

BAILEY COUNTY COMMISSIONERS COURT ORDER

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

WHEREAS the Bailey County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Bailey County Commissioners Court hereby approves and adopts the BAILEY COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 27th DAY OF JULY, 2026



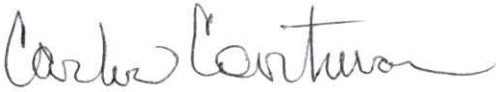
County Judge



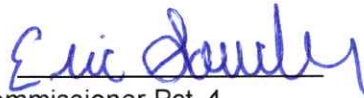
Commissioner Pct. 1



Commissioner Pct. 2



Commissioner Pct. 3



Commissioner Pct. 4

Witnessed and Attested By:



County Clerk

BAILEY COUNTY EMPLOYEE HANDBOOK

Welcome to Bailey County!

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

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

This employee handbook contains key policies, benefits, and expectations of Bailey County, as well as other information you will need. Each elected or appointed official may have detailed policies and procedures for their office.

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

Welcome
aboard!

Sincerely,



County Judge



Commissioner Pct. 1



Commissioner Pct. 3



Commissioner Pct. 2



Commissioner Pct. 4

BAILEY COUNTY

EMPLOYEE HANDBOOK AND POLICIES MANUAL

Revised July 27, 2026



WELCOME TO BAILEY COUNTY

Revisions made to this policy are highlighted

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RESOLUTION FOR BAILEY COUNTY

I, the undersigned, have read the Bailey County Employee Handbook that the Bailey County Commissioners' Court has adopted. As an ELECTED OFFICIAL of Bailey County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Bailey County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Bailey County Employee Handbook, as witnessed by my signature below.

Printed Name of Elected Official

Office of Elected Official

Signature of Elected Official

Date Signed

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Bailey County Employee Handbook that outlines my benefits and obligations as a county employee. I understand that I am responsible for reading and familiarizing myself with the information in this handbook, and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this handbook, I will contact my immediate supervisor.

I further understand that the Bailey County Employee Handbook is not a contract of employment. I understand that I am an at-will employee and that either the County or I may terminate my employment at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding Bailey County's policies, practices, and benefits. I understand that Bailey County reserves the right to change this handbook at any time and to modify or cancel any of its employee benefits when the need arises.

I understand that, as a County employee, I shall have no expectation of privacy when using County computers, networks, or other County-owned equipment. Improper use may result in discipline up to and including termination.

I further understand that, as a Bailey County employee, I am expected to provide quality service to the public; to work toward the highest degree of safety possible for my fellow workers; to continually make suggestions for improvement; and to display a spirit of teamwork and cooperation.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am required to have a Commercial Driver's License (CDL) for my county position, I will be subject to random, reasonable suspicion, post-accident, and follow-up drug and alcohol testing.

I understand that I will be required to submit to a full background check (criminal, financial) and drug screen prior to the first day of employment.

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

Printed Name of Employee

Signature of Employee

Date Signed

SECTION 1: GENERAL POLICIES

A. COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT-WILL

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

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

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

1A-2 EMPLOYEE STATUS POLICY

All employees are considered to be "at will" employees and employee status shall not be considered a contract of employment.

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

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

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

Temporary Seasonal: A seasonal employee shall be any employee who is hired into a **position**, that lasts six (6) months or less and begins at approximately the same time each year. Examples may include, but are not limited to, election workers, summer mowers, and

additional road hands for road repairs. Seasonal employees can be either part-time or full-time, and they do not qualify for health insurance through the county under the Affordable Care Act. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

Temporary Part Time: A temporary short-term part-time employee shall be any employee who is expected to work less than twenty-five (25) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part-time status. Temporary short-term part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

1A-3 EQUAL EMPLOYMENT OPPORTUNITY

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

1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

It is the policy of Bailey County to prohibit any harassment of, or discriminatory treatment of employees based on a disability or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney. All elected officials, appointed

officials, department heads and employees with knowledge of disability are instructed to treat the employee's disability with confidentiality.

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

1A-5 PREGNANT WORKERS FAIRNESS ACT

It is the policy of Bailey County to prohibit any harassment of, or discriminatory treatment of employees based on known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, or department head. All elected officials, appointed officials, department heads, and employees with knowledge of pregnancy are instructed to treat the employee's limitation with confidentiality.

It is Bailey County's policy to reasonably accommodate applicants and employees with known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions unless the accommodation would impose an undue hardship on the county. If you require an accommodation, please contact your elected official, appointed official, or department head. Reasonable accommodation shall be determined through an interactive process of consultation.

1A-6 PERSONNEL FILES

The Bailey County HR/Treasurer Department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents, such as resume, application, public access form, copy of DL, Copy of SS card, W-4, Employee Information Form, Certification of receipt of Employee Handbook, as well as records concerning performance, discipline, and compensation.

It is important that Bailey County's personnel records be accurate at all times. To avoid issues that compromise your benefit eligibility or result in W-2s being returned, Bailey County requests that employees promptly notify Bailey County HR/Treasurer personnel of any change in name, home address, telephone number, marital status, number of dependents, Direct Deposit changes, or any other pertinent information.

