

# Office of Vince Ryan Harris County Attorney Policies and Procedures



This policy manual should be used in conjunction with the [Harris County Personnel Regulations](#) and does not take the place of these regulations or any other county regulation or policy.

## **Our Mission**

**We, the members of the Harris County Attorney's Office, both lawyers and non-lawyers, adhere to the highest standards of professional and personal ethics as we serve the people of Harris County and strive to be the best public law firm in the United States.**

***OF SERVICE TO ALL, ACCORDING TO LAW***

Updated April 11, 2012

## **A message from Vince Ryan, Harris County Attorney**

This policy manual is designed to provide guidance to all employees of the Office of the Harris County Attorney to help create a pleasant, productive work place that encourages outstanding individual and team performance, adherence to the highest ethical principles, and equitable treatment of all Practice Groups and employees.

We intend for the policies to be sufficiently flexible to allow individual creativity while still establishing parameters that will allow us to benefit from standardization, team work, and economies of scale that an office of our size requires and deserves.

These policies are based on those of prior administrations but have been updated with the input of managers, supervisors, and most importantly, you, the front line employees who work every day to make this office the best public law firm in the United States.

These policies and procedures are intended to be ongoing, reviewed, and updated on a regular basis with feedback from all employees to insure that our procedures are current and encourage a high performance culture. If you have comments, suggestions, or ideas for improvement, please discuss these with your supervisor. We want and need your input. Updates and amendments will be available on the Office Intranet site.

I look forward to working with each of you as we continue to provide service to all according to law.

Vince Ryan  
County Attorney

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## **Introduction**

Each member of The Office of Vince Ryan, Harris County Attorney, is responsible for reading this Manual and being familiar with the portions which are pertinent to his or her practice group and duties. Employees who disregard the policies and procedures of the Harris County Attorney's Office (HCAO) or the [Harris County Personnel Regulations](#) will be subject to disciplinary action that may include termination of employment.

Policies and procedures change over time with the input of Managers and HCAO employees. Notices of changes will be sent to all employees. The latest version of policies and procedures is available on the County Attorney's Intranet Website. Staff members must keep abreast of changes in policy and be familiar with Manual changes.

Practice Group Managing Attorneys will provide training and direction to their supervisors and staff to ensure consistent application of these policies within each Practice Group and across Practice Group lines.

Supervisors will ensure that all staff members under their supervision read and follow the Manual. Within thirty (30) days after receipt of this Manual, each staff member shall sign a statement similar to that on the last page of this Manual and return such statement to the Payroll Coordinator.

This policy manual should be used in conjunction with the [Harris County Personnel Regulations](#) and does not take the place of these regulations or any other county regulation or policy.

## **Standards of Conduct**

You must maintain the highest standard of personal integrity and professionally ethical conduct at all times. Everything you do reflects not only upon you, but upon this office as well. Attorneys must comply with the Disciplinary Rules of Professional Conduct.

Do not use the name or authority of this office:

- for personal reasons;
- to help yourself, your family, or friends in any improper manner;  
or
- to intimidate or harass anyone.

Be courteous when dealing with staff, other county officials and employees, judges, attorneys, co-workers, and members of the public.

You must obey and follow the laws of the United States, the State of Texas, and Harris County, the oral or written rules, orders, and policies of the County Attorney and their designated supervisors. Any willful misrepresentation made in conjunction with obtaining employment in this office or in the ordinary course of business concerning a material matter is grounds for disciplinary action, including termination.

An attorney who receives notice of a grievance, suspension due to non-payment of dues, or failure to complete continuing education requirements, or any other disciplinary action from the State Bar, must notify his or her supervisor on or before the next business day after receiving such notice.

If you are arrested, indicted, or charged with a felony or a misdemeanor involving moral turpitude, you must notify your supervisor immediately.

## **Open Communication**

An important part of the philosophy of the Harris County Attorney's Office (HCAO) is to promote open communications between supervisors and employees. We believe the responsibility to maintain open communications and resolve concerns is shared equally by the supervisor and the employee. Supervisors and employees are expected to treat each other with mutual respect.

When a conflict or concern arises, we believe most matters will be satisfactorily resolved between the employee and the supervisor. If for any reason you are not satisfied with a resolution or an answer to questions, you are at complete liberty to request a review of the situation by the supervisor's manager, continuing to move up the chain-of-supervision as necessary. Every supervisor will support this open door policy.

If the concern remains unresolved, Harris County has a grievance system to assist employees. The Grievance Procedures are described in the [Harris County Personnel Regulations](#).

### Equal Employment Opportunity

The HCAO offers equal employment opportunities to all qualified applicants and employees. This means that it is our policy to administer all employment decisions and personnel practices based on the individual's ability without regard to gender, race, color, religion, national origin, age, disability, marital status, sexual orientation, or any characteristic protected by federal, state, or local law.

Personnel practices, including recruiting and hiring activities, compensation, benefits, promotions, transfers, layoffs, training, terminations, and discipline, will be administered in accordance with this equal opportunity policy.

Each employee is expected to participate fully in supporting our efforts related to equal employment opportunity. Helping us create and maintain an atmosphere of mutual respect will benefit everyone.

### **Harassment**

The HCAO is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on the individual's sex, race, ethnicity, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated. Sexual and other harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Sexual harassment includes same-sex harassment.

This policy applies not only to the workplace during normal business hours, but also to all work related social functions, whether on or off the county's premises, and to business-related travel.

If you are the subject of unlawful discrimination, harassment, or retaliation, or if you believe that you have witnessed discrimination, harassment, or retaliation, you must report the alleged incident immediately to your supervisor.

If your supervisor is unavailable or if you believe it would be inappropriate to contact that person, you should immediately contact the Chief of Staff, the First Assistant, or any person designated in the [Harris County Personnel Regulations](#) as an appropriate authority for receiving complaints. You can raise concerns and make reports without fear of reprisal.

