Acknowledgement Form

I have received a copy of the Harris County Personnel Regulations effective November 30, 2013 or have accessed a copy of the Harris County Personnel Regulations via the Internet, at http://www.harriscountytx.gov/hrrm/PersonnelRegulations I understand that these Personnel Regulations govern the terms of my employment and that if I violate any of the policies contained herein I will be subject to disciplinary action. I also understand that I can direct any questions I may have regarding these Personnel Regulations to my supervisor.

_____	_____
Signature of Employee	**Department Name**
_____	_____
Printed Name of Employee	**Date**

The Personnel Regulations Govern Details of Your Employment.
Read Them Carefully.

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PERSONNEL REGULATIONS

These Personnel Regulations govern Employees of Harris County, Texas (the "County") and employees of the Harris County Flood Control District (the "District"). These Regulations are effective November 30, 2013. This enactment supersedes all previous personnel regulations and applies in the audit of payrolls in all cases except those in which the law makes a different provision for particular employment.

Any reference to "Harris County" or "the County" in these Personnel Regulations means "Harris County and the Harris County Flood Control District." The County and the District are not the same employer.

The regulations herein regarding the conditions for employment and payment of compensation and benefits apply to every employee of the County and the District unless expressly stated otherwise.

The regulations herein *other than* those regarding the conditions for employment and payment of compensation and benefits apply to every employee of the County and the District unless an elected or appointed official promulgates a different written policy on the subject applicable only to the official's employees.

Also, in accordance with certain state statutes, these Personnel Regulations do not govern certain employees unless the board or appointing authority chooses to bind its employees to the regulations herein.

County and District employees have no employment tenure. Employment is at-will for an indefinite period and the County or District and the employee are free to terminate employment with or without notice at any time for any reason. These policies are solely for information and do not constitute an employment contract or a guarantee of continued employment.

The County and the District reserve the right to amend these Personnel Regulations unilaterally at any time, including the termination of benefits. Unless a different effective date is stated in the Commissioners Court order approving changes to these Personnel Regulations, all amendments or changes become effective when adopted and entered in the Minutes of Commissioners Court.

These Personnel Regulations do not supersede any applicable state or federal law or regulation. These Personnel Regulations shall be made available to Department Heads who shall ensure that each new and current employee acknowledges and agrees to abide by the current Personnel Regulations and any amendments that are issued. Employees may also access these Personnel Regulations via the Internet. If any ambiguity arises as to the meaning or interpretation of these Personnel Regulations, the ambiguity is resolved in favor of the County.

These Personnel Regulations use the words "he," "his," and "him" when the meaning includes "she," "hers," and "her" and the words "she," "hers," and "her" when the meaning includes "he," "his," and "him." This wording is used solely for ease of reading and should not be interpreted as gender bias.

1. DEFINITIONS

When used in these Personnel Regulations, the following terms have the meaning set out below.

1.01 ***ACTIVE DUTY***

The actual performance of work or duties prescribed by statute and/or assigned by the Department Head.

1.02 ***BREAK IN EMPLOYMENT***

Any period of **more than 7 calendar days,** other than a valid Leave of Absence, during which a person is not employed by the County.

1.03 ***COMPENSATORY TIME***

Paid time off provided to Exempt Employees and Non-Exempt Employees. Compensatory Time may refer to paid time off when it is being earned and/or when it is being used.

1.04 ***CREDITABLE SERVICE***

The length of any individual's continuous employment with the County beginning on the date hired as an R32 Plus Employee and continuing until the individual is no longer an R32 Plus Employee or incurs a Break in Employment, whichever occurs first.

1.05 ***DEPARTMENT HEAD***

An elected official, an appointed official, or a person appointed by Commissioners Court to serve as the head of a department created by Commissioners Court.

1.06 ***DOCK TIME***

For each workweek in which the Hours Actually Worked plus Paid Absences total less than an employee's required hours, the deficiency is Dock Time. Dock Time applies to both Exempt and Non-Exempt Employees. The deduction calculations are based upon the employee's regular work schedule and rate of pay in effect during the pay period in which the Dock Time occurs. Dock Time is one type of Unpaid Absence.

1.07 ***EMPLOYEE***

Except as provided by state law, employees have no property right in continued employment and may be discharged by the Department Head at any time and for any reason.

1.071 **Regular Position**

Positions that may be filled by only one employee at a time.

1.0711 *Regular Position Employee Regularly Scheduled to Work at Least 32 Hours per Week (R32 Plus Employee)*

A person hired for an indefinite period regularly scheduled to work at least 32 hours per week who is eligible for all employment benefits.

1.072 **Part Time Employee**
A person hired for an indefinite period who is only eligible for legally-required employment benefits.

1.073 **Temporary Position Employee**
A person hired for a specified project or for a limited duration of time.

1.074 **Model Positions**
Positions that may be filled simultaneously by one or more employees subject to the maximum hours approved and budgeted for that position and to the provisions below.

1.0741 *Regular Model Position Employee*
An employee who performs work that is sporadic or necessary to complete the department's mission.

1.0742 *Temporary Model Position Employee*
An employee who performs work for a specified project or for a limited duration of time.

1.075 **Exempt Employee**
An employee who is Exempt from the Fair Labor Standards Act ("FLSA") minimum wage and maximum hour requirements. 29 U.S.C. § 201, *et*. *seq*. Department Heads determine whether an employee's job duties qualify for any of the FLSA exemptions by completing Auditor's Form 130. Department Heads with questions regarding an employee's exemption status should contact the Harris County Attorney's office.

1.076 **<u>Non-Exempt</u> Employee**
An employee whose job functions do not fall within the definition of an <u>Exempt Employee</u> and are subject to all Fair Labor Standards Act ("FLSA") provisions.

1.08 Employee's Immediate Family Member
An Immediate Family Member includes the employee's spouse, children, stepchildren, foster children or any other ward legally placed by the State of Texas, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, grandparent, grandchild, parents of the employee's spouse, and the spouses of the employee's children.

1.09 *HOURS ACTUALLY WORKED*

The time an employee is actually on Active Duty, Paid Absences and Unpaid Absences are not Hours Actually Worked.

1.091 Breaks

No federal or state law entitles employees to regularly scheduled breaks. Non-exempt employees who do not take more than 20 minutes for lunch should not record a lunch on their timesheets. Department Heads have discretion to adopt and enforce rules regarding meal and break periods.

1.092 Commuting

Normally, time spent commuting to and from work is not compensable and is not counted as Hours Actually Worked, even if the employee must travel from home to an outlying job site. This is true whether the employee works at one work site or at different work sites. Generally, employees are not at work until they reach the job site. But, if an employee is required to report to a meeting place to receive instructions, perform other work there, or pick up tools, the travel from the designated meeting place to the work site is included in Hours Actually Worked.

1.093 Travel During the Workday

Time spent traveling directly from one work site to another work site during the workday is included in Hours Actually Worked.

Example: An employee usually works from 8 a.m. to 5 p.m. at 1001 Preston. One day the employee has a business meeting at 9 a.m. in Baytown and drives from home directly to the meeting. The employee's workday does not begin until he gets to the meeting place in Baytown. After the meeting, the employee drives directly to 1001 Preston. His travel time from the meeting location in Baytown directly to his office at 1001 Preston counts as Hours Actually Worked.

1.094 Out-of-County Travel

1.0941 *One Day Trips*

As a general rule, all travel time on a one-day out-of-County trip is included in Hours Actually Worked (except for meal periods or time spent traveling from home to a mode of public transportation, if applicable).

1.0942 *Overnight Trips*

Travel time, excluding meal periods, **during normal working hours (even on non-working days)** on an overnight out-of-County trip is included in Hours Actually Worked. Travel time as a *passenger* in any type of vehicle **outside of regular working hours** is

not work time. However, if an employee is offered public transportation (for example, air, bus, or train fare) but asks to drive herself, the Department Head chooses whether to count as Hours Actually Worked the time spent driving the car or the time that would have counted as Hours Actually Worked if the employee had used the public conveyance.

1.10 ***LONGEVITY PAY***

Additional compensation based on length of continuous Creditable Service.

1.11 ***OVERTIME***

Any amount of Hours Actually Worked in excess of 40 hours per workweek. **In lieu of cash payment for Overtime, Non-Exempt employees may receive Compensatory Time.**

1.12 ***PAID ABSENCES OR PAID LEAVE***

Absences for which the County pays an employee, such as Holidays, Funeral Leave, Jury or Witness Duty, Sick Leave, Compensatory Time, and Vacation Leave. **Employees may not "buy back" any Paid Leave.**

1.13 ***PAYROLL YEAR***

The period of time that begins with the first day of the pay period that relates to the first paycheck issued in a calendar year and ends with the last day of the pay period that relates to the final paycheck issued in the same calendar year.

1.131 **Standard pay periods** are those pay periods that relate to the first two paychecks issued in one calendar month.

1.132 **Extra pay periods** are those pay periods that relate to a third paycheck issued in one calendar month.

1.14 ***STANDARD WORKWEEK***

1.141 The Standard Workweek for the County begins at 12:01 a.m. Saturday and ends at 12:00 a.m. the following Friday night.

1.142 Department Heads adopt the most efficient schedule for their department operations so long as it conforms to the required time schedules shown for the positions in the salary budget (40 hours weekly, unless otherwise specified in the maximum salary schedule).

1.15 ***UNPAID ABSENCES OR UNPAID LEAVE***

Absences for which the County does not pay an employee, such as Dock Time and unpaid Family and Medical Leave Act time.

2. ETHICS AND CONFIDENTIALITY

2.01 All Harris County employees shall maintain the highest standards of ethical behavior. Employees will exercise honesty and integrity, respect, confidentiality, and fairness in the execution of their official responsibilities. All public servants shall carry out the public's business in a manner that benefits the public interest and trust.

2.02 Employees shall protect the County's assets and its reputation through professional and personal conduct and avoid circumstances that create an appearance of impropriety.

2.03 Harris County is the custodian of many types of information, including information that is confidential and private. Individuals who have access to such information are expected to be familiar with and to comply with all applicable laws pertaining to access, use, protection and disclosure of all such information.

2.04 Employees should contact their supervisor with questions pertaining to ethics and/or confidentiality.

3. NON-DISCRIMINATION POLICY

3.01 ***DISCRIMINATION PROHIBITED***

Harris County and the Harris County Flood Control District are equal employment opportunity employers. No member of the Commissioners Court of Harris County or any Department Head or employee may fail or refuse to hire or may discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, disability, or genetic information; or to limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of such individual's race, color, religion, sex, national origin, age, disability, or genetic information.