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

1A-7 NEPOTISM

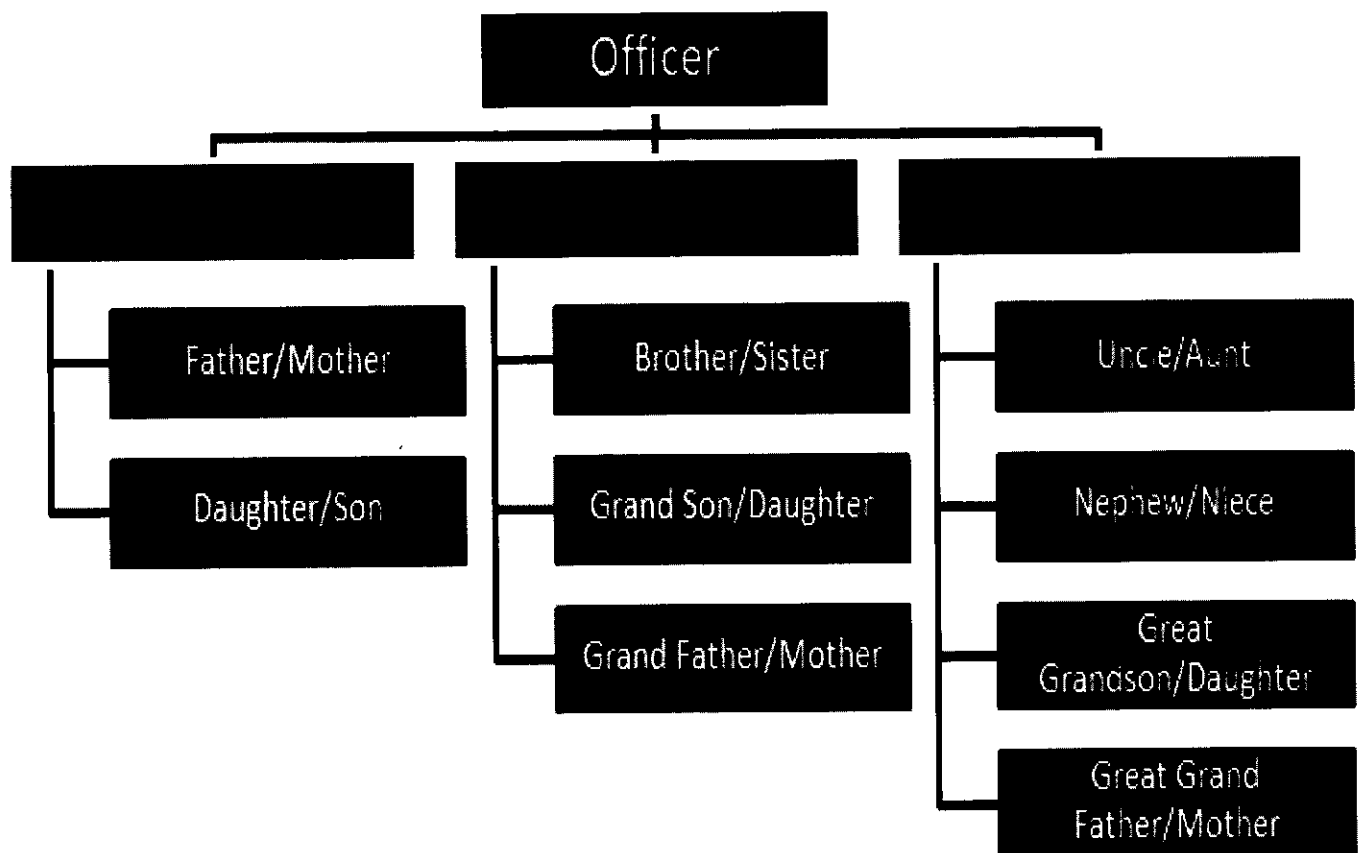
Texas Government Code Chapter 573, a Public Official of Bailey County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over.

Individuals who are related within the third degree of consanguinity or the second degree by affinity to elected officials, appointed department heads, or employees currently employed who would have supervisory authority over that individual are not eligible for employment with Bailey County. Elected officials, appointed officials, or any employee with questions about the nepotism statute or definitions of degree are encouraged to direct their questions to the HR department in the Bailey County Treasurer's Office. Employees employed as of May 1988 who are currently affected by this rule shall be "grandfathered".

Continuous Employment Exception - Relatives who were already continuously employed by Bailey County before the official was elected or appointed may retain their positions. The official must have been in office for a certain period and cannot vote on that relative's pay or promotions to avoid conflict of interest under Texas Local Gov Code Chapter 171

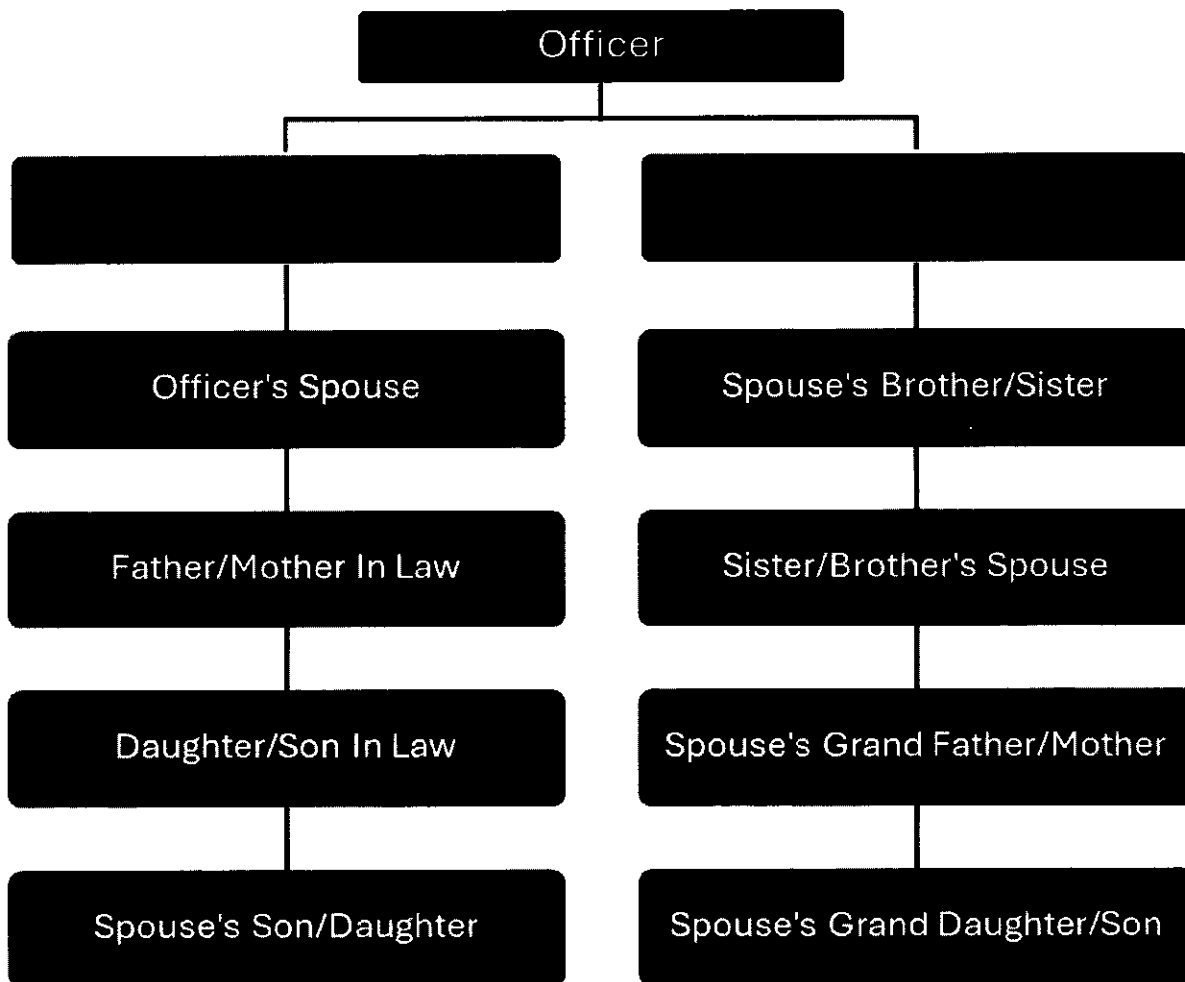
A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

**CONSANGUINITY KINSHIP
CHART
(Relationship by Blood)**



AFFINITY KINSHIP CHART

(Relationship by Marriage)



B. WORK RULES AND EMPLOYEE RESPONSIBILITY

1B-1 ATTENDANCE

As a Bailey County employee, you are expected to be punctual and demonstrate consistent attendance.

