a holiday and outside of their normal work schedule, will be paid at a rate of 1 ½ the employee's pay rate for the number of hours worked, if that employee has signed in with the County Judge to work during the emergency under the Judge's authority.

WORKDAY

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

WORKWEEK

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

4.05 DIMMIT COUNTY POLICY ON HOURS WORKED AND OVERTIME

Amended Commissioners' Court 7/31/2023

HOURS WORKED

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations.

OVERTIME APPLICATION

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA.

Eligible employees are defined as all employees classified as non-exempt, this includes Supervisory positions. However, both elected and appointed officials are classified as exempt and are ineligible for overtime.

OVERTIME DEFINITION

Overtime shall include all time actually worked for the County in excess of 40 hours in any work week for non-exempt employees.

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.

4.06 DIMMIT COUNTY POLICY ON OVERTIME COMPENSATION

POLICY APPLICATION

This policy shall apply to all Dimmit County non-exempt employees eligible for overtime compensation under the Fair Labor Standards Act (FLSA).

OVERTIME COMPENSATION *Amended Commissioners' Court 7/31/2023*

In accordance with the provisions of the FLSA, overtime compensation shall be paid, in the form of compensatory time off.

Eligible non-exempt employees shall receive compensatory time off, with pay, accrued at a rate of one and one-half (1 1/2) times the amount of overtime worked.

In accordance with the provisions of the FLSA, the County shall retain the right to pay cash payment for overtime in any workweek, by paying for that overtime at one and one-half (1 1/2) the employee's regular rate of pay.

MAXIMUM COMPENSATORY TIME

The maximum amount of unused compensatory time an employee shall be allowed to take at any one time is 40 hours. The maximum amount of compensatory time an employee can have at any time is 40 hours. Commissioner's court must be notified once an employee has reached 40 hours of compensatory time.

When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 1/2) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

USE OF COMPENSATORY TIME

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

The County shall have the right to require employees to use earned compensatory time at the convenience of the County.

TERMINATION

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

BUY BACK OF COMPENSATORY TIME

The County shall retain the right to “buy back” all or part of an employee’s unused compensatory time by paying the employee for that time at the employee’s current regular rate. Approval needed by Commissioners’ Court.

RECORDKEEPING

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

The County Treasurer’s department shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee in his/her department and shall update the balance due to each employee at the end of each pay period.

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

OTHER ISSUES

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

4.07 DIMMIT COUNTY POLICY ON GRANT FUNDED OVERTIME COMPENSATION

Amended Commissioners’ Court 7/31/2023

POLICY APPLICATION

This policy shall apply to Dimmit County non-exempt employees for overtime compensation under the FLSA while working any specific hours under a grant.

Dimmit County **does not** claim the 207(k) exemption; therefore, for all non-exempt employees, overtime is defined as any time actually worked in excess of 40 hours in any workweek.

TIMEKEEPING AND DOCUMENTATION

In addition to Section “4.01 DIMMIT COUNTY POLICY ON PAY PERIODS AND TIME SHEETS”, non-exempt employees must specify the hours working under any specific grant on timesheets.

Employees must also detail any entries on applicable supplemental documentation including but not limited to, Daily Activity Reports (DAR’s), Daily Certification Forms. etc. An employee has forty-eight (48) hours after their shift to submit the corresponding DAR to the Grant Administrator. The Daily Certification Forms are due at the end of every pay period along with bi-weekly timesheets signed by each employee and their immediate supervisor.

OVERTIME COMPENSATION

Once the conditions for overtime have been met with the required documentation, cash payment will be made for the overtime of that workweek at one and one-half (1 1/2) the employee's regular rate of pay.

Any overtime hours not specified under a grant will receive compensatory time off, with pay, accrued at a rate of one and one-half (1 1/2) times the amount of overtime worked.

All additional policies on compensatory time off can be found under Section "4.06 DIMMIT COUNTY POLICY ON OVERTIME COMPENSATION".

SECTION 5. GRIEVANCES

PROCEDURE

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

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

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

SECTION 6. DISCIPLINE

DISCIPLINE

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

TYPES OF DISCIPLINE

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

REASONS

Examples of reasons for administering discipline shall include, but not be limited to:

- Insubordination;
- Absence without Leave;
- Endangering the Safety of Others;
- Use/Abuse of Drugs or Alcohol;
- Unauthorized use of public funds or Property;
- Violation of the requirements for Personnel Policies;
- Conviction of a Felony;
- Falsification of documents or records;
- Unauthorized or Abusive Use of Official Authority;
- Unauthorized Use of Official Information;

- Incompetence or neglect of duty;
- Disruptive Behavior; and
- Sexual Harassment.

PROGRESSIVE DISCIPLINE

- The department head may use progressive system as follows; unless otherwise decided by the appropriate elected official.
- Verbal Warnings-records of each warning to be maintained by the department head and signed in writing
- Written Reprimands which the department head must in all cause to be transmitted through the employee's personnel file;
- Reduction in pay;
- Demotion;
- Suspension from duty without pay for up to 30 days; and
- Separation by involuntary dismissal.

SECTION 7. DRUGS AND ALCOHOL

PURPOSE

The purpose of this policy shall be to establish a drug and alcohol-free workplace to help ensure a safe and productive work setting for all employees.

APPLICABILITY

This Zero-Tolerance policy shall apply to all employees of Dimmit County regardless of rank or position and shall include temporary and part-time employees.

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

POLICY

The following shall be a violation of this policy:

- The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property;
- Being under the influence of alcohol or illegal drugs while on County property or while on duty for the County;
- The unauthorized possession or use of prescription or over-the-counter drugs while on County property or while on duty for the County; and
- The use of 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.
- Conviction of a Class A or B Misdemeanor or higher for the use or abuse of alcohol or drugs whether on or off County property.

DEFINITIONS

A controlled substance shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended. (A copy of this information is available for review in the Auditor's Office.)

County property shall include all County owned, rented, or leased real property such as buildings, land, parking lots etc. and property used by employees such as vehicles, lockers, desks, closets, storage areas, etc.

Drugs shall include any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

Drug paraphernalia shall include equipment, a product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise inducing into the human body an illegal drug or controlled substance.

Illegal drug shall include any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any other than a legitimate medical reason, and inhalants used illegally. Included is marijuana or cannabis in all forms.