3.02 The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law; e.g requests for Family Medical Leave. To comply with this law, employees are not required to provide any genetic information when responding to a request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a

fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

3.03 *HARASSMENT PROHIBITED*

3.031 **Harassment Is Strictly Prohibited**

Actions, words, jokes, or comments based on an individual's sex, race, color, religion, national origin, age, disability, genetic information, or any other legally protected characteristic is not tolerated.

3.032 **Sexual Harassment Defined**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

3.04 *RETALIATION PROHIBITED*

Retaliation of any kind against any employee who makes a complaint of discrimination or harassment or against any employee who participates in any investigation of a complaint of discrimination or harassment is strictly prohibited.

3.05 *REPORTING VIOLATIONS*

3.051 Employees who believe that they have witnessed or been the subject of discrimination, including harassment or retaliation, must report the alleged act(s) immediately to:

- their supervisor; or
- their Department Grievance Coordinator; or
- the person designated in their departmental harassment policy; or
- their Department Head; or
- the Director of Human Resources & Risk Management.

Employees who make a report under this section, and who are not satisfied with the response given, have an obligation to report the alleged act(s) to the next person in their chain of command or the Director of Human Resources & Risk Management.

3.052 While the County cannot control the actions of outside parties, such as County vendors or patrons, employees who believe they have witnessed or been the subject of discrimination by an outside party, including harassment or retaliation, must report the alleged act(s) as required herein.

3.053 A prompt and thorough investigation of the facts and circumstances of any claim of discrimination, including harassment or retaliation, will be conducted. Employees must cooperate in all investigations. Appropriate corrective action will be taken, if necessary.

3.054 **An employee who knowingly makes a false complaint under this section is subject to discipline up to and including termination.**

3.06 ***CONSEQUENCES FOR VIOLATIONS***
Employees who violate any portion of this policy are subject to disciplinary action, including termination.

4. VIOLENCE-FREE WORKPLACE POLICY

4.01 Harris County is committed to providing a safe and secure workplace free of violence and threats of violence, including intimidation, against employees as well as County and personal property. All individuals on County premises must conduct themselves in a professional manner. Violence or threats of violence will not be tolerated.

4.02 Employees are encouraged to be alert and to inform appropriate management personnel of any behavior which they believe in good faith violates or could constitute a violation of this policy.

4.03 Any employee who feels that he has been the subject of workplace violence or has identified a situation where workplace violence has or is likely to occur should immediately notify appropriate management personnel.

4.05 Retaliation against any employee who reports threats of workplace violence is strictly prohibited.

4.04 *Employees who violate Section 4.01 are subject to disciplinary action up to and including termination.*

5. DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY

5.01 Harris County is committed to providing a workplace free of drugs and alcohol. Toward that end, the County has established a "Drug Free Awareness" Program to inform employees about:

- the County's policy of maintaining a drug-free and alcohol-free workplace;
- the dangers of illegal drug abuse and alcohol abuse;
- the coverage for substance abuse treatment programs that is available for eligible employees through the group health plan and/or the Employee Assistance Program; and
- penalties that may be imposed upon employees for violating this policy.

5.02 The purpose of the County's policy is to ensure that applicants who have been offered employment with Harris County and Harris County employees are not abusing illegal drugs, prescription drugs, alcohol, or any other substances that may impair their ability to perform the functions of their jobs safely and effectively, or that may increase the potential for accidents, or substandard performance, or that may tend to undermine the efficiency of the County's operations.

5.03 The County also conducts pre-employment, safety-sensitive, and reasonable suspicion drug and/or alcohol screening pursuant to the Harris County Drug and Alcohol Screening Policy or departmental policy.

5.04 Employees are specifically prohibited from manufacturing, distributing, dispensing, possessing, purchasing, and using illegal drugs, alcoholic beverages, inhalants or controlled substances in the *workplace or in any other facility, location, or transport* in which the employees are required to be in order to perform their job functions.

5.05 Employees convicted of a violation of state or federal law against manufacturing, distributing, dispensing, possessing, purchasing, or using an illegal drug or controlled substance at or in the workplace must report such conviction in writing to their supervisor or designated department representative within 5 working days of the conviction. The supervisor or designated department representative must then report the conviction to the Director of Human Resources & Risk Management.

5.06 Employees are responsible for learning of the possible effects of prescription and non-prescription drugs they use while working and must notify their supervisor or designated Department representative of any side effects that would impair their ability to perform their jobs.

5.07 The County may, at its discretion, require employees in safety-sensitive positions to refrain from working while taking *any* drug or medication, or require such employees to obtain written authorization from their physician

regarding their ability to perform their essential job duties safely while taking the medication.

5.08 *Employees who violate any part of Section 5 are subject to disciplinary action up to and including termination.*

6. COUNTY PROPERTY, EQUIPMENT, MEDIA, AND SERVICES POLICY

This policy applies to all county property, whether tangible or intangible, including all electronic equipment, media, services, and new technologies as they emerge, including but not limited to, the **use of computers, e-mail, telephones, cellular phones, tablets, voicemail, fax machines, copiers, radios and wireless devices, wire services, on-line services, including County WiFi and the Internet**, that are:

- County property;
- accessed using County computer equipment, via County-paid access methods; and/or
- used in a manner that identifies the individual as an employee or agent of the County.

6.01 ***GENERAL PRINCIPLES***

6.011 **No Expectation of Privacy**

6.0111 Employees have no expectation of privacy in the workplace, in their work-related conduct, or in the use of County-owned or County-provided equipment or supplies. In general, employees should assume that what they do while on duty or on County premises is not private. Although searches are normally not conducted unless there is a valid reason for the search, all work areas and county equipment, such as desks, files, lockers (even if employee provides the lock), and computers, are subject to search at any time.

6.0112 Employees should not expect privacy in the use or content of Electronic Equipment, Media, and Services. Nonetheless, as a general rule, electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet access, etc. are not monitored. However, the following conditions and exceptions apply:

a. To the extent allowed by law, County officials and departments routinely monitor usage patterns for voice and data communications (*e.g.* website accessed, length, times of day).

Reasons include cost analysis, cost allocation, and the management of the County's gateway to the Internet.

b. To the extent allowed by law, **County officials, Department Heads, and others are permitted to review an employee's electronic files, messages, and usage to ensure that Electronic Equipment, Media, and Services are being used in compliance with the law and this and other policies.**

6.012 Harris County provides access to electronic forms of communication and information exchange to make communication more efficient and effective and because they are valuable sources of information for government-related work.

6.013 The County reserves the right to monitor access and usage of County WiFi, even when accessed on personal devices.

6.014 Emails, texts, and other electronic communications related to official county business may be subject to the Public Information Act regardless of where they are stored. Thus, if employees use their personal cell phone or iPad to conduct official business or their personal email account to send or receive messages related to official business, that personal device or account may be subject to the Public Information Act. Therefore, avoid using personal email accounts to conduct official business. If it's unavoidable, then any time an employee sends or receive a message related to official business on a personal account (e.g., a Gmail or Yahoo or Hotmail-type account) the employee should send a copy of that same message to their Harris County account. Staff must ensure that all official business messages are stored on their county email account regardless of where the email originated.

6.0141 If an employee text about official business, it should be done on a county-issued phone or copy the text to their county email account.

6.0142 The employee's cell phone's pen register may be subject to disclosure if it shows that they were using the phone for official business.

6.015 To respond to a Public Information Act request, the County may be required to search an employee's personal accounts or devices if the employee uses or transacts county business through the devices or accounts. Employees are required to comply with those requests.

6.016 Harris County reserves the right to limit and/or decrease Internet connection speeds, block Internet content and remove Internet access for any individual or group as deemed appropriate to enable availability and performance of critical Harris County services.

6.017 With the rapidly changing nature of electronic media and the "netiquette" developing among users of external on-line services and the Internet, this policy cannot provide guidelines for every possible situation. Instead, it expresses the County's philosophy and sets forth general principles for the use of County Equipment, Electronic Equipment, Media, and Services by all County departments.

6.018 The use and/or dissemination of County Equipment, Electronic Equipment, Media, and Services are subject to existing laws, rules, regulations, and guidelines.

6.019 Department Heads are responsible for monitoring compliance with this policy. All guidelines established for the use and/or dissemination of Electronic Equipment, Media, and Services must be based on this policy.

6.020 Access to Harris County assets and information is a work privilege, not an individual right. Access is granted only to authorized users with job responsibilities that require access to Harris County assets. Access is only granted through approved provisioning channels and such that employees will have only the appropriate level of access to Harris County assets necessary to perform their respective job functions.

6.021 When authorized users terminate their work relationship with Harris County or when a user's job responsibilities change, access for those users or their previous job responsibilities should be promptly updated or removed by management.

6.022 Employees must take reasonable precautions to protect all Harris County information systems, laptops and peripherals against unauthorized use, theft and damage.

6.023 Employees must report all breaches of security, including equipment that has been lost or stolen to their Department Head.

6.024 By accessing Harris County assets and information as an authorized user, the employee acknowledges that they have read this Policy and agree to abide by all rules and guidelines. The employee expressly consents to the County monitoring any communications transmitted via these systems, within the sole discretion of Harris County.

6.03 *SPECIFIC ELECTRONIC MEDIA POLICIES*

6.031 The use of Electronic Equipment, Media, and Services is presumed to be work-related.

6.032 **Acceptable Uses of Electronic Media**

The following is a non-exhaustive list of *acceptable uses* of Electronic Equipment, Media, and Services.

- Communication and information exchange directly related to the duties or responsibilities of the user's department.
- Communication for professional development, to obtain continuing education or training, or to discuss issues related to the user's public duties or responsibilities.
- Announcement of new departmental regulations, procedures, policies, rules, services, programs, or activities.
- At the Department Head's discretion, employees are permitted to use electronic media for incidental or *de minimis* personal matters. Employees are responsible for complying with any relevant departmental fee-for-use policies.

6.033 **Unacceptable Uses of Electronic Media**

The following is a non-exhaustive list of *unacceptable uses* of Electronic Equipment, Media, and Services.