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

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 1 hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Each employee shall remain on the job until the normal quitting time established by the supervisor, unless permission to leave early is given by the supervisor.

Each supervisor is responsible for determining whether an unscheduled absence or tardiness is excused or unexcused, based on the circumstances causing the absence or tardiness.

Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

Employees who do not report for work on three (3) consecutive scheduled workdays and fail to notify their supervisor shall be considered to have resigned their position by abandonment.

1B-2 DRESS CODE

Bailey County expects all employees to be well-groomed, clean, and neat at all times. Each official or department head will determine the type of attire that is acceptable.

Employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

1B-3 TOBACCO/SMOKE FREE WORKPLACE

Bailey County endeavors to provide a healthy environment. Therefore, any form of tobacco or vaping consumed in county buildings and county vehicles is strictly prohibited.

Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways

1B-4 CONFLICT OF INTEREST

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

Employees involved in conflict-of-interest situations shall be subject to discipline, up to and including termination, and these actions may have criminal consequences for employees.

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

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

1B-5 HARASSMENT

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

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

Employees who feel they have been harassed should immediately report the situation to the elected official, appointed official, or department head responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the official or

department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. The official or department head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Remedial action will be taken in accordance with the circumstances when the county determines unlawful harassment or retaliation has occurred, up to and including termination.

1B-6 SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by Bailey County, whether committed by an elected official, an appointed official, a department head, a co-worker, or a non-employee the County does business with. It is the policy of Bailey County to provide a workplace free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, comments, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

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

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

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

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

Use the following procedures to ensure your complaint is resolved quickly and fairly.

- a) When practical, confront the harasser and ask them to stop the unwanted behavior.
- b) Record the time, place, and specifics of each incident, including any witnesses.
- c) Report continuing sexual harassment to the Elected Official, Appointed Official, or Department Head who is responsible for your department or to the County Judge or the County Attorney.
- d) If a thorough investigation reveals that unlawful sexual harassment has occurred, Bailey County will take effective remedial action in accordance with the circumstances, up to and including termination.

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

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

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

1B-7 POLITICAL ACTIVITY

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

County employees shall not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce,

attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property, or material owned by the County for political activity or engage in political activity while on duty for the County.

1B-8 OUTSIDE EMPLOYMENT

Bailey County employees are expected to give their full and undivided attention to their job duties. They should not use Bailey County facilities or equipment or their association with Bailey County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, county employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Bailey County that interferes with the employee's assigned duties with Bailey County.

1B-9 BREAKS

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

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

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

Bailey County does not allow retaliation against a nursing mother asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk.

A reasonable accommodation will be given for the needs of employees who express breast milk. An employee of the county who needs to express breast milk may not be discriminated against.

All other employee breaks are determined by each official or department head and are **not required** to be given. If your department provides you with a break, it may not be accumulated or used for time off. The Fair Labor Standards Act **does not** require any breaks other than for a nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break time. If an employee leaves their office to do personal business and will be gone longer than 15-20 minutes, the employee must punch out, or it **MUST** be approved by the Elected Official or supervisor.

1B-10 GRIEVANCES

Any employee with a job-related grievance should discuss it with their immediate supervisor.

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

The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all grievances. A terminated employee is not eligible to file a grievance.

A grievance cannot be filed against an elected official or appointed official.

1B-11 DISCIPLINE

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

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

All County employees are "at will" employees, and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in their job.

Bailey County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without notice. The County also retains the right to change any condition, benefit, privilege, or policy of employment at any time, with or without notice.

1B-12 LICENSE AND CERTIFICATIONS

Bailey County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew a license or certification or loses one, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred, or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such a license or certification is illegal under either Federal or State Law.

1B-13 WEATHER CLOSINGS AND EMERGENCIES

As a general practice, Bailey County does not close its operations unless the health, safety, and security of county employees are seriously compromised. When this happens, whether due to severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing.

The County Judge will notify each department head, and they shall notify each employee in their department. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls their employees' working hours, even in an emergency.

Each employee will be paid for such time off as leave with pay (administrative leave), regardless of whether the employee was scheduled off. All employees (except EMS & Law Enforcement - Essential Employees) will be offered the same 8 hours if closed or delayed due to bad weather. If an employee chooses to come in (with the authorization of a supervisor), they will be paid up to the regular daily hours.

Example: 3 hours worked: 5 hours admin leave. Employees will not receive additional hours for coming to the office.

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

1B-14 CONFIDENTIALITY

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

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

1B-15 WHISTLEBLOWER

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

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

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

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact HR/Treasurer.

An employee with a question regarding this policy should contact the Bailey County Treasurer's Office.

C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to them. County employees shall only use equipment, tools, and other County property that they are authorized to use. Personal use of County equipment, supplies, tools, and other County property is not permitted and may result in disciplinary action, up to and including termination. Improper use may subject employees to criminal prosecution.

1C-2 COUNTY VEHICLE USAGE

Some employees may be required to use county vehicles as part of their job. Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use, and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

If personal use of a county vehicle is permitted, **the employee will be required to keep a log of all personal miles driven**, including to and from work. **These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations.**

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If their license status changes, they must immediately notify their supervisor. An employee whose job involves operating a vehicle that requires a license for legal operation shall be subject to possible job change, demotion, or termination if that license is suspended or revoked.

The county may annually check the driver's records of county employees who operate county vehicles.

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to their supervisor and to the proper law enforcement or other authority. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge.

A drug test must be obtained on the same day at the county's expense. If a test result is positive, disciplinary actions, including termination, may occur.

1C-3 CELL PHONE USAGE

Bailey County determines on a case-by-case basis the need for county-provided cell phones and may revoke that privilege at any time. County cell phones are to be used for business purposes only. Bailey County follows all rules and regulations set forth by the IRS regarding the use and taxation of County cell phones.

Employees who choose to use their own personal cell phones for county business will be reimbursed through payroll for the amount determined by the Commissioners Court upon approval of the yearly County Budget.

Bailey County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls to place them either prior to traveling or while on rest breaks.

Bailey County bans all employees from texting while operating any county-owned vehicle. County employees who drive their own personal vehicle while on county business are also banned from texting while driving. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting, with fines and penalties, including loss of CDL.