Under the influence shall be defined as a state of having a blood alcohol concentration of 0.02 or more where "alcohol concentration" has the meaning assigned to it in Article 67011-1, Revised Statutes; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

PRESCRIPTION DRUGS

Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity.

Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.

Prescription medications used at work are to be kept in their original container.

RESERVATION OF RIGHTS

Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

Contract testing center will randomly select names of all employees driving County Vehicles and Equipment. Schedule such employees for hair sample Drug test. Sample will be taken monthly. All new employees are required to take a Drug test before commencing employment.

Drug test reports are to be reported to the County Auditor and supervisor must report results of Indicating positive for illegal drugs within 48 of receiving results.

PRE-EMPLOYMENT TESTING

To ensure the safety and efficiency of new employees, Dimmit County requires a pre-employment drug and alcohol screen before an employee starts their first day of work. All other offers of employment are conditional upon passing a drug and alcohol test.

POST ACCIDENT TESTING

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment will be required to be tested by urinalysis and/or blood test within 24 hours of the incident.

DRUG TESTING

All employees driving Dimmit County owned vehicles or operating equipment are required random drug tested on a yearly basis. (Including employees with commercial driver's licenses) (County Owned equipment will include leased equipment)

TESTING PROCEDURES

Any elected official, supervisor or county official who requests an employee to be tested shall use the following Procedure:

- Employees will be sent to a designated facility for a specimen collection and/or testing;
- Test required will be a hair follicle test and breath for alcohol but in case of post-serious accident urinalysis and/or blood test may be administered;
- At the designated facility an observed specimen will be collected and sealed in an appropriate container designated by the laboratory testing center. If a positive result is confirmed, an alternative method may be used by the laboratory to confirm the result in the specimen;
- The employee will sign a chain of custody form in the presence of the designated medical representative;
- Chain of custody will be signed by each person thereafter who handles the specimen;
- Subsequent test at request of employee shall be collected in the same manner of the previous specimen and the cost shall be paid by the employee;
- In case of post serious accident, supervisor will place employee on paid administrative hold until the test results are known, elected official or supervisor will make sure employee is returned safely to his/her residence; and
- Confidentiality: Under no circumstances, unless required or authorized by law will alcohol or drug testing information be released without the written request from the applicable employee. Although a release form will be signed so the County will get a copy of results.

ADMISSION OF ILLEGAL DRUG USE

Any employee found to be using illegal drugs will be terminated from employment.

POLICY VIOLATIONS

Any employee who violates this policy shall be terminated. Should elected official refuse to immediately terminate employee, the County Treasurer's office shall remove the Employee from insurance of the County including the use of all employee vehicles and equipment.

REFUSAL TO BE TESTED OR PROVIDE TEST RESULTS

Each employee is expected to cooperate and consent to a drug and/or alcohol test as requested under the terms of this policy. Refusal to consent to, or provide, a drug and/or alcohol test is cause for termination. If employee refuses drug and/or alcohol test, they are no longer eligible to be rehired.

TREATMENT

Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals. An employee who voluntarily asks for time off, **not due to a request for drug testing nor a failed drug test**, 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.

Information on benefits provided for treatment of alcohol and drug problems through the County's medical insurance program is available in the employee's insurance coverage booklet.

RESERVATION OF RIGHTS

Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

SECTION 8. SEPARATIONS

DEFINITION

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

TYPES OF SEPARATION

All separations from Dimmit County shall be designated as one of the following types:

- Resignation;
- retirement;
- dismissal;
- reduction in force (layoff);
- death; and
- other.

RESIGNATION

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Dimmit County and the separation does not fall into one of the other categories.

Employees who are resigning should submit a written notice of resignation to his/her supervisor.

RETIREMENT

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so.

An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

DISMISSAL

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

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

REDUCTION IN FORCE

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

DEATH

A separation by death shall occur when an individual die while currently employed by the County.

If an employee dies while still employed by the County, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

OTHER

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

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

NOTIFICATION

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

REHIRES *Amended Commissioners’ Court 4/28/25*

An employee who separates from any County office may be rehired by any County office without a waiting period unless they have retired or withdrawn their TCDRS account. If the former employee has retired or withdrawn their TCDRS account, there must be a bona fide separation in service and one full calendar month in service separation. See “CONDITIONS FOR REHIRING” in “Section 2.10 DIMMIT COUNTY POLICY ON RETIRMENT”, for more detailed information.

SECTION 9. WHISTLEBLOWER ACT

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

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

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

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy or has further questions about this policy should immediately contact the County Treasurer's office.

SECTION 10. ALL FRAUD PROTECTION AND DETECTION

10.01 BACKGROUND

Dimmit County is committed to preventing fraud. All County employees must share in this commitment. County employees, especially supervisors and Department Heads/Elected Officials, must be aware of the circumstances, or "red flags", which lead to fraud. For the purpose of this administrative procedure, fraud and intentional waste are referred to as "fraud".

Studies have shown that "red flags" of fraud within an organization were ignored by the organization in almost 50% of the frauds reported. "Downsizing" and repositioning of an organization increases the risk of fraud. Internal controls are the best method of preventing fraud. Poorly written or poorly enforced internal controls allow most fraud to occur.

Fraud occurs for the following reasons (note: there were multiple reasons in some cases):

- Poor internal controls;
- management override of internal controls;
- type of organization (industry with high risk of (fraud);
- collusion between employees and third parties;
- poor or non-existent company ethical standards; and
- lack of control over managers by their supervisors.

The most frequently cited "red flags" of fraud are:

- Changes in an employee's lifestyle, spending habits or behavior;
- poorly written or poorly enforced internal controls, procedures, policies or security;
- irregular/unexplained variances in financial information;
- inventory shortages;
- failure to act on results of internal/external audits or reviews;
- unusually high expenses or purchases;
- frequent complaints from customers;
- missing files; and
- ignored employee comments concerning possible fraud.

Perpetrators of fraud typically live beyond their reasonably available means. Other indicators of fraud include the borrowing of small amounts of money from co-workers, collectors or creditors appearing at the place of business, excessive use of telephone to stall creditors, falsifying records, refusing to leave custody of records during the day, working excessive overtime, refusing vacations, and excessively rewriting records under the guise of neatness.