- Knowingly transmitting, retrieving, or storing any communications that are discriminatory or harassing; derogatory toward any individual or group; obscene; defamatory or threatening; "chain letters"; or for any other purpose that is illegal or against County policy.
- Use for any personal profit or political gain.
- Use for purposes not directly related to the duties or responsibilities of the County department before, after, or during normal business hours, except for occasional minimal personal use as sanctioned by the Department Head.
- Use to copy, retrieve, or forward copyrighted material (such as software, database files, documentation, articles,

graphics files, and downloaded information) unless the individual has the right to copy or distribute such material.

- Attempts to read, "hack" into other systems or other persons' logins, or "crack" passwords, or breach computer or network security measures. Employees are prohibited from disabling or reconfiguring the base settings of Harris County information systems, except when it pertains to their job function and is approved by management.
- Use that attempts to hide the identity of the sender or represents the sender as someone else.
- Development of programs designed to harass other users or infiltrate a computer or computer network or to damage or alter hardware or software.
- Use of Electronic Equipment, Media, and Services in a manner that is likely to cause network congestion or significantly hamper the ability of others to access and use the services or equipment.
- Intentionally seeking access to or copies of information, files, or data that is confidential under federal, state, or local law, unless specifically authorized to do so once the legal conditions for release are satisfied.
- Attachment of private equipment and/or private services for the express purpose of circumventing this policy. It is prohibited to create unauthorized or "rogue" access points on the Harris County network. Wired and wireless access points must be established through authorized information technology procedures.
- Use for online games and gambling; music and movie downloads.

Employees are accountable for any actions performed under their user ID, and must not seek others' passwords or share their password with others. Any exceptions must be part of a documented and authorized business process, and must be approved by the associated Department Head.

6.034 **Limits on personal electronic communications**

Employees must be careful about communicating electronic information obtained through their work. Employees are not authorized to release confidential information when using social media. While employees may discuss working conditions when using social media on their own time, employees need to be aware that statements about supervisors and coworkers could be potentially libelous or harassing.

6.04 **Use of County-Issued Long Distance Codes**

Long Distance Codes may not be used for placing personal long distance calls.

7. PAYROLL PROCEDURES

7.01 EMPLOYMENT EFFECTIVE DATES AND OTHER PRELIMINARY MATTERS

7.011 The County Auditor establishes procedures for the payroll forms or documents that Department Heads must complete and retain regarding the appointment, compensation, and termination of employees.

7.012 No employment is effective until:

- the County Budget Officer approves the use of funds; and
- the County Auditor certifies the availability of funds; and
- the department completes the employee compensation form prescribed by the County Auditor; and
- the employee completes the direct deposit or pay card form; and
- the employee signs it; and
- the Department Head or authorized representative signs it; and
- the person begins Active Duty.

7.013 If an employee is less than 18 years old and unmarried on the effective date of employment, his parent, guardian, or other person with legal custody of the employee must sign a parental release and indemnification agreement prescribed by the County Auditor.

7.014 The department sends a copy of the *signed* employee compensation form and all other forms required by law or by the Auditor, to the Auditor immediately upon completion.

7.015 The County Auditor verifies that the employment conforms to the maximum salary schedule approved by Commissioners Court. The Department Head has the discretion to request to set the employee's salary at the approved budget maximum.

7.016 The County does not issue pay checks. New employees must sign up for either direct deposit or a pay card.

7.02 *CHANGES IN STATUS*

7.021 Department Heads must request changes in employee status (such as changes in the employee's rate of pay or job title, a change from a Temporary Position to a Regular Position, from active status to Unpaid Absence status, from Non-Exempt to Exempt status, name change, etc.) on a *Change in Status Form* promulgated by the County Auditor. The Department Head or authorized representative must sign the form.

7.022 *All approved position control changes (new positions, title changes, rate of pay, hours required, etc.) are prospective only and become effective only on the first day of a pay period.*

7.023 **<u>Department Heads</u> must obtain re-authorization for <u>Temporary Positions</u> and <u>Temporary Model Positions</u> each fiscal year.**

7.024 Department Heads are responsible for ensuring that Temporary Model Positions do not exceed the maximum allocated hours as authorized by Commissioners Court.

7.03 *TIME RECORDS, DEDUCTIONS, AND CORRECTIONS*

7.031 All employees (except Elected Officials and certain individuals designated by Commissioners Court) must prepare time records in accordance with procedures prescribed by the County Auditor. **Employees must report their time accurately. Employees must check their records to ensure that the County processed the time correctly each pay period and report any discrepancies to the payroll clerk.** Supervisors review time records and ensure that the time recorded is accurate. Department Heads are responsible for preparing timely and accurate time records and submitting their payroll to the Auditor. The County Auditor or her designee may inspect the time records at any time.

7.032 Except for certain qualified changes under the County's Group Health and Related Benefit plan(s) and those required by law, payroll deductions are effective on the date requested by the employee or in the pay period processed by the County Auditor, whichever is later.

7.033 Payroll deductions are made in equal amounts from the first and second pay checks of each month unless otherwise required by law.

7.034 Except for corrections, payrolls are final upon approval by the <u>Department Head.</u> Department Heads must submit changes that may result in an overpayment to a terminated employee *immediately*. Department Heads submit other changes as a supplemental payroll. **Payroll changes or corrections are limited to the 2 preceding pay periods**, **except as required by law (e.g., Workers' Compensation, etc.) or court order.**

7.04 *UNEXCUSED ABSENCES AND DISCIPLINARY SUSPENSIONS*

7.041 Harris County is accountable to the taxpayers for the expenditure of public funds; therefore, its pay system is premised on

principles of public accountability that prohibit the government from paying employees unless they actually perform work or have Paid Leave available. Thus, even Exempt Employees are subject to deductions for partial-day absences as authorized by 29 CFR § 541.710.

7.042 Department Heads may choose whether to allow an employee who has a Compensatory Time balance to substitute Compensatory Time for Dock Time.

7.043 Department Heads may suspend employees without pay for disciplinary purposes. **Non-Exempt Employees** may be suspended for any period of time. Department Heads may only suspend Exempt Employees in accordance with § 7.051(d) – (f). Department Heads with questions regarding this policy should contact the Harris County Attorney's Office.

7.05 *SALARY BASIS RULES AND SAFE HARBOR PROVISION*

7.051 Exempt Employees are paid on a salary basis as required by the Fair Labor Standards Act. Nonetheless, under certain circumstances, the salary of an Exempt Employee is subject to deduction. Deductions may be made under the following circumstances.

a. When an Exempt Employee does not work at all in a workweek;

b. When an Exempt Employee begins his job or ends his job in the middle of a workweek;

c. When an Exempt Employee is absent for personal reasons (including illness or injury) and he:
   1. has not asked for Paid Leave;
   2. has asked for Paid Leave, but the request was denied;
   3. has exhausted all Paid Leave; or
   4. has chosen not to use Paid Leave;

d. When an Exempt Employee is suspended in **increments of one full workweek** for any reason;

e. When an Exempt Employee is suspended for **any period of time** as a penalty for violating a safety rule of major significance, including those rules relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in a room containing flammable chemicals;

f. When an Exempt Employee is suspended in **full day increments** as a penalty for violating a written workplace conduct rule **(other than absenteeism or performance)**;

g. When an Exempt Employee takes unpaid leave under the Family and Medical Leave Act; and

h. When a Department Head orders a furlough for budgetary reasons.

7.052 Harris County prohibits Department Heads from making or authorizing any improper deductions from an Exempt Employee's salary. Employees should be aware of this policy and report any improper deductions to the immediate supervisor or to the Payroll Director of the Harris County Auditor's Office. Reports of improper deductions will be investigated promptly. An Exempt Employee whose salary has been reduced in violation of this policy will be reimbursed. Retaliation against employees who file a report under this section is prohibited.

7.06 *JOINT EMPLOYMENT*

7.061 Departments with positions for persons employed jointly by the County and any other governmental agency whose employment policies, holidays, or vacation leaves are different from the County, and who wish for these positions to observe the policies, holidays, or vacation leaves of the other governmental agency, must submit to Commissioners Court, at the time of employment, a written request that these exceptions be granted. Thereafter, these requests should be presented to Commissioners Court with the Department Head's annual budget request. Each request must also specify whether the employee is an Exempt Employee for purposes of the FLSA and whether the employee is required to have Retirement or Social Security withholding.

7.062 If a department wants to hire someone who is simultaneously employed by another office or department of the County, the Department Head must first submit a written request to Commissioners Court. **If an employee is subject to the Overtime provisions of the FLSA, both departments must ensure that the County compensates the employee for all combined work in excess of 40 hours per workweek according to the FLSA Overtime provisions.** Therefore, each request must also specify whether the employee is an Exempt Employee and the employee's rate of compensation.

8. LONGEVITY PAY

8.01 Department Heads and R32 Plus Employees receive Longevity Pay equal to $60 per year for each full year of Creditable Service, subject to a maximum credit of 30 years. State district court judges, masters, and referees do not receive Longevity Pay.

8.02 For purposes of determining Longevity Pay, Creditable Service is calculated on the first day of the fiscal year. Fractional years are not considered. **Longevity Pay increases begin with the first paycheck after the beginning of the fiscal year.**

9. SOCIAL SECURITY & MEDICARE

The County participates in the Federal Old-Age, Survivors', Disability and Health Insurance Program (Social Security and Medicare).

10. RETIREMENT

10.01 The County is a member of the Texas County and District Retirement System ("TCDRS"). Department Heads distribute a copy of the TCDRS Member Information Guide describing the TCDRS benefits to eligible employees. Obtain additional information regarding Harris County TCDRS from Human Resources & Risk Management.

10.02 In accordance with state law, Commissioners Court determines the amount of employee and employer contributions to TCDRS. TCDRS calculates and pays Retirement benefits.

10.03 All employees except those in Temporary Positions and Temporary Model Positions must make contributions to TCDRS.

10.04 Employees who want to retire should submit a completed retirement application packet to Human Resources & Risk Management at least 30 and not more than 90 days before the proposed effective date of Retirement. The effective date of Retirement must be on the last day of a month and must not be earlier than the date of the employee's separation from employment.

10.05 Once Human Resources & Risk Management receives a completed application, including a retirement date, HRRM will notify the department payroll clerk.

10.06 Department Heads are prohibited from creating re-employment agreements with employees. Employees must not have an expectation, understanding, or agreement that they will be re-hired after separation from employment.

- The IRS requires that the separation from employment be bona fide; and
- TCDRS requires at least one full calendar month to pass before a retiree or a former employee who has withdrawn their TCDRS account may be re-hired.