Employees who possess a Bailey County-owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

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

1C-4 COMPUTER INTERNET USAGE

The use of Bailey County information systems, including computers, fax machines, smartphones, tablet computers, and all forms of Internet/Intranet access, is for Bailey County business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet by an employee is acceptable, provided it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of Bailey County computers, networks, and Internet access is a privilege granted by officials or department heads to **employees** and may be revoked at any time for inappropriate conduct carried out on such systems. County employees shall have no expectation of privacy when using county computers, networks, or other county-owned equipment. Improper use may result in discipline up to and including termination.

Bailey County owns the right to all data and files stored on any computer, network, or other information system used by the county. Bailey County also reserves the right to monitor electronic mail messages (including personal/ private/ instant messaging systems, Facebook, Twitter , etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Bailey County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media to ensure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copyright laws or download any illegal or unauthorized downloads. Bailey County monitors all its information systems, and employees may be subject to discipline, up to and including termination, for any misuse of county information systems.

Employees should not bring personal computers to the workplace or connect them to Bailey County electronic systems unless expressly permitted to do so by the IT department. Violation of this policy may result in disciplinary action, up to and including termination of employment.

1C-5 PDA AND CAMERA USAGE

Bailey County prohibits the use or possession in the workplace of any type of camera phone, digital camera, video camera, or other image-recording device without the express permission of the department head and each person whose image is being recorded. This provision does not apply to Security cameras and devices installed at Bailey County facilities or to employees who must use such devices in connection with their positions of employment. Violation of this policy may result in disciplinary action, up to and including termination of employment.

1C-6 TELECOMMUTING

Some circumstances may require staff to work away from the office or otherwise telecommute. Telecommuting can be a privilege, a requirement, a necessity, or a combination of these, depending on the circumstances. No Bailey County positions are designated as "telecommuting positions." All telecommuting situations must be approved on a case-by-case basis and approved by the Elected Official or Department Head.

D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D -1 WORKERS COMPENSATION

Employees who have been injured may be required to obtain a drug/alcohol screening. An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

All Bailey County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays medical bills resulting from a covered injury or illness that an employee incurs while performing the duties of their job. Workers' compensation also pays Temporary Income Benefits (TIBS). They are paid for time lost from work in excess of 7

calendar days due to eligible work-related injuries or illnesses, with the exception of Law Enforcement and EMS - First Responders. They are paid a salary continuation (paid the same as if working under Texas Labor Code 408.105). Employees eligible for TIBS may use paid leave for all workers' compensation time off of less than 8 days. All employees who are placed on Workers' Compensation leave will fall under the Family and Medical Leave Act. Bailey County runs FMLA and Workers' Compensation concurrently. Any employee who suffers from a job-related illness or injury must notify their supervisor as soon as possible. **Supervisors must make sure the First Report of Injury or Illness form is completed and given to HR/Treasurer as soon as possible.** Failure to promptly report job-related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

An employee who has lost time due to a work-related accident or illness must obtain a release from the attending physician before returning to work.

An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay. Bailey County will make every effort to bring the injured employee back to work as soon as reasonably possible. Bailey County has a return-to-work policy in place, and if a position is found that meets all restrictions, the employee will be given a bona fide offer of employment. If the employee refuses to return to work and has exhausted family medical leave, workers' compensation benefits may be affected, and the employee may be terminated.

1D-2 WORKERS' COMPENSATION -RETURN TO WORK

This policy covers employees on leave due to work-related injuries or illness. Because employees are our most valuable resource, Bailey County attempts to help employees return to work as soon as possible.

An employee on leave due to a work-related injury or illness may return to work only when Bailey County **receives a medical release from the treating doctor**. It is a violation of County policy for any employee receiving workers' compensation benefits of any kind to be employed with a third party on a full-time or part-time basis. Violation of this policy may result in termination.

Return to work options:

- Return to prior position at full duty with doctor's release stating that the injured employee can perform the job functions without restrictions.
- Light Duty- for any employee who is not able to return to their prior position and perform the regular duties of that job, but can return with certain restrictions, Bailey County will try to accommodate light duty when possible, but **cannot guarantee** the availability of light duty.

Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time of injury or illness. The pay rate for light duty is based on the knowledge, skills,

and abilities required for that job, as well as general market conditions. Employees in a light-duty position are not permitted to supplement their workers' compensation benefits by using their vacation, holiday, or sick leave.

90 Day - Light-duty assignments are **temporary arrangements intended** to complement and facilitate the healing process. Light duty may be initially offered for a period of 90 days and then reviewed and evaluated by the supervisor, based in part on the physician's recommendation (unless FMLA time is still available).

Employee refusal of work - In the event that an employee refuses to return to regular or light - duty work in response to a written, bona fide offer of employment by Bailey County, the employee may be separated from employment with Bailey County, subject to FMLA qualification, and their position may be filled permanently. A written, bona fide offer of employment must clearly state:

- The position offered and the duties of the position
- Bailey County's agreement to meet the conditions set out by the treating doctor
- The job's wage, working hours, and location.

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

Coordination with FMLA-Nothing in this policy should be construed as denying employees their rights under the Family and Medical Leave Act (FMLA) or any other federal or state law. It is Bailey County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Bailey County counts the period of any employee's light-duty assignment toward the employee's FMLA entitlement.

Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided they are able to perform the essential functions of the job.

1D-3 EMPLOYEE SAFETY

Bailey County is committed to providing a safe workplace for our employees. Each County employee must adhere to the general safety standards established for all employees and comply with their departmental safety requirements. Safety procedures may differ at each county department. Your supervisor will provide you with specific information pertaining to your position. Failure to follow the safety standards set by the County or your supervisor may result in disciplinary action, up to and including termination. Employees who see unsafe working conditions shall either take steps to correct them or report them to their supervisor.

1D- 4 DRUG AND ALCOHOL-ALL EMPLOYEES

Bailey County is a drug- and alcohol-free workplace.

A county employee may not be present at work during a period in which the employee's ability to perform their duties is impaired by drugs or alcohol. The County believes that a drug- and alcohol-free workplace will help ensure a healthy, safe, and secure work environment. This

policy applies to all employees of Bailey County, regardless of rank or position, and includes full-time, part-time, and temporary employees.

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

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

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

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County.

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

An employee may use prescription and over-the-counter drugs at standard doses or as prescribed by a physician, provided the use will not impair the employee's ability to perform their job safely and effectively.

An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine whether the medication could interfere with the safe and effective performance of their job duties. If the use of a medication could compromise an employee's ability to do their job or the safety of the employee, fellow employees or the public, the employee must report the condition to their supervisor at the start of the workday or use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).

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

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

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

An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a voluntary drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post-rehabilitative program, including refusing the voluntary testing program, will result in termination. The post-rehabilitative program will last for up to two years. If at any time the employee tests positive, or refuses the voluntary drug test during this post-rehabilitative program, the employee will be terminated.