Any supervisor who becomes aware of possible sexual or other unlawful harassment shall promptly advise the Practice Group Manager, the Chief of Staff, or the First Assistant. If the complaint is about the Chief of Staff or First Assistant, contact the County Attorney.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination. The HCAO considers allegations of sexual harassment seriously. Once a complaint has been made, a full investigation will be conducted, to include the complainant and the alleged harasser. Once the interviews of the complainant, the alleged harasser, and witnesses are completed, the seriousness of the allegations will be reviewed. Depending upon the circumstances, the alleged harasser may be suspended without pay or temporarily reassigned pending completion of the investigation. The HCAO will not tolerate retaliation against the complainant for making a complaint. The HCAO will not tolerate retaliation against employees for participating in or cooperating with an investigation of sexual or other harassment.

### **Payroll Procedures**

You must accurately fill out time sheets indicating the number of hours worked and/or number of hours absent each day with the proper coding. Time sheets like many documents within the HCAO may be subject to disclosure under the Public Information Act. Time sheets are available on the Harris County Auditor's [intranet site](#) or [here](#). Turn time sheets in to the Payroll/Benefits Coordinator on or before the deadline specified by the Coordinator, which is generally 12:00 noon on the Thursday before payday.

Make corrections or supplements to your time sheets on the following Monday no later than 9:00 a.m. These deadlines are firm and necessary to meet the County Auditor's requirements.

Employees who do not complete time sheets accurately, timely, and in accordance with County policies may be subject to disciplinary action including termination of employment. Employees who believe they have been instructed or encouraged not to report all of their hours worked must notify the Chief of Staff or the First Assistant immediately.

If you have questions concerning your time sheet, check with your supervisor or Practice Group Manager.

It is the responsibility of each supervisor to sign time sheets, verify the hours reported by each employee under his or her direct supervision, and to ensure that time sheets are completed accurately. Practice Group Managing Attorneys may delegate the authority to verify time sheets to appropriate personnel.

The work week begins on Saturday and ends on Friday. Employees are generally paid every two weeks on alternating Thursdays via electronic transfer to their bank

accounts. The County pay day will change from Thursdays to Fridays on January 4, 2013.

### **Employment at Will Statement**

Employment at Will ensures that neither the employee nor the employer is bound by contract for lifetime employment. Any employee has the right to terminate employment with the HCAO at any time and for any reason. The HCAO has the right to terminate an employee at any time for any legal reason.

Employees should understand that except for the Employment at Will Statement, the HCAO policies, rules, benefits, and practices may be changed, modified, or deleted at any time. No communication, whether verbal or written, by any supervisor is intended in any way to create a contract of employment.

### **Confidentiality/Nondisclosure**

Information pertaining to cases, internal operations, and personnel information is considered confidential. All cases are confidential and may not be discussed with anyone other than the client, attorney of record, or approved personnel. Unauthorized disclosure of confidential information may result in disciplinary action, up to and including termination.

### **Conflict Of Interest**

The public has entrusted all employees of the Office of the County Attorney to exercise their duties without the influence or appearance of influence of our private interests. Employees must be free from conflicts of interest that could adversely influence their judgment, objectivity, or loyalty to the office and to our clients. The HCAO recognizes that you may take part in legitimate financial, business, charitable, and other activities outside your job, but any potential conflict of interest raised by those activities must be disclosed promptly to your supervisor.

The HCAO is a large office and handles thousands of matters each year. From time to time, an employee's outside interests or family relationships may come into conflict with a matter being handled by the HCAO. In such event, the HCAO will take steps to help you avoid a conflict of interest situation that may be embarrassing to you or the HCAO.

You must disclose to your supervisor promptly if you discover that a matter being handled by the HCAO may create a conflict of interest with you, a member of your family, or an organization of which you are a member or in which you have a financial interest.

## **Other Employment**

Except as stated in this policy, the HCAO does not intend to interfere with the rights of employees to engage in outside business or other activities which do not conflict with the obligations of their position or interest of the HCAO.

If you have an occupation, job, business, or earned income from a source outside the office, you must report such outside employment to your supervisor.

Outside employment or activity will not be considered an excuse for poor performance, absenteeism, or tardiness. If an employee's outside work interferes with performance or impacts work flow, the employee may be asked to terminate the outside employment as a condition of remaining with the HCAO.

## **Private Practice of Law**

To ensure that the HCAO receives full time, efficient legal representation and to avoid conflicts of interest, attorneys are not permitted to engage in the private practice of law. In addition, due to our involvement in condemnation matters, attorneys and other staff members must not accept appointment as special commissioners in condemnation cases.

This policy does not prevent attorneys from advising family members, close friends, and nonprofit organizations of which the attorney is a member, when such advice is requested only because of the relationship and this representation is not a conflict of interest or otherwise prohibited by law.

Additionally, pro bono work is authorized under this policy if it does not create conflicts with regard to the work of this office. All pro bono work must be conducted outside the office. No County equipment or materials may be used when providing pro bono services.

Whether an attorney is advising a family member, friends, or doing pro bono work, the following guidelines must be followed with regard to appearing in court:

1. An assistant county attorney may not take an adverse position to the State in any court. This includes representing persons in municipal court.
2. Before appearing in court in a private manner, an attorney must obtain written approval from the Practice Group Manager and the Chief of Staff or the First Assistant.

## **Background Checks**

The HCAO conducts background checks on all persons who apply for work in this office, whether as an employee, temporary agency employee, independent contractor,

intern, or volunteer. Depending upon the nature of the work to be performed, the background check may cover the person's criminal history, education, prior or current employment, professional licensure/certifications, and/or credit history. (Adopted January 8, 2010).