11. WORKERS' COMPENSATION

11.01 The County provides Workers' Compensation benefits for accidents, illnesses, or injuries employees sustain in the course and scope of employment in accordance with Texas Workers' Compensation law.

11.02 **Employees must report any on-the-job accident, illness, or injury to their immediate supervisor or designated department officer within 24 hours of the occurrence.** This supervisor or designated officer must forward the notice to Human Resources & Risk Management immediately. Failure to report an on-the-job accident, illness, or injury in a timely manner may result in the loss of or denial of Workers' Compensation benefits.

11.03 Workers' Compensation benefits are subject to any deductions required by law or by court order (e.g., child support payments). Employees are responsible for making arrangements for payment of any voluntary payroll deductions.

11.04 **Employees must use available Sick Leave, Vacation Leave, and Compensatory Time during the first 7 calendar days of lost time for a compensable injury.**

11.05 After 7 calendar days, the department must code the employee's absences as Workers' Compensation.

11.06 **If an employee is eligible for FMLA leave and the Workers' Compensation injury is a Serious Health Condition as defined in § 15.011, the department simultaneously designates the Workers' Compensation absences as FMLA.**

11.07 Employees *do not receive* *Paid Leave* *or accrue Sick Leave while on Workers' Compensation leave except as provided in § 11.04.*

11.08 Employees who return to work for their regularly scheduled hours must use available Paid Leave for time off for doctor's appointments or any other follow-up treatment related to the compensable injury.

11.09 Obtain additional information regarding Workers' Compensation benefits from Human Resources & Risk Management.

12. GROUP HEALTH AND RELATED BENEFITS

Subject to amendment or discontinuance at any time, Commissioners Court provides certain Group Health and Related Benefits to employees, retirees, and eligible dependents in accordance with the following sections and provisions.

12.01 *ELIGIBILITY*

12.011 **Employees**

12.0111 Department Heads and R32 Plus Employees are eligible for these benefits.

Eligibility for these benefits begins on the first day of the calendar month following 2 full months of continuous employment as an R32 Plus Employee unless the insurance policy(ies) in effect at the time specify a different period.

12.0112 The eligibility of elected and appointed officials begins on the first day of the calendar month after the completion of 2 full months in office unless the elected or appointed official was insured by the County as an active employee or retiree on the day prior to the first day of the official's term or prior to the official's first day in office.

Example: An employee starts work on June 2nd. She reaches two full months of continuous employment on August 2nd. Therefore, she is eligible for Group Health and Related Benefits on September 1st, the first day of the following month.

12.012 **Retirees**

12.0121 Employees who retire in accordance with the provisions of the TCDRS (including disability Retirement) and who were covered as active employees under the Group Health and Related Benefits plan(s) in effect at the time of Retirement may be eligible to retain certain benefits coverage(s).

12.0122 Employees who receive Retirement benefits within 4 months of separation are eligible to retain certain Group Health and Related Benefits coverage(s) if they chose COBRA coverage for the period between their separation and retirement.

12.013 **Dependents**

12.0131 Employees may enroll their eligible dependents for coverage under certain Group Health and Related Benefits plan(s). **The effective date of dependent coverage is the effective date of the employee's eligibility or the "Insurance Begin Date" set by the County Auditor.**

12.0132 Covered retirees may be eligible to continue coverage for their eligible dependents who were covered at the time of Retirement. **After that, retirees may not add dependents unless there is a qualifying family status change.**

12.014 **COBRA**

Continuation of certain Group Health and Related Benefits is available to covered employees and their dependents upon termination of employment and other qualifying events under the provisions of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272 ("COBRA"), including applicable regulations, amendments, and conversion rights of the policy(ies) and plan(s) in force. Eligible employees, retirees, and dependents should refer to provider materials and relevant publications and notices by the County for further information.

12.02 ***CONTRIBUTIONS***

Commissioners Court may require employees or retirees to pay a portion of premiums for coverage under certain Group Health and Related Benefits for themselves or their eligible dependents. Employees who are on Unpaid Leave and all retirees must make premium payments directly to the County. *Direct questions about billing to Human Resources and Risk Management.*

12.03 ***BENEFITS***

Benefits are provided subject to the policy(ies) and plan(s) in force and applicable federal, state, and local laws regulating insurance and employee benefit plans. Commissioners Court has the discretion to offer alternative coverage(s) to retirees or their eligible dependents. Obtain additional information about the current benefit plan(s) from http://www.hctx.net/HRRM/employeebenefits.aspx or Human Resources & Risk Management.

12.04 *VERIFICATION OF ELIGIBILITY, ENROLLMENT PERIODS, AND CHANGES TO COVERAGE*

12.041 Verification of Eligibility

Employees and Retirees must submit the documentation outlined below to add eligible dependents to their Group Health and Related Benefits coverage(s).

- *Spouse* – a filed copy of a Formal Marriage License or Certificate of Informal Marriage.
- *Dependent Children* – a Birth Certificate listing the employee or retiree as the parent is required. A certificate of birth facts may be submitted up to the age of 5; however, a birth certificate is required for age 5 and up.
- *Legal Custody or Guardianship* – Court documents showing legal guardianship or legal custody are required and coverage is available up to the age of 18.
- *Stepchildren* – a Birth Certificate or other court document listing the employee's or retiree's spouse as parent of the child, and the marriage license of the employee or retiree and the parent of the child.
- *Adopted Children* – a certified copy of court order.
- *Foster Children* -- a copy of the Foster Care Placement Agreement between the employee or retiree and the Texas Department of Family and Protective Services or its contractor.
- *Grandchildren* – Certification of Financial Dependency form (obtain from Human Resources & Risk Management); and
  - Birth Certificate of grandchild; and
  - Birth Certificate of the grandchild's mother or father;

  The grandchild must be related to the employee or retiree by birth or adoption and cannot be the spouse's grandchild. **The grandchild must be claimed as a dependent on the employee's or retiree's Federal Tax return every year to remain on the plan.** A Grandchild Audit occurs in June of each year.

12.042 Enrollment Periods

12.0421 The County provides an *initial* enrollment period for newly eligible employees to select from among certain coverage options for themselves and to elect or decline coverage for their eligible dependents.

12.0422 *Open* enrollment periods are provided in accordance with state and federal laws and regulations. If an annual open enrollment period is provided, employees may add or drop dependents and make changes to benefit plan selections at that time. *Retirees may only change benefit plan selections during open enrollment periods*.

12.043 **Changes to Coverage Outside Open Enrollment Periods**

Other than during an annual open enrollment period, *employees* may only add or drop dependents or make changes to their Flexible Spending Account contributions if a **qualifying change in family status** occurs as defined in the policy(ies) and under applicable state and federal laws and regulations. ***Retirees*** **may drop dependents at any time, but may only add dependents based on qualifying changes in family status.**

12.0431 *Adding Dependents*

To add dependents, employees must submit a *Health & Related Benefits Change Form*, along with the appropriate documentation, through their department to Human Resources & Risk Management **within the same calendar year of a qualifying change in family status**. The effective date of the dependent coverage is the "Insurance Begin Date" set by the County Auditor.

12.0432 *Adding Newborns*

The effective date of dependent coverage for a newborn is the date of birth if the employee submits the *Health & Related Benefits Change Form* to Human Resources & Risk Management **within 31 days of the birth**. Otherwise, the effective date is the "Insurance Begin Date" set by the County Auditor.

12.0433 *Terminating or Dropping Dependent Coverage*

Employees must contact their department Benefits Coordinator to submit a *Health & Related Benefits Change Form* as soon as possible following a qualifying change in family status.

12.0434 *Changes in dependent coverage are not allowed if the qualifying change in family status occurred prior to January 1 of the current calendar year except in cases of a newborn reported within 31 days of birth, dependent ineligibility, or death.*

12.05 ***TERMINATION OF COVERAGE***

12.051 **4 - Week Rule**

Except as required by law, **employees compensated for less than 32 hours per week for 4 consecutive weeks lose eligibility for Group Health and Related Benefits** but are eligible to elect COBRA benefits. (See § 12.014 regarding COBRA).

12.0511 *Employees who lose coverage under this section and do not choose COBRA coverage are subject to a new 2-month waiting period if they later become eligible for Group Health and Related Benefits.*

12.052 **Termination of Employment**
Employees who terminate employment with the County lose coverage on the "Insurance End Date" set by the County Auditor.

12.053 **Failure to Pay**
Employees who fail to pay premium contributions will lose any optional benefits, including dependent coverage, until all premiums are paid in full. Coverage will be reinstated on the "Insurance Begin Date" set by the County Auditor after HR&RM receives notification of the payment. Active employees enrolled in the Plus medical plan will be enrolled in the Base medical plan as Self Only with no optional benefits until all premiums are paid in full and may reinstate optional benefits, including dependent coverage, on the "Insurance Begin Date" set by the County Auditor once HR&RM has received notification of payment of all past due premiums. Employees moved into the Base medical plan due to non-payment of premium will remain in the Base medical plan for the remainder of that plan year.

12.054 **Fraud or Misrepresentation**
Anyone who commits fraud or makes misrepresentations with regard to the use of Group Health and Related Benefits loses coverage as outlined in the respective benefit plan documents. Further, the County will report all suspected cases of fraud to the District Attorney.

12.06 Obtain additional information about Group Health and Related Benefits from Human Resources & Risk Management.

13. PAID LEAVE

The County provides employees with Compensatory Time and Workers' Compensation in accordance with applicable law. Additionally, the County offers employees various forms of paid leave such as Vacation, Sick leave, and Holiday pay.

13.01 Employees are encouraged to save a reasonable amount of paid leave for personal emergencies, as well as, for natural disasters.

13.02 *OVERTIME COMPENSATION AND COMPENSATORY TIME*

13.021 Based on available budgeted funds allocated for Overtime compensation, **Non-Exempt** employees are compensated for Hours Actually Worked in accordance with applicable law. **In lieu of cash payment for Overtime, Compensatory Time may be allowed.**

13.022 **Earning Compensatory Time**

13.0221 When cash payment is not made for Overtime, Non-Exempt Employees accrue Compensatory Time at the rate of 1½ hours per Hour Actually Worked more than 40 hours in one workweek. Exempt Employees accrue Compensatory Time at the rate of 1 hour per Hour Actually Worked more than 40 hours in one workweek until their Compensatory Time balance reaches 240 hours.