Bailey County may drug test employees who ARE NOT CDL license holders under the following conditions:

Pre-employment drug testing:

Bailey County has a pre-employment drug testing requirement that must be passed post-offer before an employee's first day of work. All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver.

Suspicion- Based Testing :

Under the Influence shall be defined as having a blood alcohol concentration of .04 or less.

Reasonable Suspicion - If an employee is having work performance problems or displaying behavior that may be alcohol or drug related or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy, where immediate action is necessary, the elected official or supervisor will require that employee to submit to an alcohol and/or drug test. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare - redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences

- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors must take action if they have reason to believe one or more of the above- listed conditions are indicated, and that substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and specific violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted with the signatures of the elected official or supervisor, as well as the employee.
4. The elected official or supervisor will remove the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Treasurer's Office for filing.

Post-Accident Testing :

All employees directly involved in an on-the-job accident or incident that results in property damage and/or medical treatment will be required to undergo testing. This will be at the discretion of their elected official or supervisor, **unless the accident is related to a motor vehicle accident. All motor vehicle accidents require the employee to be drug/alcohol tested the same day.**

Testing Procedures

1. The employee may be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected, and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Bailey County.

4. The employee will be placed on paid administrative leave until the results of the test are known. If an employee exhibits signs of impairment, the elected official or supervisor will arrange for the employee to be safely returned to their residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or **drug/alcohol testing information be released without written consent from the employee.**

Each employee is expected to cooperate and consent to a drug/alcohol test when requested under the terms of this policy. Refusal to consent to a drug and/ or alcohol test when requested is cause for termination.

Any employee who violates this drug and alcohol policy may be terminated.

1D-5 DRUG AND ALCOHOL- CDL EMPLOYEES

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

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

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

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

A detailed policy and procedure is available at the Bailey County Judge's office.

1D-6 WORKPLACE VIOLENCE

Bailey County is committed to providing a workplace free of violence. Bailey County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect; this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees, or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon unless licensed to carry, except an authorized law enforcement official. The County Judge approved the exception for all county offices and buildings owned or used by Bailey County, including county-owned vehicles. If employees believe that a person is violating this policy, they should immediately report the violation to their supervisor or the sheriff's department.

Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

1D-7 SOCIAL MEDIA

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

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

Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager or supervisor.

- If your posts on social media mention Bailey County, make clear that you are an employee of Bailey County and that the views posted are yours alone and do not represent the views of Bailey County.
- Do not mention Bailey County supervisors, employees, customers, or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Bailey County, respond respectfully with factual information rather than inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers, or vendors, and any individual who views

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

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

SOCIAL MEDIA APPLICATIONS AND SERVICES PROHIBITED ON COUNTY DEVICES

Bailey County prohibits the installation or use of the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or a social media application or service specified by proclamation of the governor on any device owned or leased by Bailey County and requires the removal of covered applications from those devices. The installation and use of a covered application may be acceptable to the extent necessary for providing law enforcement or developing or implementing information security measures. For the installation to be approved, Bailey County must require the use of measures to mitigate risks posed to this state during the use of the covered application, and the documentation of those measures.

SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

Bailey County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the County Treasurer's attention, Bailey County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid, the county will make the necessary corrections at the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours they work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your timecard must accurately reflect all regular and overtime hours worked, as well as any absences, late arrivals, early departures, and meal breaks. Do not sign your timecard if it is not accurate. When you receive each paycheck, please immediately verify that you were paid correctly for all regular and overtime hours worked during each workweek.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your timecard. Employees are prohibited from performing any "off-the-clock" work. "Off -the-clock " work means work you may perform but fail to report on your timecard. Any employee who fails to report or reports hours worked inaccurately will be subject to disciplinary action, up to and including termination. **If anyone directs you to work without documenting your time worked, you must notify the Treasurer.**

It is a violation of Bailey County policy for any employee to falsify a timecard or to alter another employee's timecard. It is also a serious violation of County policy for any employee, supervisor, or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's timecard to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under-report or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Bailey County Treasurer located at 316 5. Main, Muleshoe, TX 79347 or call 806-272-3239.

If you are classified as an exempt salaried employee, you will receive a salary that is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

For exempt employees, your salary may also be reduced for certain types of deductions, such as your portion of health, dental, or life premiums; state, federal, or local taxes; social

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

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

Please note: it is not improper to deduct an employee's accrued vacation, personal, or other forms of paid time off for full- or partial-day absences for personal reasons, sickness, or disability.

If you have questions about deductions from your pay, please contact your supervisor immediately. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to Bailey County Treasurer, 316 S Main, Muleshoe, TX 79347 or call 806-272-3239. If you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney, 623 W American Blvd, Muleshoe, TX 79347, or call 806-272-5559. Every report will be fully investigated, and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS

Bailey County will comply with the IRS regarding fringe benefits such as county uniforms, county vehicle use, and day-trip meals. Employees may be responsible for paying payroll taxes on such fringe benefits.

2A-3 COMPENSATION

Bailey County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

Bailey County complies with the Fair Labor Standards Act as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioner's Court has adopted this exemption. (See 2A-11 Policy) All non-exempt County employees shall be paid an hourly wage.

Some employees may be classified as hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For full-time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

For part-time regular employees, the county pays them hourly for all hours worked in each workweek of that month at a rate designated by the County Commissioners for the position.

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

In the event of a major disaster where the County Judge has issued a disaster declaration and it has been extended by the Commissioners' Court, in order for the County to be reimbursed by FEMA, all salaried employees will be calculated in the same manner as hourly employees for the duration of the disaster incident, and the disaster declaration is rescinded or allowed to expire.

2A-4 LONGEVITY PAY POLICY

All regular full-time employees and Elected Officials of Bailey County are eligible for Longevity pay of \$5.00 per month for each year of service.

An employee shall be required to work a minimum of three continuous years in an eligible position before receiving longevity pay. This policy is subject to review and modification each year during the budget process.

Longevity pay is calculated as of October 1st annually. This benefit is subject to standard withholdings. Employees who are terminated or leave employment prior to the last regular payday in November will not receive longevity pay.

Longevity pay will be paid the first pay period in December.

2A-5 PAYROLL DEDUCTIONS

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

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deductions authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

In accordance with Chapter 152.054 of the Texas Local Government Code, a County may withhold compensation from any officer, employee, or vendor to recover unpaid taxes. This is a statutory basis for withholding pay until the tax debt is resolved.

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

2A-6 WORK WEEKS AND WORK PERIODS

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

Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and 86 hours as established by the Bailey County Commissioners Court.