### **License and Certificate Verification**

Attorneys in practice must maintain a current law license. The HCAO will verify law licenses during the hiring process by checking the State Bar's website.

Each attorney must ensure his or her license remains current. Any changes in status must be reported immediately to the Chief of Staff or the First Assistant.

Paralegal certification information will be submitted and reviewed during the hiring process.

### **Dress and Grooming**

The Harris County Attorney's Office is a public office. We work with other attorneys, County officials and employees, the media, and private citizens; therefore, we must dress professionally and exhibit proper office decorum.

Our appearance impacts others' perceptions of the organization. While image is something established over time, perceptions are instantaneous and can be long lasting. Therefore, it is important that our appearance is clean, neat, and tidy, with clothes fitting properly (not too loose or too tight), so that we maintain a positive, professional image.

An employee's appearance should always project a professional image that is not distracting or disruptive to the work environment. All employees are expected to use good judgment in their personal appearance, attire, hygiene, and grooming, keeping in mind the nature of their work, the safety of themselves and their coworkers, and the need to interact with the public, vendors, customers, clients, and the judiciary.

Practice Group Managing Attorneys are responsible for enforcing the dress and grooming policy. They have discretion to authorize exceptions to the dress code for legitimate business reasons including reasonable accommodations for medical reasons.

Employees who report to work inappropriately dressed or groomed may be instructed to return home to change clothing. The time the employee is absent for the purpose of changing clothes shall be recorded as compensatory time, vacation, or dock time. Violations may also result in progressive discipline.

Employees are expected to exercise good business judgment as to when it is appropriate to dress more formally for meetings or presentations. Employees (including both attorneys and non-attorneys) who may be called upon to attend court or meet with

department heads or elected officials are expected to have appropriate attire immediately available.

No dress code can cover all contingencies, so employees and supervisors must exercise judgment in their choice of clothing.

Factors that affect your clothing choices include the degree of client contact you have, your work location, and your job function. Remember, when in doubt, make a conservative clothing choice. Extremes of any sort are to be avoided.

Here are some examples of acceptable attire for women:

- Dresses, skirts and blouses, jackets, sweaters
- Slacks or Dockers type slacks
- Pantsuits
- Blouses worn as jackets
- Sleeveless blouses or sweaters
- Hosiery may be worn at the option of the individual.

These are some examples of acceptable attire for men:

- Ties are not required to be worn within the office.
- Long/short sleeved collared shirts with an open collar (including knit shirts)
- Shirrtails tucked in
- Slacks, Dockers type slacks with a belt
- Turtleneck shirts/pullovers
- Sweaters (v-neck sweaters must be worn with a collared or turtleneck shirt underneath)
- Polo shirts or other pull over shirts with a collar are acceptable.

Here are some examples of unacceptable attire:

- No shorts/skorts
- No miniskirts
- No cargo pants
- No Capri pants
- No athletic shoes/sneakers/tennis shoes
- No deck shoes
- No flip-flops or other thong type shoes
- No stretch leggings
- No halter tops
- No t-shirts
- No sweatshirts, sweat suits
- No overalls
- No revealing necklines
- For men: No shoes worn without socks; For women: Hosiery may be worn at the option of the individual
- No Jogging suits

- No clothing that shows bare midriffs, whether sitting or standing.
- No Tight clothing
- No Visible Strapless or spaghetti strap attire
- No Hiking or Athletic boots
- No Jeans or denim except on Fridays and other designated days

Visible tattoos, body art, or brands are prohibited. The display of body piercing is only acceptable for the ears.

Fragrances should be limited and in good taste. Employees should consider that their colleagues and others may be allergic to strong scents.

[Illustrations available on the HCAO Sharepoint site](#) offer some examples of appropriate attire and, hopefully, will help you make good choices.

The illustrations and lists are provided as examples and are not intended to be exhaustive. Other forms of clothing or jewelry may be considered unacceptable for the office.

The HCAO recognizes that fashion trends may change over time. Please speak to your Practice Group Manager if you have questions about the appropriateness of particular clothing or if you have a suggestion for modifying the dress and grooming policy.

### **Jean Fridays**

Jeans and denim skirts may be worn on Fridays. These may be worn on other days only if approved in advance by the Practice Group Manager and if the employee will be engaged in physical activity where the usual office attire may not be appropriate, such as a day devoted to moving files or a site visit in inclement weather. Torn or frayed jeans, even if purchased in that fashion, are not permitted. Even on Jean Fridays, employees must present a neat, clean, and tidy appearance with clothes fitting properly, not too loose or too tight. Employees, both attorneys and non-attorneys, who may be called upon to attend court or meet with department heads or elected officials are expected to have appropriate attire immediately available.

### **Funeral Leave**

As described in the [Harris County Personnel Regulations](#) the County Attorney may designate one or more employees to represent the HCAO at the funeral of a District or County employee, an appointed or elected County officer, or someone closely associated with a client representative of the HCAO. If prior approval of the Practice Group Manager and the Managing Attorney or Chief of Staff or the First Assistant is obtained, then an employee may use up to four hours of work time to attend the funeral.

## **Termination of Employment**

You serve at the pleasure of the County Attorney. Your appointment automatically terminates at the end of the County Attorney's term of office. Further, the County Attorney reserves the right to discharge any employee for any legal reason.

Upon termination, you must return your identification card, badge, keys, equipment, supplies, and a final time sheet to your Practice Group Manager before you will receive your final paycheck.

## **Compensatory Time**

The County policy on accruing and using Compensatory Time is set out in the [Harris County Personnel Regulations](#).

Non-Exempt Employees whose hours actually worked exceed 40 hours in one workweek earn Compensatory Time at the rate of 1½ times per hour in excess of 40. Exempt Employees whose hours actually worked exceed 40 hours in one workweek earn Compensatory Time equal to the hours worked 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.