13.0222 If the combination of *any* employee's Paid Absences and Hours Actually Worked exceeds 40 hours in one workweek, the employee accrues Compensatory Time on a straight time, hour-for-hour basis for each hour in excess of 40.

13.0223 Department Heads who are not required to submit time records do not accrue Compensatory Time.

13.0224 *The Compensatory Time balance must not exceed 240 hours and is carried forward indefinitely.* ***Department Heads may limit the amount of Compensatory Time an employee accrues by ensuring that the employee does not work more than 40 hours in one workweek.***

13.023 **Compensatory Time Limits**

13.0231 If a Non-exempt Employee's Compensatory Time balance reaches 240 hours, the employee will be paid for all hours worked beyond 240.

13.0232 If an Exempt Employee's Compensatory Time balance reaches 240 hours, the employee will not accumulate any more Compensatory Time regardless of the number of hours worked until the balance is reduced. Exempt Employees are not compensated for Overtime other than the accumulation of 240 hours of Compensatory Time.

13.024 **Using Compensatory Time**

13.0241 An employee's request to use Compensatory Time is **subject to the Department Head's approval** and must not unduly disrupt the operation of the department.

13.0242 Department Heads may compel employees to use any part of their Compensatory Time balance for budgetary reasons and for the best interest of the department.

13.025 **Final Payment of Compensatory Time Balance**

13.0251 Upon separation from employment, **Non-Exempt Employees receive full pay for any Compensatory Time balance** in accordance with applicable law.

13.0252 Upon separation from employment, **Exempt Employees receive payment for ½ of their Compensatory Time balance,** calculated on their rate of pay at the date of separation.

13.0253 The department in which the employee earned the Compensatory Time pays the appropriate balance.

13.0254 An employee who becomes a Department Head by election or appointment receives pay for any Compensatory Time balance in accordance with § 13.0251 or 13.0252, whichever is applicable, within 30 days of the election or appointment.

13.0255 Employees who are terminated from and are subsequently re-hired by the same department without a Break in Employment do not receive payment for any Compensatory Time balance.

13.0256 Final payment of compensatory time will be paid at the Exempt/Non-Exempt status upon which it was earned.

13.03 HOLIDAYS

Nothing in the law requires employers to pay employees for holidays. Nonetheless, each year Commissioners Court approves and designates the paid Holidays for the next calendar year. Once on Active Duty, R32 Plus Employees receive paid Holidays subject to the restrictions set out below.

13.031 Holiday pay is based on the number of hours the employee is normally scheduled to work for the day on which the Holiday falls,

but in no event will an employee be compensated in excess of 8 hours for a Holiday, including a Floating Holiday.

Example: An R32 Plus Employee *is scheduled to work 10 hours per day Monday through Thursday. Monday is a Holiday. The* employee *is paid 8 hours for the Holiday and must make up the other two hours during the same workweek either by working or using Vacation Leave or Compensatory Time.*

13.032 **Employees get paid for Holidays only if they actually work or have a Paid Absence on the workday before or after the Holiday.**

13.033 Employees who work on a Holiday are compensated for the Hours Actually Worked plus the appropriate number of Holiday hours.

13.034 Employees on unpaid FMLA leave or who are receiving Workers' Compensation temporary income benefits do not receive Holiday pay.

13.035 Employees who regularly work less than 32 hours will not receive Holiday Pay.

13.036 ***HOLIDAYS AND DAYS OFF***

13.0361 **R32 Plus Employee Working 40 Hours Per Week**
If a Holiday falls on the normal day-off of an R32 Plus Employee regularly scheduled to work 40 hours per week, the employee records the appropriate number of Holiday hours on the time record on the date of the Holiday. The non-exempt employee will receive either paid time or Compensatory Time for the Holiday depending upon how his time is posted for the remainder of the workweek. In any event, the Holiday is compensated on a straight-time basis.

13.0362 **R32 Plus Employees Working at Least 32 Hours But Less Than 40 Hours Per Week**
R32 Plus Employees regularly scheduled to work at least 32 hours but less than 40 hours per week receive the Holiday **only if it falls on a regularly scheduled work day.**

13.037 ***FLOATING HOLIDAY***

13.0371 If Commissioners Court approves a Floating Holiday, then employees may take that Floating Holiday on any day during the Payroll Year subject to the Department Head's discretion to adopt policies regarding the scheduling of Floating Holidays.

13.0372 **Employees must take all Floating Holiday hours on the same day.** If an employee uses a Floating Holiday on a day that includes Hours Actually Worked and it results in the employee's Hours Actually Worked or his Hours Actually Worked plus Paid Absences exceeding 40 for that workweek, then he accrues Compensatory Time as provided in § 13.022 subject to the 240-hour maximum.

13.0373 New employees may not use a Floating Holiday until the pay period after they receive their first paycheck.

13.0374 *Floating Holidays do not carry over to the next Payroll Year.*

13.0375 **If approved by Commissioners Court, employees will get 1 Floating Holiday per** Payroll Year. An employee who takes a Floating Holiday and then resigns and goes to work for another County department (with or without a Break in Employment) does not get another Floating Holiday until the next Payroll Year.

13.04 *VACATION LEAVE*

13.041 Subject to the schedules and restrictions set out below, Commissioners Court pays Department Heads who are required to submit time records and R32 Plus Employee for Vacation Leave at the employee's regular rate of pay and according to the employee's regular work schedule. **Employees may not take more than 40 hours of Vacation Leave in one workweek.**

13.042 ***VACATION LEAVE ACCRUALS AND USAGE***

Vacation Leave accrues at the rates and to the maximums in this table.

Years of Continuous Employment As An R32 Plus Employee		**Accrual Per Standard Pay Period[1]**	**Accrual Per Extra Pay Period[1]**	**Maximum Balance**
At Least	**Less Than**			
New Hire to	5 Years	3 Hours	4 Hours	120 Hours
5 Years	15 Years	4.5 Hours	6 Hours	184 Hours
15 Years	25 Years	6 Hours	8 Hours	232 Hours
25 Years		7.5 Hours	10 Hours	280 Hours

[1]Vacation Leave accruals are prorated based on the number of hours regularly scheduled to work each week.

13.043 Department Heads have the discretion to adopt policies regarding the scheduling of Vacation Leave, including prohibiting employees from using Vacation Leave until they have worked some minimum amount of time in a Regular Position.

13.044 An employee who becomes a Department Head by election or appointment receives pay for any Vacation Leave balance within 30 days of the election or appointment.

13.045 A Regular Position Employee who moves to a Part Time Position, Temporary Position, or Model Position within the same department without a Break in Employment is not entitled to use or to be paid for unused Vacation Leave. No previously earned Vacation Leave is carried forward.

13.05 SICK LEAVE

13.051 For absences due to personal illness, personal injury, or an appointment with a health care provider as that term is defined in FMLA § 15, the County pays R32 Plus Employees subject to the terms and restrictions set forth below. *Employees may not work another job during the hours for which they are receiving paid Sick Leave.*

13.052 ***ACCRUING AND USING SICK LEAVE***

13.0521 Employees accrue Sick Leave at a maximum rate of **3 hours per pay period or a lower applicable pro rata amount** based on hours compensated per week. The maximum accrual is 720 hours/90 days.

13.0522 *Employees may not use Sick Leave until they first become eligible for Group Health and Related Benefits as outlined in § 12.01.* **Employees may not use Sick Leave until the first day of the pay period following the pay period in which it accrued.**

13.0523 Employees are paid for accrued Sick Leave as it is used, at their regular rate of pay, and according to their regular work schedule.

13.0524 *Employees who lose eligibility for Group Health and Related Benefits under § 12.051 continue to earn and are eligible to use Sick Leave.*

13.0525 Employees who accept any position other than another R32 Plus Position may not use previously accrued Sick Leave until they return to a R32 Plus Position.

13.053 ***FAMILY SICK AND WELLNESS LEAVE***

Employees may use up to **24 hours (3 days) per Payroll Year of Family Sick and Wellness Leave to care for an Immediate Family Member who is sick or to seek preventative or routine health care for themselves or an Immediate Family Member.** The number of hours allowed for Family Sick and Wellness Leave is pro-rated based on the number of hours an employee is regularly scheduled to work each week.

13.0531 ***Immediate Family*** *includes the employee's spouse, children, stepchildren, foster children or any other ward legally placed by the State of Texas, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, grandparent, grandchild, parents of the employee's spouse, and spouses of the employee's children.*

13.0532 Family Sick and Wellness Leave is deducted from the employee's Sick Leave balance.

13.054 ***DOCUMENTATION***

13.0541 To substantiate a request for leave for a non-FMLA qualifying reason, Department Heads *may* require an employee to provide a physician's statement for any period of Sick Leave, including Family Sick and Wellness Leave.

13.0542 Employees who request Sick Leave for 4 or more consecutive workdays *must* provide the department with a physician's statement indicating the onset and

duration of the illness before the department will post the 4th day as Sick Leave. The supervisor should also consider whether the request for Sick Leave qualifies for FMLA. See § 15.03.

13.0543 Employees who do not submit physician's statements in a timely manner may not take Sick Leave for that period.

13.055 If an employee requests Sick Leave but has none, then the Department Head must determine whether the absence is FMLA qualifying as soon as possible.

13.056 Pregnancy is treated as any other serious health condition that may require the use of Sick Leave or Family and Medical Leave.

13.06 BEREAVEMENT LEAVE

13.061 R32 Plus Employees are eligible for Bereavement or Funeral Leave. If an employee's Immediate Family Member (see § 13.0531) dies, the employee may request up to three days (24 hours) of paid Funeral Leave to be scheduled within 5 days of the funeral or date of death. The number of hours available is prorated based on the number of hours regularly scheduled to work and **no employee is compensated in excess of 8 hours per day.** Employees who want additional time off may, at the discretion of the Department Head, use Compensatory Time, Vacation Leave or dock time.

13.062 Department Heads may require an employee to provide proof of death and/or family relationship.

13.063 Employees on Unpaid Leave are not eligible for Funeral Leave.

13.064 An employee may request to substitute Funeral Leave if a death occurs during the employee's scheduled Vacation.

13.065 If a County employee, an appointed or elected County officer, or someone closely associated with the County dies, a Department Head may approve representation at the funeral. Employees who attend by direction of their Department Head are representing the County; therefore, the hours so spent are Hours Actually Worked.