The following internal controls help prevent fraud:

- Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions;
- physical security over assets such as locking doors and restricting access to certain areas;
- proper training of employees;
- independent review and monitoring of tasks;
- separation of duties so that no one employee is responsible for a transaction from start to finish;
- clear lines of authority;
- conflict of interest statements which are enforced;
- rotation of duties in positions more susceptible to audit;
- ensuring that employees take regular vacations; and
- regular independent audits of areas susceptible to fraud.

PURPOSE

The purpose of this administrative procedure is to define what constitutes fraud, and to outline rules and procedures all employees must follow when fraud is suspected.

SCOPE

This procedure applies to all Dimmit County employees.

DEFINITIONS

Fraud - Theft, intentional waste or abuse of County funds, property or time. Specific examples of fraud include but are not limited to:

- Theft of County funds.
- Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business;
- Unauthorized use or misuse of County property or records;
- Falsification of records;
- Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors);
- Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors); and
- Neglecting or subverting job responsibilities in exchange for an actual or promised reward.

County Funds - Currency, checks, or other negotiable instruments belonging to the County of Dimmit, or for which the County is the fiscal agent or has a fiduciary responsibility

County Property - Any tangible item owned by the County of Dimmit.

Retaliation - When an individual is discriminated against or penalized for reporting fraud or for cooperating, giving testimony, or participating in any manner in an audit/investigation, proceeding, or hearing.

10.02 RESPONSIBILITIES

All Employees - Any employee who has knowledge of an occurrence of fraud, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Department (Dept) Director/Elected Official of his/her department. However, if the employee has reason to suspect that the Dept Head/Elected Official may also be involved, the employee should contact the County Attorney or District Attorney. Every employee shall cooperate with administrative investigations pursuant to this administrative procedure. The employee shall not discuss the matter with anyone other than his/her supervisor, the Dept Director/Elected Official, the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.

Supervisor - Upon notification from an employee of suspected fraud, or if the supervisor has reason to suspect that a fraud has occurred, the supervisor shall immediately notify the Department Director/Elected Official of his/her department. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Dept Director/Elected Official, the County Attorney and the District Attorney. However, if the supervisor has reason to believe that the Dept Director/Elected Official may be involved in a fraud, the supervisor shall contact the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.

Department Director/Elected Official - Upon notification from an employee or supervisor of suspected fraud, or if the Dept. Director/Elected Official has reason to suspect that a fraud has occurred, the Dept Director/Elected Official shall immediately contact the County Attorney. The Dept Director/Elected shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.

Internal Audit - Upon notification or discovery of a suspected fraud, the County Auditor or external auditor if applicable will promptly coordinate investigation of possible fraud with District Attorney.

10.03 PROCEDURES

Record Security - A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported Department Directors/Elected Official and supervisors shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until County Auditor or external auditor obtains the records to begin the audit investigation.

Contacts/Protocols - After an initial review and a determination that the suspected fraud warrants additional investigation, the County Auditor or external auditor will notify the Commissioners Court, Human Resource Director and District Attorney of the allegations. The County Auditor or external auditor shall coordinate the investigation with the appropriate law enforcement officials and shall report its investigative findings as described below.

Confidentiality - All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure. However, County Auditor and the District Attorney may discuss the investigation with any person if such discussion would further the investigation.

Personnel Actions - If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination.

Retaliation – It is a violation of this administrative procedure for any individual to be discriminated against for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Such individual falls under the protection of the Whistle Blower Act.

Media Issues – If the media becomes aware of an audit investigation, the appropriate supervisor or Department Director/Elected Official shall refer the media to the District Attorney. The alleged fraud and audit investigation shall not be discussed with the media other than through the District Attorney's Office.

10.04 DISPOSITION OF INVESTIGATION

At the conclusion of the audit investigation, the County Attorney and/or District Attorney's Office will document the results in a confidential memorandum report to the Commissioners Court, with a copy to the County Judge and Department Director/Elected Official. If the report concludes that the allegations are founded, the report will be copied to County Treasurer.

If the fraud has resulted in County property loss, the County Auditor report such loss to the Commissioners Court. The County Attorney or District Attorney or designated legal counsel shall seek restitution for any property loss.

Upon completion of the audit investigation and all legal and personnel actions, records will be returned by the investigative offices to the appropriate department.

SECTION 11. CELLULAR PHONES

11.01 COUNTY USE OF CELLULAR PHONES

Cellular telephones are for business purposes only, unless otherwise authorized by the department head. They are not to be used for non-work-related communications unless when circumstances arise as described below.

Cellular telephones should not be used when a less costly alternative is safe, convenient, and readily available.

Using a cellular phone while operating a vehicle or heavy equipment is prohibited. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks. Employees will be responsible for any citations issued for use of cellular phone in prohibited areas.

Employees in possession of a Dimmit County owned cellular phones are required to take appropriate precautions to prevent theft and vandalism of all company equipment. Each

employee assigned a county cell phone is responsible for his/her cell phone and is responsible for its replacement.

11.02 PERSONAL USE OF CELLULAR PHONES

PERSONAL USE OF COUNTY ISSUED CELL PHONE

In unforeseen circumstances develop where employees must use their county-issued cellular telephone to make a personal call, i.e., to let family know that employee will be home late, it is up to the department head to determine whether the employee reimburse the county for the phone call. Excessive personal use is not allowed and shall result in the employee having to reimburse the county for the unauthorized use or having the employee lose the privilege of have a county cell phone provided for their business use. Employees will also be taxed for any personal use made on county owned cell phones according the rules and regulations set forth by the IRS.

USE OF PERSONAL CELL PHONE

Dimmit County will prohibit the use of personal cellular phones (phone calls/text messaging) during normal working hours. Personal cellular phones must be turned off while employees are at their workstations in order to avoid any disruptions. Employees may check for messages or make personal call when they take a break or by requesting permission from an immediate supervisor. When using personal cell phones employees must go to an area away from the work site and to an area where there will be no disruption of other employees or of the work site. Immediate supervisors have the authority to take any form of disciplinary action necessary to enforce this policy including termination. This may include requiring an employee not to have a personal cell phone in his/her possession while at the worksite. This includes all office workers and workers driving a county vehicle. CDL drivers must follow the state policy.