2A-7 TIME SHEETS

Each employee, with the exception of Road & Bridge employees & EMS personnel, shall be required to use Time Clock Plus to record time worked.

All timecards must be printed by the supervisor and signed by both the supervisor and employee, then brought to the Treasurer's office by noon on the following Monday after the work week is completed. In the instance of a holiday, the Treasurer's office may request the timesheets before noon, in order to get payroll completed by the deadline assigned by the bank.

All times written in MUST be initialed by the employee and the approving supervisor. If no time has been verified by clocking in or vacation, sick, or admin leave specified, the employee **WILL NOT** be paid for those specific days/hours. If this was done in error by the employee (after the supervisor's approval), the employee will receive that pay in the following pay period.

2A-8 PAY PERIODS

The pay period for Bailey County shall be a biweekly pay period with the pay period dates established by the Commissioners' Court. Payday always falls on a Friday. Employees will receive their paycheck via direct deposit. Bailey County will follow our banking institutions' schedule for deposit deadlines. On rare occasions, employees may receive a paycheck before Friday.

The Texas Payday Law does not apply to political subdivisions of Texas (Counties); therefore, final wages will be issued on the regularly scheduled payday.

2A-9 WORK SCHEDULES

The normal hours of work for most positions in the County shall be from 8:00 a.m. to 5:00 p.m., Monday through Thursday, and from 8:00 a.m. to 1:00 pm on Friday.

Each official or department head shall determine the exact working schedules for their employees. To meet the needs of the County, certain departments or employees may be required to work a schedule that differs from the normal work schedule, or may be subject to callback in case of emergency or special need.

2A-10 HOURS WORKED

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

There will be no work during the employee's specified lunch period unless approved by the supervisor; at that time, you must be actually working and attending to the public, if necessary. The missed meal break must be initialed on your timesheet by the employee and supervisor. If you worked the lunch, your supervisor may ask you to go home early.

There should be no work on the weekend unless approved and initialed by the supervisor. (EMS & Law Enforcement are exempt from this specific policy rule.)

All supervisors are responsible for their employees' hours worked and may request a day off with pay for an employee (Admin Leave with pay); this must be initiated by both the supervisor and the employee.

All overtime must be approved by the elected, appointed official, or immediate supervisor.

2A-11 LAW ENFORCEMENT PAY AND OVERTIME

Bailey County Commissioners Court has adopted (Original Resolution dated September 24, 2018 - Updated Resolution dated January 27, 2026) the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers.

These employees have a work period of 14 days, and overtime will be due after 86 hours actually worked.

Any actual hours worked over 86 hours in a 14-day work week will be paid at a rate of one and one-half (1 1/2) times the amount of overtime worked. Overtime will be paid for the same period it is earned. There is no banking of overtime hours.

Paid leave (vacation, sick, holiday, bereavement, or admin leave) shall not be counted in determining if overtime has been worked in any workweek.

Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

2A-12 OVERTIME CALCULATIONS AND RULES

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on " Law Enforcement Pay and Overtime."). Any actual hours worked over 40 hours in a 7-day workweek will be paid at a rate of one-half (1 ½) time of overtime worked.

Paid leave (vacation, sick, holiday, bereavement, or admin leave) shall not be counted in determining if overtime has been worked in any workweek.

Overtime compensation shall be paid at a rate of one and one-half (1 ½) times the employee's regular rate of pay. Overtime will be paid for the same period it is earned. There is no banking of overtime hours.

Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

2A-13 DEMOTIONS

Demotions are the movement of an employee from one position to another with decreased responsibility or job complexity, or to a lower salary. Elected officials, appointed officials, or department heads may choose to demote or reassign any employees who are unable to meet performance requirements, for disciplinary reasons, or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.

2A-14 TRANSFERS

Transfers are the lateral movement of an employee from one position to another with the same level of responsibility or job complexity, with no change in salary. Elected officials, appointed officials, or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by the Commissioners Court.

Employees transferred to another department may be required to have a complete background check (criminal, drug/alcohol, or financial). If the employee fails the background check, the employee may not be transferred and will be subject to discipline up to and including immediate termination.

2A-15 PROMOTIONS

Promotions are the movement of an employee from one position to another with increased responsibility or complexity of job duties and a higher salary. Elected officials, appointed officials, or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by the Commissioners Court.

Employees promoted may be required to have a complete background check (criminal, drug/ alcohol, or financial). If the employee fails the background check, the employee may not be promoted and will be subject to discipline up to and including immediate termination.

2A-16 SEPARATIONS

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Bailey County shall be designated as one of the following types:

1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

A resignation shall be classified as any situation in which an employee voluntarily leaves their employment with Bailey County, and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to their **supervisor. The supervisor must submit a copy of the resignation letter to HR/Payroll the same day it is received.**

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify their supervisor **and HR/Payroll** of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Bailey County is an "at will" employer, and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice. **The supervisor must submit all dismissal paperwork and supporting documentation to HR/Payroll the same day.**

An employee shall be separated from employment because of a reduction in force when their position is abolished or when there is a lack of funds to support the position, or there is a lack of work to justify the position. **The supervisor must notify HR/Payroll of the separation the same day.**

A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, their legally designated beneficiary or estate shall receive all earned pay and payable benefits. **Once a supervisor is notified, they must notify HR/Payroll of the death**

2A-17 RETIREE REHIRES

(TCDRS requires at least 1 full calendar month break in service with no pre-arranged return)
(Bailey County requires 3 full calendar months' break in service with no pre-arranged return)

Retired employees shall be eligible to apply for open positions with Bailey County as long as the following provisions are met: 1) The retiree has been retired for at least (3) calendar months, 2) No prior arrangement or agreement was made between Bailey County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of (3) calendar months. A bona fide separation means there is no prior agreement or understanding between Bailey County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials; people employed in the same or different positions in the same or different departments; changes in employee status; and independent contractors.

Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire under an agreement to work in a different department or position. Changing an employee's status does not affect whether someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor, either.

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members, and those retired employees.

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

B. EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL & DENTAL PLANS

All full-time regular employees of Bailey County shall be eligible for the group medical plan. Bailey County offers dental and vision coverage at the employees' expense. Premiums will be deducted from the employee's paycheck bi-monthly. Regular variable-hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health insurance after the measurement period. Regular part-time, temporary seasonal, temporary short-term, part-time, and regular variable-hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance. Details of coverage under the group's medical insurance plan are available in the HR

department at the County Treasurer's office and may be obtained during normal operational hours of that office.

Premiums for eligible employees shall be paid entirely by the County. Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period. Details of coverage and premiums for the group dental and vision plans are available at the HR Office and may be obtained during the normal working hours of that office. Employees are responsible for the premiums on Dental & Vision plans. Those premiums will be deducted from the employee's paycheck bi-monthly.