13.07 JURY AND WITNESS DUTY

13.071 R32 Plus Employees are granted Paid Leave if they are required to serve on a **federal** court grand jury or required by court order or subpoena to appear as a prospective **juror** or as a prospective **witness** in a federal, state, county, or municipal court on a day and during the hours that the employee is normally scheduled to work.

13.0711 Employees who apply for consideration and are subsequently **appointed** to serve on a grand jury will not receive Jury Duty paid leave.

13.0712 Employees who are subpoenaed to appear as a prospective witness regarding a personal matter will not receive Witness Duty pay.

13.0713 Employees must notify their supervisors as soon as possible after receiving a jury summons or a witness subpoena and provide the Department Head with a copy.

13.0714 **Employees are paid for time spent in court only when such time is validated by a court attendance slip signed by the court clerk.** The number of hours compensated is prorated based on the number of hours regularly scheduled to work that day. **In no event is an employee compensated in excess of 8 hours per day for Jury or Witness Duty.**

13.0715 If the employee is not required to serve the entire day, he may return to work. The time he spends driving from the courthouse directly to his worksite counts as Jury or Witness Duty. Employees who do not return to work are compensated only for those hours actually spent in court.

Example: An employee reports for Jury Duty at 8:00 a.m. He is released at 11 a.m. and drives directly to his worksite, arriving at 11:40 a.m. He records his time from 8:00 a.m. until 11:40 a.m. as Jury Duty.

13.0716 If the combination of Jury Duty and Hours Actually Worked exceeds 8 hours, the Jury Duty hours must be reduced in order not to exceed 8 hours per day. In no event shall an employee be compensated in excess of 8 hours per day for Jury or Witness Duty.

Example: *An employee reports for Jury Duty at 8 a.m. He is released at 12 p.m. and drives directly to his worksite, arriving at 12:30 p.m. He works from 12:30 p.m. to 6 p.m. He first records his time for the day as 5 ½ hours work time (from 12:30 p.m. to 6 p.m.) and next records 2 ½ hours as Jury Duty.*

13.072 ***FEES RECEIVED FOR JURY OR WITNESS DUTY***

13.0721 Employees retain any fees received for performing Jury Duty or Grand Jury.

13.0722 *An employee who is subpoenaed to appear as a witness and who is paid under this section* **must remit all subpoena or witness fees** *received to the County Treasurer.*

13.0723 **Witness Regarding Official Acts**
Employees or officials of the County who provide testimony in connection with the performance of an official act must count the time spent as Hours Actually Worked and may not receive any form of compensation from any source other than the County for their services. This policy applies whether the employee or official testifies as an expert witness or as a fact witness.

13.0724 **Expert Witness not Regarding Official Acts**
Time spent preparing for and testifying as an expert witness on any matter that is not in connection with official acts is not Hours Actually Worked.

13.08 MILITARY LEAVE

13.081 Employees ordered into active military service receive the employment and re-employment benefits granted by applicable federal and state laws. Obtain additional information regarding those rights from Human Resources & Risk Management. Employees who anticipate being called into active service must notify their Department Head as soon as possible and should provide the Department Head with a copy of the duty ordered or authorized by a proper authority before leaving. Normally, notification should occur within 24 hours of receipt of the order. Department Heads should direct questions about Military Leave to the Harris County Attorney's Office.

13.082 ***TEMPORARY MILITARY LEAVE***

Subject to the amendment of Texas Government Code Ann. §437.202, an employee who is a member of the state military forces or a reserve component of the U.S. armed forces may take a Temporary Military Leave *with pay* on a day on which he is regularly scheduled to work but is engaged in authorized training or duty ordered or authorized by a proper authority. **Temporary Military Leave does not exceed 15 days or 120 hours in a federal fiscal year (October 1 - September 30).**

13.083 Military leave differs from a regular LOA and is not limited to six months.

13.084 ***SUPPLEMENTAL MILITARY PAY***

13.0841 If there is a partial or total mobilization of the National Guard or the reserve components of the armed forces of the United States, Commissioners Court reserves the right to supplement, in whole or in part, to the extent monies are available to be appropriated for this purpose, the federal salary of a former employee:

a. who is a member of a reserve component of the armed forces of the United States,
b. who is involuntarily called to Active Military Duty,
c. who has exhausted the Military, Compensatory Time, and Vacation Leave to which the employee is entitled,
d. who is not separated from employment because of resignation or termination for any reason that is not a direct consequence of the person's call to Active Military Duty, and
e. has not committed a voluntary act that has the effect of adding to the period that the person is subject to Active Military Duty.

13.0842 Commissioners Court may discontinue this supplemental pay at any time.

13.0843 In the absence of a prior determination by Commissioners Court that the County intends to provide supplemental pay or any compensation for active military service in excess of 15 days (Temporary Military Leave), an employee called into active military duty is placed on Military Leave without pay.

14. EMERGENCY SITUATIONS

Commissioners Court is not authorized to provide Paid Leave retroactively. Accordingly, in order to be paid for absences such as, but not limited to, those described below, employees must use available Vacation Leave, Compensatory Time, Sick Leave (only if appropriate), or their Floating Holiday. *Employees who miss work in these situations, even with supervisor approval, and who do not have any applicable Paid Leave available are docked.*

14.01 ***INCLEMENT WEATHER AND DISASTERS***

Employees who feel that they need to arrive to work late, leave work early, or stay home altogether because of extreme weather conditions may be absent subject to supervisor approval.

14.02 ***BUILDING EMERGENCIES***

If any building condition arises that makes it unbearable for an employee to remain at work or to function effectively, the employee may leave work subject to supervisor approval.

15. FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act ("FMLA") provides eligible employees with leave (with or without pay), certain benefits protection, and job restoration for qualifying events. If a conflict exists between these provisions and the FMLA, the FMLA governs. Employees may obtain forms for applying for FMLA from their department payroll clerk, Human Resources & Risk Management, or via the Auditor's Intranet Page under "Forms" starting with Form 455A. Key employees may be excluded from certain FMLA protections and will be notified of their "key employee" status at the time a FMLA leave request is made.

15.01 ***DEFINITIONS***

15.011 **Serious Health Condition**

An illness, injury, impairment, or physical or mental condition that involves:

15.0111 inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (*for purposes of this section, defined to mean inability to work or perform regular daily activities due to the Serious Health Condition, treatment therefore or recovery therefrom*) or any subsequent treatment in connection with the inpatient care; or

15.0112 continuing treatment by a health care provider. A Serious Health Condition involving continuing treatment by a health care provider includes *any one or more* of the following:

a. a period of incapacity of more than 3 consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

1. treatment 2 or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) within 30 days of the first day of incapacity; or

2. treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider;

Employees who qualify for certification for a Serious Health Condition as outlined in § 15.0112 (a)(1) and (2) must also meet the following requirements:

- the treatment must be "in person" and
- the first (or only) visit must take place within seven days of the first day of incapacity.

b. any period of incapacity due to pregnancy or for prenatal care.

c. any period of incapacity or treatment for such incapacity due to a chronic Serious Health Condition. A chronic Serious Health Condition is one that:

1. requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse's or physician's assistant under direct supervision of a health care provider;

2. continues over an extended period of time (including recurring episodes of a single underlying condition); and

3. may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

d. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or terminal stages of a disease.

e. any period of absence to receive multiple treatments (including any period of recovery therefrom) by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with Human Resources & Risk Management.

15.012 **Covered Servicemember**

An employee's spouse, son, daughter, or parent who is either (1) a current member of the Armed Forces, including a member of the National Guard, or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability list for a serious injury or illness or (2) 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, (including a member of the National Guard or Reserves), and was discharged discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

15.013 **Qualifying Exigency Leave**

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must

be one of the following: 1) short-notice deployment, 2) military events and related activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

15.02 ***ELIGIBILITY***

Employees who have worked for the County for a total of at least 12 months within the past 7 years and has worked at least 1, 250 hours during the last 12 months are eligible to take family and medical leave.

15.03 ***QUALIFYING EVENTS***

Eligible employees are entitled to FMLA for the following Qualifying events:

15.031 Birth of an employee's child or placement of a child through adoption or foster care with the employee;

1. Leave must be taken within the 12-month period following the child's birth or placement with the employee;

2. If a husband and wife both work for the County, they must split the 12 workweeks for the birth or placement of a child. They do not have to divide the 12 workweeks evenly.

15.032 To care for an employee's spouse, child under 18, or parent (not in-law) with a serious health condition;

15.033 The employee's own serious health condition that makes the employee unable to perform the functions of her position; or

15.034 The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

15.035 Eligible employees are entitled to maximum of 12 weeks of FMLA leave per calendar year for circumstances (A) through (D) above.

15.036 Servicemember FMLA Leave

1. To care for a covered service member who incurs a serious injury or illness while on active duty if the employee is the spouse, son, daughter, parent, or next of kin of the service member; or

2. To care for a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, National Guard, or Reserves at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy if the employee is the spouse, son, daughter, parent, or next of kin of the veteran.

*15.037 Eligible employees are entitled to maximum of 26 weeks for **Servicemember FMLA leave** in a single 12-month period. The 12-month period is measured forward from the first day Servicemember FMLA leave is taken.*

15.04 LEAVE LIMIT

15.041 Except in the case of leave to care for a covered service member, eligible employees with a Qualifying Event(s) are entitled to a maximum of 12 workweeks of leave per calendar year (January through December).

15.0411 If a husband and wife both work for the County, they must split the 12 workweeks for the birth or placement of a child. They do not have to divide the 12 workweeks evenly.

15.042 An eligible employee who takes FMLA to care for a covered service member with a serious injury or illness that is incurred in the line of duty, is limited to a combined total of 26 workweeks of leave for any qualifying reason (Military or Regular Family and Medical Leave) during the single 12-month period.

15.0421 If a husband and wife both work for the County, their aggregate leave for caring for a covered service member with a serious injury or illness that is incurred in the line of duty is 26 workweeks during the single 12-month period. They do not have to divide the 26 workweeks evenly.

15.043 An eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of leave for any qualifying reason during the single 12-month period.

15.05 TYPES OF LEAVE

Continuous Leave

15.051 If needed, eligible employees may take up to 12 weeks of leave at once for qualifying events. In the cases of Military Caregiver Leave, an eligible employee is able to take up to 26 weeks of

leave at once to care for a covered service member with a serious injury or illness that is incurred in the line of duty. An eligible employee may not take more than 26 weeks of leave in a single, 12-month period.

Intermittent Leave

15.052 Intermittent leave may be taken for a serious health condition of a parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered service member which requires treatment by a health care provider periodically, rather than for one continuous period of time.