SECTION 12. INDEBTNESS TO COUNTY

DEFINITION

Under Section 154.025(b), Local Government Code if notice of indebtedness has been filed with the county auditor and county treasurer evidencing the indebtedness of a person to the state, the county, or a salary fund, a warrant may not be drawn on a county fund in favor of a person, or an agent or assignee of a person until the county treasurer, notifies in writing the person owing the debt that the debt is outstanding; and the debt is paid. The prohibition against payment is triggered by the notice of indebtedness. In the case of delinquent taxes, if the tax assessor-collector files a notice of delinquent taxpayers with the county auditor and county treasurer, no county checks can issue to that person until the taxes are paid.

AGREEMENT

The County Auditor or County Treasurer shall approach the employee and, following proper due process, present the options which are available for employees to repay an overpayment of compensation. Employee can (1) repay directly, refund by cash or check; or employee can (2) authorize for repayment can be made through payroll, a payroll deduction from future payroll payments or a reduction of future gross by overpayment amount. Voluntary agreement may not be executed for a period exceeding 90 days and is not renewable. Voluntary agreement may not be executed in causes whereas a lawsuit has already been filed to collect the debt

SECTION 13. ADDITIONAL BENEFITS

13.01 LONGEVITY PAY

Dimmit County has established Longevity Pay to recognize employees for their continued service with the County. Longevity Pay is awarded on a yearly basis to all regular, full-time employees, excluding Elected Officials, in the amount of \$.10 per hr, for each full year of continuous employment as of September 30th up to a maximum of 20 years.

13.02 CDL LICENSE *Amended Commissioners' Court 9/11/2023*

Increase in pay for CDL license will be assigned to drivers with CDL licenses at the rate of A: \$3 per hour B \$2 per hour.

13.03 ADDITIONAL SALARIES

Monies budgeted as additional pay shall be approved at the budget time. These are monies which are added to the budgeted salaries and are paid at a specific time of the year. These monies are approved and paid to working employees at the scale approved by Commissioners' Court. Elected officials or officials holding elected positions are excluded.

SECTION 14. E-MAIL AND INTERNET ACCEPTABLE USE

This policy describes Dimmit County guidelines with regard to Internet access and disclosure of electronic mail messages sent or received by Dimmit County employees with use of the Dimmit County e-mail system.

Dimmit County respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work-related conduct or to the use of Dimmit County-provided equipment or supplies. You should be aware that the following guidelines may affect your privacy in the workplace.

Provision of Internet access. As a condition of providing Internet access to its employees, Dimmit County places certain restrictions on workplace use of the Internet. Dimmit County encourages employee use of the Internet:

- to communicate with fellow employees and the public regarding matters within an employee's assigned duties;
- to acquire information related to, or designed to facilitate the performance of regular assigned duties; and
- to facilitate performance of any task or project in a manner approved by an employee's supervisor.

COMPLIANCE

Employees must comply with all software licenses, copyrights, and all other laws governing intellectual property and online activity.

Internet access, provided by Dimmit County, expressly prohibits the following:

- Game playing
- Distribution of destructive programs (i.e., viruses and/or self-replicating code)
- Hateful, harassing, or other anti-social behavior

- Intentional damage or interference with others (for example, hacking and distributing viruses)
- Making publicly accessible obscene files
- Solicitation
- Commercial usage of non-county business
- Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating confidential information of Dimmit County.
- Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, usurping business opportunities or soliciting money for personal gain, or searching for jobs outside Dimmit County
- Sending chain letters, gambling or engaging in any other activity in violation of the law

VIOLATION

Violation of Dimmit County's Internet Acceptable Use Policy may include disciplinary action, up to and including termination. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on Dimmit County and fellow employees.

When you connect to the Internet using a Dimmit County address designation, it should be for Dimmit County business related activity.

DIMMIT COUNTY'S RIGHT TO ACCESS INFORMATION

The electronic mail system has been installed by Dimmit County to facilitate business communications. Although each employee has an individual password to access this system, it belongs to Dimmit County and the contents of e-mail communications are accessible at all times by Dimmit County management for any business purpose. These systems may be subject to periodic unannounced inspections, and should be treated like other shared filing systems. All system passwords and encryption keys must be available to Dimmit County management, and your passwords or encryption keys must be available to your Manager.

All e-mail messages are Dimmit County records. The contents of e-mail, properly obtained for legitimate business purposes, may be disclosed within Dimmit County without your permission. Therefore, you should not assume that messages are confidential. Back-up copies of e-mail may be maintained and referenced for business and legal reasons.

PERSONAL USE OF E-MAIL

Because Dimmit County provides the electronic mail system to assist you in the performance of your job, you should use it for official Dimmit County business. Incidental and occasional personal use of e-mail is permitted by Dimmit County, but these messages will be treated the same as other messages. Dimmit County reserves the right to access and disclose as necessary all messages sent over its e-mail system, without regard to content. Since your personal messages can be accessed by Dimmit County management without prior notice, you should not use e-mail

to transmit any messages you would not want read by a third party. County wide emails must have the approval of the County Dimmit.

PASSWORD AND ENCRYPTION KEY SECURITY AND INTEGRITY

Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to the other employee's e-mail messages. The Dimmit County IT Department will obtain all passwords to access Dimmit County owned Computers and Dimmit County owned software.

VIRUS DETECTION

All material downloaded from the Internet or from computers or networks MUST be scanned for viruses and other destructive programs before being placed onto the Dimmit County's computer system.

WAIVER OF PRIVACY

Dimmit 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, reviewing material downloaded or uploaded by employees, and reviewing e-mail 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.

SECTION 15. SOCIAL MEDIA

15.01 POLICY ON SOCIAL MEDIA USAGE

For purposes of this policy “social media” includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, and Instagram, etc.

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

- Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your Elected official or supervisor.
- If your posts on social media mention Dimmit County make clear that you are an employee of Dimmit County and that the views posted are yours alone and do not represent the views of Dimmit County.
- Do not mention Dimmit County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Dimmit County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that

views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.

- Employees may not use Dimmit County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. Dimmit County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws, and cite or reference sources accurately.
- Do not link to Dimmit County's website or post Dimmit County material on a social media site without written permission from your supervisor.
- All Dimmit County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Dimmit County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

15.02 SOCIAL MEDIA APPLICATIONS AND SERVICES PROHIBITED ON COUNTY DEVICES

Approved Commissioners' Court 10/09/2023

Dimmit County prohibits the installation or use of the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or a social media application or service specified by proclamation of the governor on any device owned or leased by Dimmit County and requires the removal of covered applications from those devices.