Employees who leave the employment of Bailey County or who lose their coverage eligibility may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FM LA leave, they will be offered COBRA, if eligible. Information on the extension of benefits under COBRA is available at the HR Office and may be obtained during the normal working hours of that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination

2B-2 OTHER PLANS- LIFE, SUPPLEMENTAL

Bailey County shall provide a limited amount of life insurance to eligible employees as part of the group medical plan coverage. Bailey County provides supplemental insurance coverage under entities approved by the Commissioners Court. All supplemental insurance coverage premiums are the employee's responsibility and will be deducted bi-monthly from the employee's paycheck. Information about these supplemental insurance plans may be obtained from HR.

2B-3 VACATION

All full-time regular employees shall be eligible for vacation benefits at a rate of 3.08 hours per pay period, which is equivalent to 80.08 hours per year.

Part-time and temporary employees are not eligible for benefits.

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin when an employee begins work in a position eligible to accrue vacation, but an employee must work a minimum of **6 months** in such a position before being eligible to take any vacation.

The maximum amount of unused vacation an employee shall be allowed to have at one time is 120 hours, with the exception of Law Enforcement employees, who may have 200 hours at one time. When an employee reaches the maximum accrual, they shall not accrue additional vacation time until they take vacation hours to reduce the balance below the maximum allowed under this policy.

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

Employees shall only be able to use vacation hours that have already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If a holiday falls during an employee's vacation, then the employee will not be charged for the vacation.

If an employee has worked for at least 6 months in a position that accrues vacation at the time the employee resigns, is discharged, or is otherwise terminated, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

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

Vacation will be paid out in increments of up to eight (8) hours per day.

Employees are not allowed to resign just to collect on vacation accruals. Once vacation accruals are paid out, employees must wait (3) months to return to work and have authorization from Commissioners Court to return to work.

2B-4 SICK

All full-time employees are eligible for the paid sick leave benefit.

Eligible employees shall accrue sick leave at a rate of 3.46 hours per pay period, except for Law Enforcement employees. Law Enforcement employees receive 3.69 hours per pay period. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit. Sick leave shall not be accrued while an employee is on leave without pay.

The maximum amount of unused sick leave an employee may have at any time is 240 hours.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, foster child, or other relative living in the employee's home who is dependent on the employee for care.

When sick leave is to be used for medical appointments, an employee shall notify their supervisor of the intent to use sick leave as soon as the employee becomes aware of the appointment. Where use of sick leave is not known in advance, an employee shall notify their supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to

begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify their supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify their supervisor of the anticipated length of absence. **The supervisor must notify HR/ Payroll.** The employee will be placed on FMLA if the event and the employee are eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees shall not be allowed to borrow sick leave for future accruals. Employees shall not be paid for unused sick leave at the termination of employment.

Sick leave may not be used as vacation or any other reason not addressed in this policy.

Sick pay will be paid out in increments of up to eight (8) hours per day.

2B-5 HOLIDAY

All full-time regular employees shall be eligible for the paid Holiday benefit.

The County Holidays shall be determined by the Bailey County Commissioners' Court. If a paid holiday occurs during other paid leave of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's leave balance. If a designated holiday falls on an eligible employee's day off, the employee shall be paid for the holiday. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

An eligible employee scheduled to work or called in to work on a holiday because of an emergency, or other special need of the County, shall be paid for the hours actually worked in addition to the holiday pay.

Special consideration shall be given to employees requesting time off for religious or other special observances that are not designated as paid holidays for Bailey County. Each supervisor is responsible for granting this leave based on the needs of their individual departments. Vacation, or leave without pay, may be used for special leave granted.

Holidays do not accrue and will be paid out on the appropriate pay period.

Holidays will be paid out in increments of up to eight (8) hours per day.

2B-6 JURY DUTY

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

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

All employees who are subpoenaed or ordered to appear as witnesses or to testify in some official capacity on behalf of the County shall be entitled to paid leave for such period as their court attendance may require. If an employee is absent from work to appear in private litigation in which they are a principal party, the time shall be charged to vacation, other eligible paid leave, or **leave without pay**.

2B-7 BEREAVEMENT LEAVE

All employees shall be allowed up to 5 days of paid leave for the death of an immediate family member. For purposes of this policy, immediate family shall include the employee's spouse and the child, foster child, parent, brother, sister, grandparent, or grandchild of the employee or the employee's spouse. Employees may be allowed time off with pay, up to a maximum of 8 hours (in the event that the required day off falls on a Friday and the employee is a 37-hour-a-week employee, they would only receive 5 hours), to attend the funeral of a relative who is not a member of the immediate family. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or **leave without pay**.

2B- 8 MILITARY LEAVE

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

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

An employee going on military leave shall provide their supervisor with a set of orders within two (2) business days after receiving them. **The supervisor must provide HR/Payroll with a copy of the orders.**

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

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

2B-9 PAID QUARANTINE LEAVE

Bailey County shall provide paid quarantine leave for peace officers, detention officers, and emergency medical technicians employed by Bailey County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

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

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

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

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

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

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

Off-duty exposures will not be covered under this policy.

2B-10 RETIREMENT

All regular employees (full-time, part-time, and regular variable -hour) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short-term part-time employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Bailey County shall make a contribution to each eligible employee's retirement account in accordance with the requirements of TCDRS. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office. **If an employee retires, it must be a bona fide retirement (no prearrangements to return to work) and be separated from the County for 3 full calendar months before being rehired.**

2B-11 SOCIAL SECURITY/MEDICARE

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck.

2B-12 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)

The federal Family and Medical Leave Act of 1993 (FMLA) requires an employer to provide eligible employees with unpaid leave under certain circumstances. There are two types of leave available:

- 1) the basic 12-week FMLA entitlement; and
- 2) the Military Family Leave (MFL) entitlement described in this policy.

ELIGIBILITY:

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

- 1) have worked for Bailey County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); **and**
- 2) have worked at least 1250 hours during the previous 12 months; **and**
- 3) are employed at a work site that has 50 or more employees within a 75-mile radius.

Any employees with any questions about their eligibility for FMLA leave should contact HR in the treasurer's office for more information.

QUALIFYING EVENTS:

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

- 1) the birth of a child and to care for that child;
- 2) the placement of a child in the employee's home for adoption or foster care;
- 3) to care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;

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

SERIOUS HEALTH CONDITION:

Serious health conditions are defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility or continuing treatment by a health care provider.

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

- 1) a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - a) Treatment two or more times within 30 days of incapacity; or
 - b) Treatment by a health care provider on at least one occasion within the first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
- 2) Any period of incapacity due to pregnancy or prenatal care.
- 3) Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
- 4) Any period of incapacity that is permanent or long-term due to a condition for which treatment is not effective.
- 5) Any period of incapacity or absence to receive multiple treatments by a health care provider.