Practice Group Managing Attorneys have discretion to limit non-exempt employees from accruing compensatory time.

Non-exempt employees who have more than 100 hours of accrued comp time may accrue additional compensatory time only with the prior approval of their Practice Group Manager and the Chief of Staff or the First Assistant. It is the responsibility of each supervisor to re-assign tasks among employees to insure compliance with this policy.

## **Private Collection Policy**

The Texas Constitution prohibits the HCAO from making a donation. However, with prior approval of the Chief of Staff or the First Assistant, employees may use de minimis amounts of County time, property, and equipment to collect donations for a private cause.

The use of the email system or the county interoffice mail system to promote the sale of items for fundraisers is prohibited.

Items being sold to promote nonprofit organizations of which you or an immediate family member (as defined in the [Harris County Personnel Regulations](#)) are a member or otherwise attend regularly may be sold during break times to persons within the office with whom you are acquainted. You may not use the County email or interoffice mail system for such purpose, but you may post a notice regarding the sale of

such items on the bulletin board in the kitchen or break room your Practice Group customarily uses. The notice must include the date posted and the name of the person to see for more information. The notice should be removed after 10 days.

### **Requests for Attorney General Opinions**

The Public Law Practice Group handles requests for Attorney General Opinions when the County Attorney desires a clarification of the meaning of existing law. The HCAO will not seek an Attorney General opinion unless the elected or appointed official has requested an opinion in writing including specific facts and questions. The Attorney General does not address questions of fact, hypothetical questions, or questions involved in pending litigation. The attorney assigned to request an Attorney General Opinion drafts a letter to the Attorney General setting out the facts as presented to this office and the question(s) presented with a memorandum brief on the relevant issues. The attorney submits the draft to the Opinion Committee, Chief of Staff, and the First Assistant for review and approval. The First Assistant submits the opinion request to the County Attorney for approval. The County Attorney signs the final letter and gives a copy to the Public Law Practice Group, which keeps a log of all requests and responses.

### **Requests for County Attorney Opinions**

The Harris County Attorney issues a written opinion when:

- an elected or appointed county or precinct officer makes a written request for a County Attorney Opinion based on a specific factual situation relating to the official duties of his/her office; or
- a question that may have significant or continuing impact on Harris County government or statewide impact comes to the attention of the County Attorney, and the County Attorney determines to issue guidance on the matter.

The Harris County Attorney does not write opinions or give written advice on issues that are in pending litigation. The ultimate determination of a law's applicability, meaning, or constitutionality is left to the courts.

When requesting an opinion, officials should ask a specific question and give a complete statement of the relevant, actual facts relating to the issue rather than pose a hypothetical question.

Generally, County Attorney Opinion Files are assigned and opened by the Public Law Practice Group and assigned to an assistant county attorney. However, other Practice Groups may also receive requests for opinions. If another Practice Group receives the request, the Practice Group Manager will direct the request to the Managing Attorney of the Public Law Practice Group. All Requests for Opinions will be assigned a Public Law file number; however, an attorney from a different Practice Group may be called upon to draft the opinion. The Managers of the respective Practice Groups with the Chief of Staff will decide which attorney should draft the opinion. When a County Attorney Opinion

File is opened, the Assistant County Attorney assigned to the request will notify the Managing Attorney of the Public Law Practice Group, who will send an email to the members of the Opinion Committee and to the County Attorney, the First Assistant, and the Chief of Staff. The Assistant County Attorney assigned to the request shall submit drafts to the Managing Attorney of the Public Law Practice Group, to the Chair of the Opinion Committee, and to others as directed. The Managing Attorney of the Public Law Practice Group and the Chair of the Opinion Committee will consult on whether the draft is ready to present to the Opinion Committee.

After consulting with the Chair of the Opinion Committee, the Managing Attorney of the Public Law Practice Group will distribute the draft to the Opinion Committee members, the County Attorney, the First Assistant, and the Chief of Staff and will schedule a meeting to discuss the draft opinion. The Assistant County Attorney who drafted the opinion will take part in the meeting. Revisions to the draft may be circulated by email to the Opinion Committee members. The Opinion Committee will reconvene as often as the Chair or County Attorney desires until a final draft is ready for review and signature by the County Attorney.

County Attorney Opinions are assigned a County Attorney Opinion Number in the format “Opinion No. VR-0000 (2009)” and include the County Attorney file number. The draft will be submitted to the Chief of Staff, First Assistant, and the County Attorney for final review. Both the assistant county attorney who drafted the opinion and the County Attorney or the First Assistant will sign a County Attorney Opinion.

Most County Attorney Opinions are issued within ninety days of the request, but the amount of time required may vary depending on the volume of research required and the complexity of the issues.

When a matter will impact other jurisdictions or when there has been no clear, consistent interpretation of the law relating to a matter, a request for an Attorney General Opinion may be issued rather than a County Attorney Opinion. In such event the official requesting the County Attorney Opinion will be notified prior to seeking the Attorney General Opinion.

### **CLE Committee**

A CLE Committee has been established to promote, design, and coordinate in house Continuing Legal Education (CLE) and training for both lawyers and nonlawyers within the office. The committee will encourage CLE that is relevant, focused, and fulfills the mission of the office. The committee will discourage CLE that does not help the office.

## **Training**

The HCAO recognizes that the skills and knowledge of its employees are critical to the success of the office. While training programs are expected to enhance employees' performance and professional abilities, the HCAO does not guarantee that participation in training courses will entitle the employee to automatic advancement, a different job assignment, or pay increase.

Employees should work with their supervisors to develop individualized training programs that will assist the employees' professional development.

Harris County offers a wide range of training programs for employees. Please review the website at [www.hctx.net/training](http://www.hctx.net/training) and download the training calendar.