The installation and use of a covered application may be acceptable to the extent necessary for providing law enforcement; or developing or implementing information security measures. In order for the installation to be approved Dimmit County must require the use of measures to mitigate risks posed to this state during the use of the covered application, and the documentation of those measures.

SECTION 16. DRESS CODE

The County of Dimmit is a professional organization. All employees will present a professional appearance in order to promote a positive image to customers. The general public frequently forms its initial impression of professional credibility solely on employee appearance. The appropriateness of attire as seen by the general public has a bearing on how other agencies and department view employee professionalism and ultimately working relationships.

This policy applies to all employees, regardless of classification, and is consistent with community standards. Individual departments may have more specific policies in place based on needs.

An employee's religious beliefs or medical conditions, as defined by applicable law, the required deviation from the standards as set forth will be considered on an individual basis.

This policy is intended to provide guidelines on dress and appearance and is not meant to address all situations. There may be differences in some department's or division's dress guidelines depending on the nature of the work environment, nature of work performed, involvement with the public, required uniforms or other circumstances as defined by the department head. The standards in this policy apply when an employee has officially reported to work.

POLICY AMPLIFICATION

Clothing

Employees who wear uniforms are expected to report for duty in the departmentally assigned uniform. Uniforms are expected to be clean and pressed.

Employees who are not required to wear uniforms are expected to wear business clothing appropriate to the position held. Attire is expected to be clean, pressed and well fitting.

Acceptable attire for women includes dresses, skirts, capri style suits, or slacks/trousers worn with blouses, sweaters and/or jackets. The length of dresses or skirts should be no shorter than mid-thigh when seated.

Acceptable attire for men includes suits, slacks/trousers worn with collared shirts, collared sport shirts, dress shirts, polo shirts, sweaters and/or jackets. When deemed appropriate, ties should be worn.

Except as noted or approved by the department head, employees may not wear the following:

- (1) Denim jeans of any color
- (2) Overalls or coveralls
- (3) Shorts of any type
- (4) Tee shirts or jerseys with graphics including logos related to team sports.
- (5) Gym or sweat pants, workout wear, uncovered spandex pants/leggings.
- (6) Shirts or dresses with spaghetti straps unless covered by a jacket, blouse or other outer garment, shirts that expose stomach or midriff area, halter or tube type shirts, see-through or fishnet tops.
- (7) Low front or low back attire.
- (8) Excessively tight fitting or oversized (baggy) garments.

This list is an example only and may not include all items deemed inappropriate.

Footwear and Accessories

All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean and in good repair. Heels should not be more than three inches high. Sandals of any material which are commonly referred to as flip-flops or thongs are prohibited for all employees. Crocs are also prohibited unless directed by a doctor's recommendation.

No bandanas or baseball caps are allowed except as approved by the department head.

Tattoos and Jewelry

Except as noted or approved by the department head:

Tattoos must be covered.

All jewelry worn by employees must be appropriate so it does not detract from a professional appearance. All facial piercing jewelry such as nose piercing, tongue piercing, eyebrow piercing, lip piercing, or any other facial piercing jewelry is prohibited.

Personal Hygiene

Personal hygiene is essential. Therefore, it is necessary that all employees maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.

Strong odors caused by perfumes, scented hair sprays and aftershave lotions can be offensive and are to be used in moderation out of concern for the comfort of others.

Employees are expected to maintain appropriate and professional hairstyles. Beards, sideburns and mustaches must be clean and neatly groomed. Hair must be properly restrained for its length and job assignment. Hair coloring should be within the range of natural hair colors.

County Identification

Each employee will have and wear an approved County identification badge at all times while on duty, photo side facing out except where specifically exempted or prohibited by the employee's department due to a safety issue or in cases where wearing an identification badge will interfere with the execution of the employee's duties.

Responsibilities and Procedures

Supervisors are responsible for explaining and enforcing the dress and appearance policy. Employees who report to duty and are non-compliant with the dress and appearance policy may be sent home to change without compensation. Failure to comply with, and repeated violations of this policy will be cause for disciplinary action up to and including dismissal.

Consistent with this policy, exceptions can be made at the department level by the Department Head due to the nature of work, special events, casual Fridays and departmental clean-up days.

SECTION 17. WEATHER CLOSINGS AND EMERGENCIES

As a general practice, Dimmit County does not close its operations unless the health, safety, and security of county employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing. If the County Judge is not available due to extenuating circumstances, the responsibility will fall upon the longest serving Commissioner or the Emergency Management Coordinator.

The County Judge will notify available media outlets and elected officials or department heads. The County Judge will also post announcements on official Dimmit County website and outside county buildings. Announcements of an emergency closing will, to the extent possible, specify

the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each official or department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

SECTION 18. COVID-19 POLICY

Amended Commissioners' Court 10/28/2024

At the discretion of Commissioners' Court approval each fiscal year, full-time and part-time employees are given five (5) paid time off days if they test positive with COVID-19. In order to begin taking these days, a positive COVID-19 test must be submitted to the Treasurer's office. In order to receive compensation on the following payroll, a negative COVID-19 must also be submitted to the Treasurer's office. All COVID-19 test results must come from either a certified COVID-19 tester within the County or a licensed medical professional. Once these five (5) days have been used, regular sick days will be applied for the remainder period that the employee is out due to COVID-19 and sick leave will also be used for any relapse due to the virus.

SECTION 19. THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. The Texas Right to Express Breast Milk in the Workplace Act also imposes duties on public employers and, under other state law, is applicable for the duration of a nursing mother's need to express breast milk. Dimmit County supports the practice of expressing breast milk.

Dimmit County will provide 45-minute paid breaks for a nursing mother to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk. Any time over 45 minutes will be considered an unpaid break.

The County will provide the nursing mother with 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.

Dimmit County does not allow any retaliation against a nursing mother 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. An employee of the county who needs to express breast milk may not be discriminated against.

All other employee breaks are determined by each official or 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 a nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break time.