15.0521 Eligible employees may take leave intermittently for any Qualifying Event. Department Heads have the discretion to deny intermittent leave for the birth or placement of a child.

15.0522 Intermittent leave must be certified by a health care provider as necessary and should be scheduled to avoid disruption to the department insofar as is reasonable.

Alternative Position on Leave Taken Intermittently

15.053 If an employee requests intermittent leave that is foreseeable based on planned medical treatment, the Department Head may temporarily transfer the employee to another position that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

15.06 USE OF PAID LEAVE

15.061 Compensatory Time, Vacation and Sick Leave

Employees on continuous FMLA leave must exhaust all Compensatory Time and Vacation Leave and all Sick Leave (if applicable) available on the first day of the leave period before taking unpaid FMLA leave. For intermittent FMLA, employees must exhaust all Compensatory Time, Vacation Leave and Sick Leave (if applicable) before taking unpaid FMLA leave. Sick Leave is only applicable if the Qualifying Event is the employee's own serious health condition or if the employee uses Family Sick and Wellness Leave for the Serious Health Condition of a Spouse, Parent, or Child.

15.062 *Workers' Compensation Leave*

Subsection 15.061 does not apply to employees who are on Workers' Compensation leave.

15.07 BENEFITS PROTECTION

15.071 During any period that an eligible employee takes FMLA leave, the County maintains coverage under any Group Health Plan at the level and under the conditions coverage would have been provided if the employee had continued in employment.

15.072 Employees who choose to continue coverage while on unpaid FMLA leave must pay their share of premiums, if any, under the Group Health Plans then in effect. The County bills employees on unpaid FMLA bi-weekly. If the County does not receive payment within 30 days of the due date, such coverage ends on the 31st day.

15.073 The County recovers the premium paid for maintaining coverage under such Group Health Plan during any period of *unpaid* FMLA leave if:

- the employee fails to return from FMLA leave after the expiration of the designated leave period; and
- the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a Serious Health Condition that entitles the employee to leave or other circumstances beyond the employee's control.

15.0731 An employee who works less than 30 calendar days after returning to work is considered to have failed to return to work and must reimburse the County for any premiums paid for maintaining coverage during any *unpaid* FMLA leave.

15.0732 Departments are responsible for notifying Human Resources & Risk Management if an employee fails to return to work.

15.08 JOB PROTECTION

15.081 An employee who returns to work on or before the working day following the expiration of the authorized FMLA leave period is entitled to be restored:

- to the position he held when the leave began; or
- to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

15.082 Certain "key employees" may not be eligible to be reinstated to the same or an equivalent position at the conclusion of their FMLA leave. The department will notify such employees of their "key employee" status and the conditions under which they may be denied reinstatement, if applicable.

15.083 An employee who exhausts the authorized FMLA leave and fails to return to work may be subject to discipline, including termination.

15.084 A department may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Employees who fraudulently obtain FMLA leave are not protected by FMLA and will be subject to disciplinary action, up to and including termination.

15.09 FMLA REQUEST PROCEDURES

15.091 When an employee specifically requests FMLA leave or when an employee requests leave for any reason that is or may be a Qualifying Event, the Department Head or authorized representative should have the employee complete an FMLA Application and provide him with the FMLA *Notice of Eligibility and Rights & Responsibilities* and the corresponding certification form promulgated by the Auditor's Office. If the employee is not able to complete the FMLA application, the Department Head or authorized representative must complete the form based on information the employee or his spokesperson provides. Information provided is released only to those with a legitimate need-to-know. *Employees who do not provide sufficient information for the Department Head to determine whether the absence(s) are protected under FMLA do not receive the protections under the law*.

15.0911 The Department Head or authorized representative must give an eligible employee the corresponding FMLA leave form prescribed by the County Auditor within 5 working days of becoming aware of the need for FMLA.

15.092 All employees requesting FMLA leave shall provide notice of their need for FMLA leave to their Department's Human Resources or designated representative. Employees must provide sufficient information for their department to reasonably determine whether the FMLA applies to their request.

- Calling in "sick" without providing more information is not considered sufficient notice of need for FMLA leave.

15.093 Employees must respond to the department's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable inquiries regarding the leave request may result in denial of FMLA protection.

15.094 Employees who take FMLA leave must follow their department's call-in procedures for reporting an absence, unless there are unusual circumstances. Employees may be subject to disciplinary action, up to and including termination, for failure to follow their department's call-in procedures.

15.095 If the need for leave is foreseeable, the employee must provide at least 30 days' notice. When an employee becomes aware of the need for FMLA leave less than 30 days in advance, the employee must provide such notice as reasonable and practicable. FMLA coverage may be delayed if an employee fails to provide timely notice for the need for leave until 30-days notice is provided.

15.096 If the need for leave is *unforeseeable,* the employee must provide such notice as is reasonable and practicable. FMLA coverage may be delayed if an employee fails to provide timely notice for the need for leave.

15.10 DESIGNATION PROCEDURES

15.101 Harris County is committed to providing FMLA benefits to eligible employees who have a qualifying event. Eligible employees must comply with these notice requirements and designation procedures to guarantee protection under the FMLA. If the employee does not comply with these procedures, the absences may not be protected and the employee may be subject to disciplinary action, up to and including termination, for the absences. Contact Human Resources & Risk Management if you have any questions regarding the designation procedures.

15.102 The Department Head or his authorized representative always has the responsibility to provide FMLA paperwork based upon information the employee provides. Department Heads may designate absences as FMLA without an employee's permission if they are aware the absences are for a FMLA-qualifying reason, and they notify the employee of the designation. The Harris County Auditor promulgates procedures and forms for designating FMLA. The forms are available via the Auditor's Intranet Page.

15.103 If a department has reason to believe that an eligible employee's absence is because of a Qualifying Event, the Department Head should preliminarily designate the absence as FMLA leave and send the employee the *FMLA Notice of Eligibility and Rights &*

Responsibilities informing her of the preliminary designation and requiring her to submit appropriate supporting documentation in a timely manner to qualify the leave as FMLA. If the leave is determined not to be for a Qualifying Event, the Department Head or authorized representative must remove the preliminary designation and the absences are not protected.

15.104 If an eligible employee is absent from work for 4 consecutive calendar days and the supervisor is uncertain whether the absence is for a Qualifying Event, the Department Head may preliminarily designate the 4th day and any further consecutive absences as FMLA leave and send the appropriate FMLA forms to the employee. If the leave is determined to be for a Qualifying Event, the preliminary designation becomes permanent. If the leave is determined not to be for a Qualifying Event, the Department Head or authorized representative must remove the preliminary designation.

15.105 **Workers' Compensation and FMLA**
If an employee is eligible for FMLA leave and has a Workers' Compensation injury that is a Serious Health Condition as defined in § 15.011, the department simultaneously designates the Workers' Compensation absences as FMLA.

15.11 CERTIFICATIONS

15.111 **Certification of Health Care Provider**
Employees who request FMLA leave because of their own or a family member's serious health condition must submit a Certification of Health Care Provider Form completed by the health care provider to support the leave request.

15.1111 *The employee must return the completed certification form within 15 calendar days of receiving it or provide a reasonable explanation for the delay.* If the Department Head determines that the certification is insufficient, the employee has 7 calendar days to cure any such deficiency.

15.1112 It is the employee's responsibility to provide the employer with a complete and sufficient certification and to clarify the certification, if necessary. *Failure to submit a complete and sufficient certification form will be grounds for, and may result in, deferral or denial of the employee's requested FMLA leave.*

15.1113 Unless the reason for the leave is obviously a Qualifying Event, the Department Head or authorized representative must give an Eligible Employee the

corresponding FMLA Certification form that pertains to the qualifying event as prescribed by the County Auditor within 5 working days of becoming aware of the need for FMLA leave.

15.1114 The Department Head or authorized representative, may, without the employee's permission, communicate with the employee's Health Care Provider for purposes of authenticating such medical certification. The employee's direct supervisor may not contact the employee's healthcare provider. Contact Human Resources & Risk Management for assistance in this matter.

15.1115 The Department Head may, with the employee's permission, communicate with the employee's Health Care Provider for purposes of clarifying medical certification. Employees are required to sign a HIPAA release form. If an employee chooses not to provide the department with authorization allowing the department to clarify the certification, and does not otherwise clarify the certification, the department may deny the FMLA leave. The employee's direct supervisor may not contact the employee's healthcare provider. Contact Human Resources & Risk Management for assistance in this matter.

15.1116 Proof that an employee is entitled to leave to care for a family member with a medical condition under the FMLA, or employer policies may require an employee to provide family medical history (i.e. information about the manifestation of a disease or disorder in the family member) to the employer. These type of disclosures are allowed by Genetic Information Nondiscrimination Act of 2008 (GINA).

15.1117 The department has the right to ask for a second opinion if it has any reason to doubt the certification. The department will pay to get a certification from a second doctor, which the department will select. The department may deny FMLA leave to an employee whose refuses, or his family member refuses, to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the

department may require the opinion of a third doctor. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

15.12 RE-CERTIFICATION

15.121 Department Heads may request recertification for the serious health condition of the employee or the employee's family member:

- Anytime the original expiration expires.
- If no specific date is given, no more frequently than every 30 days and only when circumstances have changed significantly.

15.122 Department Heads may ask for recertification at *any time* if:

- the employee requests an extension of the leave; or
- circumstances described by the previous certification form have changed significantly; or
- the County receives information that casts doubt on the continuing validity of the original certification.

15.123 In all cases, a Department Head may request recertification for the serious health condition of the employee or the employee's family member *every 6 months* in connection with an FMLA absence.

15.124 Employees will be required to have annual medical certifications for their own serious health conditions lasting more than one year, including chronic/lifelong ailments.

15.13 EMPLOYEE REQUIREMENTS WHILE ON FMLA LEAVE AND TO RETURN TO DUTY

15.131 **Status Reports**

An employee on FMLA leave must report his status and intent to return to work to his department periodically. These periodic reports must be made at least once every 2 weeks or in accordance with the schedule designated in the *Notice to Employee of Responsibilities and Requirements*.

15.132 If an employee is unable to return to work on the estimated date, he must notify his department prior to the return date and must obtain another FMLA certification with another estimated or firm date of return. Failure to furnish the revised certification may subject the employee to disciplinary action up to and including termination.