Employees who would like to attend training classes provided by Harris County must obtain prior approval from their supervisors.

Employees who would like to attend training classes other than those provided by Harris County must obtain prior approval from their supervisors and the Chief of Staff.

## **Personnel Data Changes**

Personal mailing addresses, telephone numbers, numbers and names of dependents, marital status, emergency contact, insurance beneficiary, legal name, and W-2 status should be kept current at all times. Employees must promptly notify either the Payroll Coordinator or submit changes on-line through the Harris County Intranet Site. Select the employee tab, click on "Update My Account Information".

## **Workers Compensation**

Workplace safety is the responsibility of every employee. The HCAO expects employees to report work place hazards and unsafe conditions immediately to their supervisors. Each employee is expected to obey safety rules and exercise caution in all work activities.

In the event of a work-related injury or work related illness, you must immediately report such injury or illness to your supervisor. This will ensure that you can obtain timely and appropriate medical attention. Your supervisor will complete a First Report of Injury or Illness form and submit it to Risk Management.

Workplace accidents and injuries are to be handled in accordance with the guidelines established by the Harris County Office of Human Resources & Risk Management.

Failure to report an on-the-job accident, illness, or injury in a timely manner may result in the loss of or denial of Worker's Compensation benefits.

## **Work Day Schedule**

Effective, high performance organizations are based on camaraderie, team work, shared information, and easy communication. Such values are more difficult to achieve when individuals work on schedules and at locations that differ from those of other team members.

Practice Group Managing Attorneys are responsible for scheduling the hours of work for all employees within their respective Practice Groups and must insure that their Practice Groups have appropriate staffing to receive phone calls, greet visitors, and perform other necessary Practice Group responsibilities during the customary County work day of 8:00 am to 5:00 pm, Monday through Friday.

For non-exempt employees, the work day should begin no earlier than 7:00 am and no later than 9:30 am. The work day should end no earlier than 4:00 pm. Staffing needs and operational requirements of various Practice Groups may necessitate variations in starting and ending times.

## **Sick Leave**

HCAO employees are expected to follow [Harris County Personnel Regulations](#) including those applicable to the use of Sick Leave.

An employees who uses Sick Leave for four or more consecutive workdays must provide his or her Practice Group Manager with a physician's statement indicating the onset and duration of the illness before the HCAO will post the 4<sup>th</sup> day as Sick Leave. The supervisor should also consider whether the request for Sick Leave qualifies for FMLA.

No employee may use Sick Leave for any purposes other than those set out in the [Harris County Personnel Regulations](#).

## **Policy on hiring relatives/ Anti-Nepotism**

Adopted February 9, 2010

The Office of the County Attorney recognizes that the hiring of close relatives, whether paid or unpaid, can create morale problems and the impression of favoritism in assignments, promotions, and other conditions of employment. The public has the right to expect that all persons who work for the County Attorney will have been chosen based upon their personal merit and not on family relationships with the elected official or any member of his staff.

For these reasons, we will not knowingly hire a relative of any current employee. Similarly, we will not knowingly accept a relative of any current employee for an unpaid position.

This policy applies to employees hired after February 9, 2010. For the purpose of this policy, a relative is any person having any of the following relationships to the employee or employee's spouse: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, spouse, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister. The term also includes any person who is eligible to be named as an insured dependent of the employee on the county's health insurance program.

### **Holidays and Vacation Leave**

The County policy on Vacation Leave is set out in the [Harris County Personnel Regulations](#).

Vacation Leave may not be taken unless it has been approved in advance by your Practice Group Manager. Vacations must be scheduled so as to minimize the impact on Practice Group performance and work flow.

Each year the Commissioners Court approves and designates the paid Holidays for the next calendar year. 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 the employee be compensated for more than eight hours.

Those days that have been designated as paid County Holidays can be found on the [Official Harris County Website](#).

### **Attendance and Punctuality**

Every employee is expected to report to work regularly and on time. Good attendance is a job requirement. When employees are absent, their share of the work must be performed by others.

An employee is absent when he/she fails to report for and remain at work as scheduled. Notification of an employee absence must be made to the supervisor by the individual employee.

Poor attendance and excessive tardiness may lead to disciplinary action, up to and including termination of employment.

If you plan on being absent for work, you should notify and receive approval from your supervisor as soon as you become aware of your intended absence and, if possible, far enough in advance to give reasonable notice to your supervisor.

### **Office Policy for Showers, Birthdays and Other Party Events**

The HCAO finds a valid public purpose in allowing employees to celebrate events like birthdays, showers, or retirements. Such events promote team work and build morale, which leads to more productive employees. Practice Group Managing Attorneys are to ensure that these events do not occur so frequently, last so long, or become so extravagant that we cross the valid public purpose line and enter the territory of wasting taxpayer dollars. For instance, a Practice Group having a monthly birthday celebration of cake provided by the employees and coffee that lasts no more than 30 minutes fits within the definition of reasonable. A quarterly Practice Group birthday luncheon where employees bring in a covered dish and eat together may be appropriate, if the employees show the time as lunch (and perhaps an additional 20 minutes or so as working time *provided a valid public purpose is being served.*)

The following guidelines also apply to celebrations:

An employee may only attend a celebration or any other event during normal working hours with the permission of the employee's supervisor.

Your Practice Group Manager's approval must be obtained before sending a broadcast email invitation to all county attorney employees. Office wide invitations will be limited. Instead, send emails to friends of the person being honored plus all Practice Group Managing Attorneys. The Practice Group Manager may forward the email to persons within the Practice Group as he or she sees fit.

### **Political Activities**

Political activities are not permitted during work hours or in the offices of the County Attorney. Political activity, or the lack thereof, does not affect job security, opportunities for advancement or compensation.

Employees of the office will not use their position with the office to further the political goals of any party, committee, candidate, or issue. Any such expression is private and should not be represented as the opinion of the Office of the County Attorney.