SECTION 20. CATASTROPHIC ILLNESS & INJURY SICK LEAVE POOL

Approved Commissioners' Court 6/20/2023

Purpose

For purpose herein, “Pool” will refer to the Dimmit County Catastrophic Illness & Injury Sick Leave Pool.

The purpose of the Catastrophic Illness & Injury Sick Leave Pool is to provide additional paid sick leave to members of the Pool in the event they are unable to report to work due to a catastrophic illness or injury. Members may apply for sick leave from the Pool only after the member has exhausted all accrued paid leave to include sick leave, comp time, personal time, vacation leave, and excess holiday leave balances.

Commissioners Court reserves the right to amend, change, or delete this policy at any time, with or without notice.

Definitions

Catastrophic Illness or Injury: A Catastrophic illness or injury is considered to be any personal illness, injury or physical or mental condition suffered by the employee or a member of the employee’s immediate family that involves continued treatment by a medical care provider for chronic or long-term medical conditions that are incurable or so serious that the employee has been absent from his or her place of work on paid leave, accrued compensatory time, or leave without pay for a period of ten (10) consecutive calendar days due to the catastrophic illness or injury. Immediate family is defined as the employee’s spouse, child or children, parent, step-parent, or any other relative of the employee who resides in the employee’s household and/or is dependent on the employee for care.

Donation: Refers to the act of an eligible employee voluntarily giving their own accrued sick leave in increments of one (1) day (8 hours) to the Pool. Donations are to the understanding that once donated, employees are not guaranteed those hours back if they apply to Pool.

Donation Upon Termination: Any employee may donate up to 80 hours (10 days) of his/her accrued sick leave time to the Sick Leave Pool upon separation from county employment.

Eligible to Donate: An eligible employee is only able to donate if they have the minimum accrued sick leave hours for donations. Donations **cannot** be on future accruals.

Eligible Employee: A regular full-time employee who has completed their Probation Period with the county is eligible to become a member of the Pool.

Member: A member of the Pool is an eligible employee who has donated the initial three (3) days or one (1) continuous day each calendar year.

Withdrawal: Refers to the act by a member of the Pool applying for sick leave from the Pool due to a catastrophic illness or injury. The maximum number of days that can be awarded to any one member of the pool is ten (10) days. Sick leave days from the Pool are those days granted to a member who is unable to work or is absent from work to care for his/her immediate family due to a catastrophic illness or injury.

20.01 MEMBERSHIP

Eligibility

All full-time employees exempt or non-exempt who have completed their Probation Period

with Dimmit County shall be eligible for membership. Participation is voluntary; however, an employee must be a member of the Pool in order to be able to withdraw sick leave hours from the Pool.

Procedures for Joining the Pool

Any employee who is eligible to join the Pool may do so by donating three (3) days of the employees accrued sick leave. All donations will be subtracted from their personal accrued sick leave balance.

Employees desiring to join the Pool shall complete the Membership form and submit it to Dimmit County Treasurer's Office.

Maintaining Membership

To maintain your membership in the pool, an employee must donate a minimum of one (1) day or up to five (5) days. Annual contributions will be in January.

Regulations Concerning Contribution of Days

Membership in the pool is only considered current, after initial or annual contributions are made.

If members of the Pool are not current, Pool hours **cannot** be awarded.

The days donated become the property of the Dimmit County Pool. All donations will remain in force and cannot be returned even upon cancellation of membership.

Personnel who terminate their employment with the County forfeit membership in the Pool at the effective date of termination. Neither the employee nor the employee's estate shall have any claim to any hours in the Pool, including those hours originally donated by the employee. If the employee wishes to regain membership in the Pool upon his/her return to the county, three (3) days must again be donated.

Personnel on approved leave of absence will retain membership in the Pool and will not be required to donate additional days.

20.02 AWARDING DAYS FROM THE POOL

Sick leave days from the Pool will be awarded only after the member has exhausted all accumulated sick leave, vacation leave, holiday leave, comp time balances, and other paid leave balance.

Days from the Pool shall be awarded only for a catastrophic illness or injury. Sick Leave Pool shall be awarded only for absences from working days and will not be awarded for holidays, vacation days or other such days

An employee receiving Workers' Compensation benefits will not be covered by Sick Leave Pool.

Sick Leave Pool awards will not be authorized for illness or disability resulting from self-inflicted injury.

The amount of sick leave available for withdrawal by an eligible Pool member is up to ten (10) consecutive days a calendar year.

An eligible member **cannot** withdraw more than ten (10) days a calendar year or more

than 1/3 of total Pool hours.

All requests to draw upon the Pool must be accompanied by the appropriate Physician's Statement, signed by the physician, confirming actual treatment, the cause of illness, certifying the existence of a disability to perform assigned duties and length of absence.

A Member will lose the right to utilize the benefits of the Pool by:

- Termination of Employment at Dimmit County
- Cancellation of participation by the member on the proper form at any time
- Attempted abuse of the Pool and or its policies
- Refusal to continue required annual contributions

20.03 PROCEDURES FOR APPLYING FOR SICK LEAVE DAYS

Should the member be unable to report to work due to a catastrophic illness or injury necessitating the need for additional days after all accumulated sick leave days have been used, the member may submit a request for days from the Pool.

The employee or the employee's personal representative can request an award of time from the Sick Leave Pool by submitting a completed application to the Treasurer's Office. The application should be submitted as soon as possible after the need arises.

Completion of the attending physician's statement which includes:

- Identification of the nature of the catastrophic illness or injury
- Date of initial onset of this particular condition
- Anticipated date eligible to return to work on a full or part-time basis

The Sick Leave Pool Committee may refuse to consider an application that does not contain the required information.

If a member is critically ill and unable to file an application for sick leave days from the Pool, the Elected Official or Department Head may initiate the application form at the request of the family by notifying the Treasurer's Office.

Employee accrues no sick time while on Sick Leave Pool.

Time starts to accrue when employee brings return to work slip from doctor to the Treasurer's Office. The Department Head will notify the Treasurer when the employee returned to work and if the employee did not use all the awarded sick leave pool, the unused balance will be returned to the Sick Leave Pool.

The County Treasurer will credit the unused hours awarded to the Sick Leave Pool. The employee's time sheet will be adjusted to reflect the transfer.