15.133 **Fitness for Duty Certification**
Before returning to work, an employee who uses continuous FMLA leave because of her own Serious Health Condition must provide a doctor's statement or a completed fitness-for-duty certification pertaining to the same condition(s) for which she used FMLA leave. The certification must state that she is fit for duty and able to resume work. If the employee is unable to perform all of the essential functions of her job, she must provide as much advance notice as possible to the Department Head of any restrictions or limitations on her abilities so the department can determine whether a reasonable accommodation is appropriate.

16. BREASTFEEDING POLICY

16.01 Departments are required to provide employees who are nursing with reasonable break time to express breast milk after the birth of a child, as long as providing such break time does not unduly disrupt operations. Break times more than 20 minutes are unpaid. Departments must make reasonable efforts to provide a private location for employees to express breast milk. Retaliation against employees who exercise their rights under this policy is strictly prohibited.

17. LEAVE OF ABSENCE WITHOUT PAY (LOA)

17.01 R32 Plus Employees who have exhausted their Vacation Leave, Compensatory Time, and FMLA leave, if applicable, may request a Leave of Absence without pay.

17.011 Employees who request an LOA must provide the Department Head with at least 30 days' written notice requesting such leave and specifying when the leave is requested to begin, unless it is not practicable to provide this notice.

17.012 **The Department Head has the sole discretion to place an individual on LOA without the employee's authorization.**

17.013 Before beginning an LOA, individuals must return all County property and equipment (e.g., keys, car, cellular phone, computer, electronic devices, pager, radio, badge, etc.) in their custody.

17.014 *Individuals on LOA perform no services for the County and thus are not employees during this time. Further, individuals on LOA have no job protection.*

17.015 For purposes of calculation of and eligibility for certain employment benefits, including Vacation, an LOA is not Creditable Service, though the individual retains the benefit of any previously accrued Creditable Service. Therefore, during an LOA, an individual receives no pay, including Longevity Pay, Holidays, Sick Leave, Jury Duty, Witness Duty, Funeral Leave, car allowance, mileage reimbursement, or any other employment benefits.

17.016 During an LOA, eligible individuals may continue health insurance coverage under the terms of COBRA, see § 12.014.

17.0161 Individuals who choose COBRA during an LOA are *not* subject to the 2-month waiting period for Group Health and Related Benefits if they return to Active Duty.

17.0162 Individuals who do not choose COBRA during the LOA are subject to the 2-month waiting period for Group Health and Related Benefits if they return to Active Duty.

17.02 **An LOA never exceeds 6 months.**

17.03 Upon the expiration of an LOA, the Department Head must do one of the following:

- return the individual to Active Duty in the same position and salary; or
- return the individual to Active Duty in another position and salary; or,
- remove the individual from the payroll by submitting a *Change in Status Form*.

18. AMERICANS WITH DISABILITIES ACT (ADA)

18.01 Harris County does not discriminate against employees with disabilities and will provide appropriate reasonable accommodation(s) when requested. An employee who needs help performing his job must communicate to his supervisor about it.

18.02 Employers must provide certain accommodations needed by people with disabilities to participate in services, programs, and activities Harris County offers. For example, to facilitate effective communication, the ADA requires the County to **provide auxiliary aids and services such as sign language interpreters, hearing aid-compatible amplified telephones, and assistive listening devices, free of charge to citizens** who need an accommodation to communicate when participating in or seeking access to County services, programs, and activities. Employees must know how to access the necessary auxiliary aids and services when requested. Obtain additional information on accessing auxiliary aids and services from the departmental ADA Coordinator, the Harris County ADA Coordinator, or Human Resources & Risk Management.

18.03 The County's ADA Grievance Procedure is posted as required by law. Contact the Harris County ADA Coordinator for a copy of the grievance procedures. Obtain additional information on the ADA on the Human Resources & Risk Management website.

19. GRIEVANCE PROCEDURES

19.01 ***PURPOSE***

The purpose of the grievance system is to settle grievances as quickly as possible to assure efficient work operations and maintain positive employee morale. **Employees should pursue an informal resolution of their complaints using all available avenues within the Department before filing a formal, written grievance. <u>Department Heads</u> and supervisors are encouraged to work with employees to resolve complaints informally. Efforts at an informal resolution do not extend the time limit(s) included in the procedure. Grievances filed after the time limit(s) are automatically denied.**

19.02 ***ELIGIBILITY***

These procedures apply to all employees (not volunteers) of the County, including but not limited to employees of the Flood Control District and the Juvenile Probation Department. **These procedures do not apply to the employees of the Sheriff's Department or Community Supervision & Corrections.**

19.03 ***GRIEVABLE MATTERS***

19.031 "Grievance" means a claim by an employee that he was adversely affected by a violation, misinterpretation, misapplication, or disparity in the application of a specific law, ordinance, resolution, written or unwritten policy, or rule regarding wages, hours of work, or conditions of work.

a. Examples of grievable matters include, but are not limited to:

- Misapplication of a salary ladder;
- Misinterpretation of a department mandatory overtime policy;
- Disparity in the application of a department shift bidding policy;
- Violation of the County compensatory time policy.

b. Examples of matters that are not grievable include, but are not limited to:

- Employee performance evaluations that are not directly related to wages;
- Written reprimands;
- Terminations;

- Promotion decisions, unless covered by a salary ladder;
- Untimely filed grievances.

19.0311 If at any point in the grievance process the Department determines that the subject of a grievance is not grievable as defined above, the Department notifies the employee in writing before the next applicable deadline.

19.0312 Employees may appeal that determination to the Grievance Resolutions Committee by submitting written notice to the County Grievance Coordinator within 5 working days of receiving it. The County Grievance Coordinator or her designee has 5 days from receipt of the appeal to set a meeting date of a panel of the Grievance Resolutions Committee. The Committee evaluates the issue and issues a written response. If the Committee determines that the issue is grievable, then the grievance resumes at the point it left off. If the Committee determines that the issue is not grievable, the grievance process ends. The Grievance Resolutions Committee's decision is final.

19.032 **The grievance procedure does not apply to allegations of discrimination based on race, color, religion, sex, national origin, age, disability, or genetic information. Discrimination allegations are handled under Section 3 Non-Discrimination Policy.**

19.033 Grievances based upon an employee's termination from employment are denied upon filing.

19.034 If at any point in the grievance process, the employee's employment ends, the grievance process ceases.

19.04 ***GENERAL PROVISIONS FOR FORMAL GRIEVANCES***

19.041 **Employees must follow each of these steps in the order given.** *If a supervisor, Grievance Coordinator, Department Head ,or Appropriate Authority fails to respond within the time limits set forth herein, the employee must take the next step in the procedure in order to continue with the grievance process.*

19.042 *Time limits begin on the first working day after the applicable occurrence, filing, appeal, response, or recommendation. Working days do not include weekends or County Holidays.*

19.043 *Employees must use the grievance forms provided by the County.* The forms are available from the Department's Grievance Coordinator, the Department's human resources staff, from Human Resources & Risk Management, and via the HRRM website.

19.044 Employees receive their usual rate of pay for time spent during normal working hours in the grievance proceedings.

19.045 Employees may represent themselves or be represented by someone else when presenting a grievance.

19.046 Commissioners Court appoints the County Grievance Resolutions Committee.

19.047 Department Heads designate a Department Grievance Coordinator and notify all employees of the designation.

19.048 Please refer to the Harris County Grievance Packet for formal grievance steps by accessing or contacting:

- *The Harris County Grievance Packet*;
- Department Grievance Coordinator;
- Human Resources & Risk Management.

20. SEPARATION FROM EMPLOYMENT

20.01 To the extent permitted by law, employees may be terminated for any reason and at any time without notice. As a matter of law, employees have no tenure. Employees may resign at any time without notice. Further, **the Texas Payday Act does not apply to Harris County.**

20.02 *Employees who fail to report to work without contacting their supervisor as required by department policy are subject to termination.*

20.03 ***BENEFITS UPON SEPARATION***

Employees must return all County property and equipment (e.g., keys, car, cellular phone, computer, electronic devices, pager, radio, badge, etc.) in their custody before receiving their final pay. The County takes all steps necessary to collect monies an employee owes and to get back all County property and equipment.

20.031 Employees receive pay for unused Vacation **unless**:

- the employee separates and returns to the County without a Break in Employment; or
- the employee has not received pay for Hours Actually Worked during the calendar year of the separation.

An employee appointed or elected to a state district court bench has separated from the County.

20.032 Employees receive compensation for unused Compensatory Time as outlined in § 13.025.

20.04 If funding is not available, a position is abolished and the department must either move the employee to another position or terminate the employee by submitting a *Change in Status Form* to the Auditor's Office.

20.05 **Department Heads are responsible for tracking employees who have no Hours Actually Worked for 240 days including weekends and holidays in a 12-month period, excluding** *FMLA-protected absences and Military Leave.* Department Heads must contact the County Attorney before terminating anyone under these circumstances.

20.06 Excessive absenteeism, not including FMLA protected absences, even if paid leave is available, is subject to disciplinary action.

SUMMARY OF BENEFITS

	Regular Position (At least 32 hours per week - R32 Plus Employee)	Part Time and Regular Model Positions	Temporary Position and Temporary Model Positions
Sick Leave	**Yes**	**No**	**No**
Vacation Leave	**Yes**	**No**	**No**
Retirement benefits	**Yes**	**Yes**	**No**
Compensatory Time[2]	**Yes**	**Yes**	**Yes**
Med/Life/LTD, etc. benefits	**Yes**	**No**	**No**
Holidays	**Yes**	**No**	**No**
Funeral Leave	**Yes**	**No**	**No**
Temporary Military Leave	**Yes**	**Yes**	**Yes**
Jury or Witness Duty	**Yes**	**No**	**No**
Workers' Compensation	**Yes**	**Yes**	**Yes**
FMLA[3]	**Yes**	**Yes**	**Yes**
Longevity Pay	**Yes**	**No**	**No**

1 Department Heads must obtain re-authorization for Temporary Position and Temporary Model Positions each fiscal year.

2 Non-Exempt Employees whose Hours Actually Worked exceeds 40 hours in one workweek earn Compensatory Time at the rate of 1½ times per hour in excess of 40. Any employee whose Paid Absences plus Hours Actually Worked exceeds 40 hours in one workweek accrues Compensatory Time on a straight-time basis.

3 FMLA eligibility is subject to certain qualifications, including having worked at least 1,250 hours in the 12 months immediately before the leave.