Tex. Elec. Code §32.052-.054 prohibits an employee of the Office of the County Attorney from serving as an election judge, alternate judge, or clerk, in any election in which the County Attorney is a candidate on the ballot.

### **Electronic Equipment, Technology, On-Line Services, and Software**

The County policy on Telephones, Fax Machines, Electronic Equipment, Technology, On-Line Services, and Software is set out in the [Harris County Personnel Regulations](#).

HCAO employees are required to view the presentation, [Responsible Use of County Equipment](#), within 30 days after being employed by the HCAO. Employees are asked to view the presentation at least once each year.

Computer hardware and software are provided to carry out the duties of the Office. Use of computers, the associated software and systems for personal use is discouraged. Incidental or de minimis use for personal matters during lunch or other break time is permissible provided such use does not violate any other policy.

The HCAO reserves the right to monitor use of the office computer system and to inspect any information contained therein, with or without notice.

You are permitted to access personal email accounts, social networks, and other websites on county owned equipment for personal use during break times or lunch breaks provided you comply with the Harris County Personnel Regulations. Please review the Harris County Personnel Regulations prior to accessing your web based email account, Facebook, MySpace, Linked-In, Twitter, or any other social media on County equipment.

You may not identify yourself as an employee of the Office of the Harris County Attorney on personal blogs, comments, or postings in any manner that implies that your message has the endorsement of the Office of the Harris County Attorney.

Please remember that our policy on preserving attorney client confidences and privileges applies to postings on internet sites. You may not divulge confidential or privileged information.

Your online presence reflects the HCAO. Be aware that your actions captured via images, posts, or comments can reflect the HCAO.

The email system facilitates business communications. The system belongs to Harris County and, like any other shared filing system, management has access to the contents of all email communications at all times, even if an employee has an individual password. All email messages are records of this office which may be subject to public disclosure pursuant to the Public Information Act. In addition, the HCAO may disclose the contents of email to others within this office without your permission. The HCAO reserves the right to access and disclose as necessary all messages sent over the email system, without regard to content. Do not assume that messages are confidential.

Do not use email for:

- Gossip
- Soliciting for commercial or non-profit ventures (except as otherwise permitted by these policies)
- Political advertisements or solicitations
- Personal causes (except as otherwise permitted by these policies)
- Outside organizations (except as otherwise permitted by these policies)
- Forwarding messages under circumstances likely to embarrass the sender
- Emotional responses to office correspondence or work situations
- Anything that may be perceived as insulting, disruptive, or offensive to another person, or harmful to office morale

- Forwarding messages that are in the nature of “chain letters” or that repeat urban legends as factual events.

## **Media Relations**

This policy is applicable to all information provided to news and information media – including press releases, media advisories, news features, interviews, and web posts.

We are all partners in our media relations programs, and it is the responsibility of all of us to maintain good relations with the media. Lawyers have important roles in media interactions about their cases or projects.

Our lawyers know their cases better than anyone and can talk more interestingly and authentically than a ‘spokesperson’; our lawyers are intelligent and, in general, highly verbal and able to speak on their feet, and we seek to avoid overexposure of any one person in the office.

If a reporter calls you about one of your cases or projects, you may discuss your case or project without advance permission (but please notify your Practice Group Manager and the Chief of Staff or First Assistant as soon as you can), subject to the following:

- You may ask what the reporter is calling about and ask if you can call back. Often this is a good idea so you can compose yourself.
- If it is a high profile case, please talk to your Practice Group Manager first. If he or she is not available, talk to the Chief of Staff or First Assistant first. In appropriate matters, we will have the County Attorney personally participate. If the County Attorney participates, please be prepared to brief him on details of the case in advance of the interview. (Note: If you have a significant case and if the County Attorney’s personal participation in the hearing or trial will enhance the County’s position, please let the Chief of Staff or First Assistant know.)
- Do not talk about anything that you do not know about. If you need to check a fact, tell the reporter and call back. Do not lie, mislead, or exaggerate.
- Do not criticize our client, our opponent, the judge, the jury, or any elected official.
- You may not want to speak to the media, and that is OK, but then you say something like, “I am not the best person to discuss this matter, I will have ----- call you back. What is your deadline?”
- We do not say “no comment.” We return media phone calls promptly.

If there is a statement to be made about office policy, County Attorney initiatives, County Attorney employees, staff, or an elected or appointed official, it will be made by a member of the executive staff.

Press releases and news advisories will be prepared and sent out by the Executive Staff with review and support by the lawyer involved. In general, the lead attorney will be the media contact. Your input into a media issue of interest is welcome. Please obtain pictures whenever you can.

Initiating contact with the media on behalf of the HCAO must be approved by the Chief of Staff or First Assistant.

### **Office Closings in Emergencies**

Your safety is a high priority of the HCAO. No employee is expected to travel to or from work or to remain at work in dangerous circumstances.

Employees who have a reasonable need to arrive to work late, leave work early, or stay home altogether because of extreme weather conditions may do so provided they make reasonable attempts to obtain the advance approval of their supervisor, the Chief of Staff, or the First Assistant. If such approval cannot be obtained because of circumstances beyond the employee's control, then the employee should take such action as is necessary to remain safe and secure.

The HCAO has an employee alert telephone number, 713-755-1502, which can be called in the event of an emergency which impacts the operations of the Office of the County Attorney. The Chief of Staff or the First Assistant will be responsible for recording messages concerning the latest available information.

Your Practice Group Manager will also try to notify you in the event emergency situations require the closing of one or more of the HCAO locations. Please make sure your Managing Attorney has your current home email addresses, cellular phone number, and other contact information.

The Practice Group Managing Attorneys must provide current home numbers and cellular phone numbers to the Chief of Staff or First Assistant.