20.04 SICK LEAVE POOL ADMINISTRATION

For purpose herein, "Committee" will refer to the governing committee, which will approve or disapprove all requests for sick leave pool and shall be called "The Dimmit County Catastrophic Illness & Injury Sick Leave Pool Committee."

The Dimmit County Treasurer will be the Pool Administrator and will be responsible for

administering the program.

Duties and responsibilities of the Pool Administrator

It will be the responsibility of the Pool Administrator to ensure any applications turned in by eligible employees meets the basic criteria for consideration. If applications do not meet basic criteria, the Pool administrator reserves the right to not present the case to the committee. Before bringing any application to the committee, the Pool Administrator will remove the name of the applicant before consideration by the committee.

The Pool Administrator shall be responsible for maintaining accurate records of membership in the Pool, document deposits and withdrawals from the Pool and shall strictly follow all Pool guidelines as set forth by this policy.

Composition of Membership of Sick Leave Pool Committee

The composition of the committee will be the Pool administrator (nonvoting member), a rotating Dimmit County Commissioner, two other Dimmit County elected Officials (appointed by Commissioners' Court), and two Dimmit County Employees (appointed by Commissioners' Court). The Committee shall be responsible for reviewing applications and medical certification forms submitted by Pool members.

Duties and Responsibilities of the Sick Leave Pool Committee

All applications for withdrawal from the Pool shall be reviewed individually by the Committee in a called meeting. A minimum of three (3) members must be present for a vote.

The Committee shall determine the number of days approved up to ten (10) days but not more than 1/3 of total pool hours and reserves the right to approve, disapprove, or modify the days requested by a voted majority.

All decisions of the Committee are **final**.

The Dimmit County Treasurer will process all approved sick leave days for members (donations, awards and returning unused time to the Pool). If disapproved, the reasons for disapproval will be included.

20.05 USE OF SICK LEAVE POOL FOR IMMEDIATE FAMILY

To make the Pool a more significant benefit for Dimmit County employees, this policy has been extended to immediate family to provide additional sick leave days for members whose immediate family has suffered catastrophic illness or injury. The term "immediate family" is defined in section "2.02 Dimmit County Policy on Sick Leave" of this policy manual.

All regulations pertaining to the use and award of the Pool for a member will also be applied to the catastrophic illness or injury of their immediate family member. Although the Committee reserves the right to hold stricter guidelines to protect the Pool and the County from the excessive use of sick leave days for immediate family members.

SECTION 21. DIMMIT COUNTY POLICY ON KEYCARD USER RESPONSIBILITIES/AGREEMENTS

Approved Commissioners' Court 4/14/2025

PURPOSE

The purpose of this policy is to establish rules for keycard access to Dimmit County Facilities/Offices for employees and/or officials. These procedures were developed to ensure the safety and security of Dimmit County. All employees and officials are responsible for adherence to Dimmit County Keycard Agreements, Terms of Use, and Violations.

USER RESPONSIBILITIES & AGREEMENT

- Key cards are County property and must be returned upon resignation, termination, or upon request.
- Dimmit County IT Department is in charge of Distribution of keycards and permission access.
- Only the assigned user may use the key card. Sharing, lending, or duplicating key cards is strictly prohibited.
- Report lost or stolen cards immediately. Notify the IT Department without delay to deactivate the card.
- Use only for authorized access. Do not attempt to access areas for which you have not been approved.
- Do not tamper with the key card or access system. Any form of interference with hardware or software is strictly prohibited.
- Keep the key card safe and secure and avoid damage, bending, exposure to water, or placing near magnetic fields.
- Swipe in individually. Each person must use their own card to enter secure areas (no “tailgating” by any unauthorized employees). After hour(s) usage require a strict not tailgating policy.

VIOLATIONS

Violation of Dimmit County Policy on Keycard User Responsibilities/Agreements may include disciplinary action, up to and including termination. The range of discipline is as follows:

- Verbal or Written Warning: For minor or first-time violations.
- Revocation of Access Privileges: Temporary or permanent suspension of key card access.
- Replacement Fee: A \$25 fee is required for lost or damage key card replacement. Normal wear and tear not applicable. *Approved in Commissioner Court 4/14/25.*
- Formal Disciplinary Action: Including written reprimands, performance reviews, or HR escalation.
- Termination of Employment: Each department head will have the full responsibility to enforce, for serious or repeated violations (e.g., unauthorized access, sharing cards),
- Legal Action: In cases involving trespassing, data breaches, or property damage will be reported to the Dimmit County Sheriff’s Office for investigation and possible filing of charges.

SECTION 22. DIMMIT COUNTY POLICY ON THE PREGNANT WORKERS FAIRNESS ACT

Approved Commissioners’ Court 4/28/2025

It is the policy of Dimmit County to follow the Pregnant Workers Fairness Act (PWFA) and provide a “reasonable accommodation” to a qualified employee’s or applicant’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause Dimmit County an “undue hardship.”

The PWFA applies only to accommodations. Other laws that the EEOC enforces make it illegal to fire or otherwise discriminate against employees or applicants on the basis of pregnancy, childbirth, or related medical conditions.

The PWFA does not replace federal, state, or local laws that are more protective of workers (used here to mean job applicants and employees) affected by pregnancy, childbirth, or related medical conditions.

Dimmit County shall not:

- Fail to make a reasonable accommodation for the known limitations of an employee or applicant, unless the accommodation would cause an undue hardship;
- Require an employee to accept an accommodation other than a reasonable accommodation arrived at through the interactive process;
- Deny a job or other employment opportunities to a qualified employee or applicant based on the person's need for a reasonable accommodation;
- Require an employee to take leave if another reasonable accommodation can be provided that would let the employee keep working;
- Punish or retaliate against an employee or applicant for requesting or using a reasonable accommodation for a known limitation under the PWFA, reporting or opposing unlawful discrimination under the PWFA, or participating in a PWFA proceeding (such as an investigation);
- Coerce individuals who are exercising their rights or helping others exercise their rights under the PWFA.

REASONABLE ACCOMMODATION

“Reasonable accommodations” are changes in the work environment or the way things are usually done at work.

Some examples of possible reasonable accommodations under the PWFA include:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom;
- Changing food or drink policies to allow for a water bottle or food;
- Changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing;
- Changing a uniform or dress code or providing safety equipment that fits;
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time;
- Telework;
- Temporary reassignment;
- Temporary suspension of one or more essential functions of a job;
- Leave for health care appointments;
- Light duty or help with lifting or other manual labor; or
- Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth.

This list just provides some examples; many other reasonable accommodations may exist. Also, a worker may need different accommodations at different times during the pregnancy or after childbirth.

Leave (paid or unpaid) can be a reasonable accommodation that an employee requests under the PWFA. Dimmit County does not have to provide leave (or any other reasonable accommodation) if it causes a undue hardship.

UNDUE HARDSHIP

Dimmit County does not have to provide a reasonable accommodation under the PWFA if it causes an undue hardship. “Undue hardship” means significant difficulty or expense.

QUALIFIED EMPLOYEES OR APPLICANTS

An employee or applicant can be “qualified” under the PWFA in two ways.

First, an employee or applicant who can perform the “essential functions” of the job with or without a reasonable accommodation is qualified. “Essential functions” are the fundamental duties of the job.

Many employees or applicants seeking accommodations will meet this part of the definition because they can perform the job or apply for the position with a reasonable accommodation—for example, the cashier who needs a stool, the production worker who needs bathroom breaks, or the retail worker who needs to carry around a bottle of water.

If an employee cannot perform the essential functions of the job with or without a reasonable accommodation, an employee can be qualified even if they cannot do the essential functions of their job as long as:

- The inability is “temporary;”
- The employee could perform the functions “in the near future;” and
- The inability to perform the essential functions can be reasonably accommodated.

This means that an employee who is temporarily unable to perform one or more essential functions of their job, and who therefore needs light duty or a change in their work assignments, may be able to get such a change as a reasonable accommodation.

KNOWN LIMITATION

The PWFA requires reasonable accommodation for a qualified employee or applicant with a “known limitation.

Under the PWFA, “known” means the employee or the employee’s representative (or the applicant or the applicant’s representative) has communicated to the department head or elected official about the limitation.

Under the PWFA, “limitation” means “a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.”

A limitation can be an impediment or problem that is minor or modest and can be episodic (such as migraines or morning sickness). It can be that the employee or applicant needs to take actions for their health or the health of their pregnancy—such as not being around certain chemicals; not working in the heat; or limiting or avoiding certain physical tasks, for example lifting, bending, walking, standing, or running. It can be that the employee needs to attend health care appointments for the pregnancy, childbirth, or related medical condition itself.

PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS

Pregnancy, childbirth, or related medical conditions” includes uncomplicated pregnancies, vaginal deliveries or cesarian sections, miscarriage, postpartum depression, edema, placenta previa, and lactation. There are more examples in the regulation at <https://www.federalregister.gov/d/2024-07527>.

REQUESTING REASONABLE ACCOMMODATIONS

The employee or applicant should tell the department head or elected official that they have a limitation—a physical or mental condition related to, arising out of, or affected by pregnancy, childbirth, or a related medical condition—and that they need an adjustment or change in their working conditions due to the limitation. For example, the worker can say:

“I’m having trouble getting to work at my scheduled starting time because of morning sickness.”

“I need more bathroom breaks because of my pregnancy.”

“I need time off from work to attend a medical appointment because of my pregnancy.”

Once the department head or elected official knows, it should engage in the “interactive process” with the employee or applicant. The “interactive process” means simply that the department head or elected official and employee communicate, whether by talking or some other way, about the known limitation and the adjustment or change needed at work.

The department head or elected official should respond promptly to accommodation requests. If it does not cause an undue hardship to Dimmit County, the department head or elected official generally has to provide a reasonable accommodation—either what the employee or applicant requests or another effective accommodation.

The EEOC expects that many PWFA accommodations can be granted after simple exchanges of information between employees or applicants and Dimmit County, such as brief conversations or emails.

Workers do not need to use specific words to request an accommodation to begin the interactive process. Once an employee requests an accommodation, use the interactive process.

Limitations may be minor and may be associated with an uncomplicated pregnancy and may require accommodations that are easy to make.

A worker may need different accommodations as the pregnancy progresses, they recover from childbirth, or the related medical condition improves or gets worse.

DOCUMENTATION

In many instances under the PWFA, a discussion with the applicant or employee may be sufficient and supporting documentation will not be needed. Dimmit County understands that it may be difficult for a worker to obtain information from a health care professional early in pregnancy.

Dimmit County is not required but may seek information from the employee’s health care provider under limited circumstances. Dimmit County shall not require that the employee seeking the accommodation be examined by a specific health care provider.

Seeking documentation is not reasonable if:

- The limitation and need for an adjustment or change at work due to the limitation is obvious. For example, an obviously pregnant employee who seeks a bigger uniform because of their pregnancy cannot be required to provide additional information.
- The department head or elected official already knows about the limitation and the adjustment or change at work due to the limitation. For example, if the employee has already provided enough information that they have morning sickness due to pregnancy and need a later start time, the department head or elected official cannot demand a new doctor's note every time the employee uses the accommodation of coming in later.
- The employee is currently pregnant and needs breaks for the bathroom or to eat or drink, needs to carry water with them to drink, or needs to stand if their job requires sitting or to sit if their job requires standing.
- The employee is lactating and needs modifications to pump at work or nurse during work hours.

If Dimmit County is allowed to get documentation from a health care provider, the documentation is limited to that:

- Confirms the physical or mental condition. This means providing a simple statement of the physical or mental condition (e.g., back injury, swollen ankles, need to avoid certain chemicals, lifting restriction, need for rest, vomiting, need to attend health care appointments). This can be a modest or minor impediment or problem and does not need to be a medical diagnosis;
- Confirms that the physical or mental condition is related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. Pregnancy, childbirth, or related medical conditions do not have to be the sole, the original, or a substantial cause of the physical or mental condition. Together, the information set forth in this paragraph and the prior paragraph constitute the employee's "limitation" for purposes of coverage under the PWFA (see definition in Question 12); and
- Describes the adjustment or change at work that is needed due to the limitation (for example, no lifting more than 20 pounds for 3 months, the approximate number and frequency of health care appointments, the estimated time off for recovery, additional safety gear, work functions that should be suspended and for how long, or a later start time).

Under the Americans with Disabilities Act (ADA), Dimmit County must keep medical information confidential. Documentation gathered under the PWFA should also be forwarded to Dimmit County Treasurer's Office.