The [Harris County Personnel Regulations](#) provide:

Commissioners Court is not authorized to provide Paid Leave retroactively. Accordingly, in order to be paid for absences ... 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.

In the event an employee is unable to work because of the closing of an HCAO location and there is a possibility the employee's pay may be docked, then the Practice Group Manager will consider whether there is work the employee may perform at home or at another location that will benefit the HCAO.

### **Building Emergencies**

If any building condition arises that makes it unreasonably difficult for an employee to remain at work or to function effectively, the employee should notify his or her supervisor.

### **Performance Reviews**

Standardized Performance Reviews shall be conducted annually for all HCAO employees. Reviews may be conducted more often in situations such as when an employee's position or supervisor is changed.

The purpose of this performance review is to:

Recognize those employees who are providing outstanding service to the office of the County Attorney;

Provide specific constructive feedback to help improve individual and organizational performance;

Establish objective, uniform criteria for personnel decisions;

Recognize the strengths of our employees and use those strengths to benefit both the employee and the organization;

Communicate expectations and standards of the office of the County Attorney.

The Process:

1. The evaluation form is distributed to the employee who completes the Background section of the form and returns it to the supervisor.
2. The supervisor completes the evaluation form.
3. The supervisor and employee meet to discuss the responses with the employee.
4. The employee is asked to sign the evaluation form.
5. The completed form is delivered to the Chief of Staff.

## Work Breaks

No federal law, state law, County or County Attorney policy entitles employees to regularly scheduled breaks from work. It is within the discretion of each Practice Group Manager based on the needs of the Practice Group as to whether an individual employee may:

Alternative 1: take brief unscheduled respites from work to tend to non-work matters (e.g. telephone calls, mail a personal letter, or walk around the office to visit with co-workers about non work related matters)

or

Alternative 2: Have set standardized 15-minute morning and afternoon breaks, with the rest of the day devoted **exclusively** to work related matters.

In either of the two alternatives:

Employees need not reflect these short, non-work periods on their time sheets;

Practice Group Managing Attorneys may prohibit employees from taking a break on a given day if the workload requires it;

Employees may not use break time to arrive late, extend the lunch hour, or leave work early; and

Employees may not add time on their time sheet if they did not take a break on a particular day.

## Travel Policy

### In General

This document ensures that employee travel is consistent with the objectives of the Harris County Attorney's Office (HCAO). It also ensures fair and equitable treatment of employees by defining procedures for authorized business travel and guidelines for expense reimbursement.

A critical balance must be sought when approving out of county travel. There is the HCAO's need for cost effectiveness and the employee's need for quality services and support. Employee travel should be via the lowest cost alternative, consistent with good business practices. As responsible public servants we will make every effort to avoid excessive travel and meal costs. At the same time we do not expect our employees to have to endure sub-standard modes of transportation and accommodations.

### General Procedure

Travel related to a particular case or matter is charged to that case. All other travel (except the elected County Attorney) is paid either from the HCAO Discretionary Fund or the General Fund. Out of county travel paid from the General Fund must be approved in advance by Commissioners Court.

All requests for travel and or CLE must be accompanied by a proposed budget.

The Harris County Travel Agency should be used for case related matters only. The County Travel Agency should not be used for CLE related travel.

Incur only expenses that are consistent with the business needs, and exercise care in determining appropriate expenditures.

### Case related Matters:

Out of County travel for attorneys or witnesses must be approved in advance by the Manager of the Practice Group and the Chief of Staff. The attorney in charge of the case must insure that there are sufficient funds available for such travel on a previously approved Commissioners Court order.

In case related matters, you must submit a proposed budget and obtain written approval from your group manager and the Chief of Staff. Upon receipt of such approval, complete the County Auditor's Form 1262A, *Harris County Travel Authorization Form*,

[http://www.info.aud.hcintranet.net/Robo/Projects/Procedures/1262A\\_TravelAuthorizationForms.pdf](http://www.info.aud.hcintranet.net/Robo/Projects/Procedures/1262A_TravelAuthorizationForms.pdf). Hotel and airfare for case related expenses are the only two expenses that are prepaid. All other expenses related to travel for a case must be paid and reimbursed by completing form [http://www.info.aud.hcintranet.net/Robo/Projects/Forms/1263\\_travel\\_expense\\_claim.pdf](http://www.info.aud.hcintranet.net/Robo/Projects/Forms/1263_travel_expense_claim.pdf).

### For CLE and non case related travel

Employees must complete **form** <http://cao.sharepoint.hctx.net/adminForms/default.aspx> stating specifically how the CLE

or event will assist the Office of the Harris County Attorney and how it relates to a function of the employee's job. Please fill in all blanks related to proposed expenses (This is the proposed budget.) The form is printed and then delivered to the Practice Group Manager, who if recommending approval, submits it to the Chief of Staff. The Chief of Staff will review and approve or disapprove.

**For all travel whether or not case related:**

**Duties of Managers**

It will be the responsibility of each HCAO manager to ensure that all employee travel is for a valid public purpose and that reimbursement is made only for actual, reasonable expenses in connection with authorized travel as described in this document.

Unless accompanied by a valid exception by management, any expense submitted which does not comply with Office guidelines will not be reimbursed.

Managers should know current travel policy and inform their departmental staff of HCAO policy and procedures.

Managers should determine whether travel is necessary to achieve the stated goal and approve expenses in accordance with policy. Managers should consider less costly alternatives such as the internet, video and conference calls, and collaboration with other agencies.

**Reimbursement for Meals for employees**

Actual, reasonable, and necessary costs will be reimbursed. The employee should be guided by what he/she eats at home. Daily allowable meal expenses are \$30. Any sums in excess of that amount must be approved in advance by the Manager.

Reimbursement may include a gratuity of up to fifteen (15%) percent of the bill, before sales tax.

Expenses for meals are to be charged to a personal credit card or paid in cash and submitted to Cara Protain accompanied by completed form [http://www.info.aud.heintranet.net/Robo/Projects/Forms/1263\\_travel\\_expense\\_claim.pdf](http://www.info.aud.heintranet.net/Robo/Projects/Forms/1263_travel_expense_claim.pdf) for reimbursement. Meals in excess of \$8.00 require **original** itemized receipts.

Charges for meals appearing on a hotel bill should not be included as part of the hotel room charge on the employee's expense report. The meal charge(s) must be subtracted from the hotel bill and processed as a separate item for reimbursement and must have the itemized receipt from the hotel restaurant.

**Reimbursement for Hotel Expenses**

All HCAO authorized accommodations (whether for CLE or case related travel) must meet with industry accepted business travel standards with reference to comfort, convenience and cost. Holiday Inn Express has been set as an acceptable standard for all HCAO employees. You are free to make other arrangements, however, HCAO will generally NOT reimburse for more than the government rate for the Holiday Inn Express, La Quinta, Best Western, or similar facility located closest to the site of your destination. HCAO employees may book accommodations in the "host hotel" for the CLE or

conventions and be reimbursed for the amount of the special or discount rate offered to attendees of the CLE at such hotel.

Lodging reservations for CLE and non-case related travel should be secured by and paid for, using your personal credit card and seek reimbursement. All hotel reservations will be guaranteed to your personal credit card. It is the employee's responsibility to cancel hotel reservations within the hotel cancellation policy time frame. You must obtain a cancellation number when canceling a hotel reservation. The HCAO will not reimburse hotel "no-show" fees, unless approved by a manager.

The Texas District and County Attorneys Association often provides discounts and reimbursements for hotels and meals. Reimbursements from the TDCAA will be deducted from the amount being reimbursed by the HCAO.

### **Reimbursement for Laundry Expenses**

Actual and reasonable laundry expenses will be reimbursed after the employee has been away from home for five (5) consecutive days, or if the trip has been unexpectedly extended. Receipts must be provided.

### **Airline Travel**

The County official or employee should obtain the most direct and economical air travel available.

If the airline tickets encompass a period more than one day before or after the event, then the expenditure will only be approved to the extent it does not exceed cost excluding the extra days. Also, information justifying the additional day(s) should be included in the training/travel request and be approved by Chief of Staff and Managing Attorney.

Deviations from the lowest fare must have manager approval. If the County official or employee wishes to travel in a class more expensive than coach, then he or she must pay the difference between the actual cost and the price of coach.

Employees may retain all benefits from frequent flyer club memberships. All dues for such clubs must be paid by employee.

### **Personal Means of Travel**

Employees are only authorized to use personal automobiles if they have both a valid drivers license and current comprehensive auto insurance, including liability. If not, the employee is not authorized to travel for the HCAO. The employee assumes the responsibility for all parking and traffic fines.

If the County official or employee elects to travel by personal car, the County will reimburse the lesser of the current Commissioners Court approved mileage rate per mile or the coach air fare plus ground transportation to/from the same destination. Actual mileage is calculated in accordance with Accounting Procedure I.1-2, *Mileage Reimbursement*. If you are seeking reimbursement for mileage, you may not claim reimbursement for gas. Actual mileage should be reasonably comparable to official

mileage charts, or if unavailable, regular road maps. County Personnel Regulations do not permit reimbursement for mileage from an employee's home to the Office.

### **Auto Rental**

Employees may request either compact or intermediate size cars. Rentals for other types of cars are not permitted except with manager approval. Luxury, premium and specialty car rentals will be reimbursed at the intermediate car rate.

Wherever possible, employee must refill gasoline prior to returning rental car for drop off. Gas charges at the rental locations average 50% more than independent filling stations.

### **Expense Reporting**

Please consider the following when submitting expense reports:

1. Actual and reasonable expenses are reimbursed in accordance with the provisions of this policy and procedure

2. Please submit receipts; (including hotel folio, plane tickets and rental car receipts) and expense forms [http://www.info.aud.hcintranet.net/Robo/Projects/Forms/1263\\_travel\\_expense\\_claim.pdf](http://www.info.aud.hcintranet.net/Robo/Projects/Forms/1263_travel_expense_claim.pdf) as soon as is reasonably convenient after you return from the trip but no more than 90 days following the trip.

3. Include the following items in, or attached to, the expense report when submitting it for payment:

Original or copies of receipts for meal, lodging, air or auto transportation, tolls, gasoline, and any other business expenses over \$8.00.

Explanation of any deviation from policy, unauthorized vendors, lodging or transportation, and/or charges submitted "in lieu of" normal expenses.

Receipts MUST be the itemized. A credit card charge slip will generally not be sufficient.

### **Items Not Reimbursable**

Items that are not reimbursable include:

- (1) Entertainment expenses,
- (2) Alcoholic beverages,
- (3) Airline club and rental car club membership fees,
- (4) In-room movies,
- (5) First class upgrades
- (6) Valet parking if self-service parking is available
- (7) Fines for traffic violations,
- (8) Insurance on life or personal property while traveling,
- (9) Purchase of clothing and/or other personal items,
- (10) Expenses for family, child, pet, and
- (11) Home and property care while on a trip.

Meals and all other expenses for a spouse, dependent, or guest will not be reimbursed. If a spouse, dependent, or guest accompanies the employee, the difference in hotel room rates above the single rate must be deducted.

Please refer to the current Harris County Personnel Regulations to determine whether travel time may be included in hours actually worked.

**Acknowledgment Form**

**I have received a copy of the Harris County Attorney Policy Manual effective March 1, 2012. I understand that these policies 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 policies to my supervisor.**

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

\_\_\_\_\_  
**ID Number**

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

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