QUALIFYING EXIGENCY LEAVE:

An eligible employee may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, child of any age, or parent in the Armed Forces (Regular, Reserves, or National Guard) is on active duty or called to active-duty status in a foreign country.

Qualifying exigencies may include:

- 1) short notice deployment (up to seven days of leave);
- 2) attending certain military events and related activities;
- 3) arranging for alternative childcare;
- 4) addressing certain financial and legal arrangements;
- 5) periods of rest and recuperation for the covered military member (up to fifteen days of leave);
- 6) attending certain counseling sessions;
- 7) attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active-duty status);
- 8) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
- 9) attending family support or assistance programs and informational briefings;
- 10) acting as the covered military member's representative before a governmental agency;
- 11) addressing issues that arise from the death of a covered military member while on active-duty status in a foreign country; and
- 12) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and employee.

LENGTH OF LEAVE:

An employee may use up to 12 weeks of leave per 12-month period under this policy. Bailey County sets the 12-month period used under this policy as a *"rolling" 12-month period measured backward from the date an employee uses FMLA leave*

A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth of a child (i.e., bonding time) or placement of a child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

MILITARY CAREGIVER LEAVE:

An eligible employee may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member or veteran of the Armed Forces (Regular, Reserve, or National Guard).

An eligible employee may take up to 26 weeks of leave to care for a covered service member of the Armed Forces (Regular, Reserve, or National Guard) who has been rendered medically unfit to perform their duties due to a serious injury or illness incurred in the line of duty while on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The MFL entitlement is applied on a per -injury basis, and an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or covered veterans with a subsequent serious illness or injury, except that no more than 26 weeks may be taken within any single 12-month period.

An eligible employee may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five-year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the county's operations.

WORK RELATED INJURY:

Bailey County will always designate qualifying work-related injuries with lost time as FMLA qualifying.

SUBSTITUTION OF PAID LEAVE:

Bailey County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the vacation and sick leave policy guidelines. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

Bailey County will require you to use accrued sick time first, followed by accrued vacation time. Once all accrued hours are exhausted, the FMLA will be on unpaid leave.

The maximum amount of paid and unpaid leave that may be used under this policy in a 12-month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness, which is a maximum of 26 weeks in a 12-month period.

CONTINUED EMPLOYEE BENEFITS:

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the county. Those premiums must be given to the HR/Payroll Department on the first (1st) day of each month for full-month cases. In the instance a partial month has occurred, the

HR/Payroll Department will contact the employee with a premium due date. The county may cancel unpaid coverage by providing the employee with at least 15 days' advance written notice before the coverage is canceled for non-payment.

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be:

- 1) Offered COB RA if they are unable to return to work; or
- 2) If approved by the commissioner's court and made part of this policy, the county can choose to continue to pay for the employee's health insurance premiums.

INTERMITTENT LEAVE AND REDUCED SCHEDULE:

An employee may take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

An employee may work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12-month period.

CERTIFICATION REQUIREMENTS:

The county has the right to request certification of a serious health condition for the employee or the employee's eligible family member when the employee requests or is using leave under this policy.

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have their physician complete and return the medical certification, or provide appropriate documentation, within 15 days of receiving the form to be eligible for FMLA. An employee's failure to return the medical certification may result in the county denying FMLA leave.

The employee must respond to the county's certification request within 15 days of receipt, or provide a written explanation for the delay before the 15th day after receipt. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.

If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request certification for intermittent or reduced-schedule leave every six months in connection with an eligible absence.

The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered service member supported by an

invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at their bedside.

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require, at its expense, a third certification from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

REQUESTING LEAVE:

Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to their immediate supervisor. The supervisor then needs to submit that request to the HR department.

Where reasonably practicable, an employee should give their immediate supervisor a minimum of 30 days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days' notice, the employee is required to give as much notice as possible.

REINSTATEMENT:

An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed, will be returned to the same job or a job equivalent to the job the employee held before going on FMLA leave. An employee who has not exceeded the 26-week maximum leave period in a single 12-month period, allowed to care for a seriously ill or injured covered military member, will be returned to the same job or a job equivalent to the job the employee held before going on leave.

If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

The county has no obligation to reinstate an employee who takes more than the 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available sick or vacation leave.

REPAYMENT OF BENEFITS:

Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to their FMLA leave.

OTHER BENEFITS:

While on leave without pay under this policy, an employee does not earn vacation or sick leave, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy, unless other employees who go on leave without pay are allowed to do so.

An employee who is out on approved FMLA leave may not take trips outside of the country unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. An employee may ask their immediate supervisor for written permission to take other trips outside of the country, which may be granted at the supervisor's sole discretion.

Employees are forbidden from working another job while on approved FMLA leave from the county.

REGULATION:

Any area or issue regarding family and medical leave that is not addressed in this policy is subject to the basic requirements of the FMLA and the regulations issued to implement it.

RETURN-TO-WORK:

An employee is required to provide a fitness-for-duty certification before returning to work.

ENFORCEMENT:

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family medical leave rights.

RESPONSIBILITIES:

Bailey County will post the current FMLA poster as provided by the Department of Labor. If an employee asks for FMLA leave for any reason, Bailey County will respond in writing and will use the FMLA forms (WH-381) Notice of Eligibility and Rights and Responsibilities and form (WH-382) Designation Notice to notify the employee of their eligibility rights.

2B-13 LEAVE OF ABSENCE - OTHER

Full-time employees may request a personal leave of absence for up to 90 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence

are granted solely at the discretion of the elected official, appointed official, or department head.

Employees on personal leave of absence are placed in inactive status and do not accrue any benefits. Employees may continue the county health plan, but they are responsible for the full premium, including both their portion and the county's. The employee must pay the premium on the first of each month; failure to pay will result in medical plan termination, and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

2B-14 COMMUNICABLE DISEASES LEAVE

"Communicable Disease" means an illness that occurs through the transmission of the infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment that is required to be reported to the Texas Department of Health by the Texas Health and Safety Code Section 81.041.

Employees are required to notify their department head and be seen at a medical facility to be tested if they are showing symptoms of the Flu, Covid-19, any of its variants, or any other communicable disease. Home tests will not be accepted. Employees will need to provide these test results as soon as possible to be placed on FMLA leave. Also, a release to return to work from your provider must be submitted to the Treasurer's office before returning to work.

Employees who **do not wish to be tested** must remain at home for 5 days after the first symptom appears and be fever-free for 24 hours (without the use of fever-reducing medication) before returning to work. Those employees will need to wear a mask for 10 days after returning to work, as suggested by current CDC guidelines. Bailey County follows CDC guidelines and may change the Isolation/quarantine policy at any time to protect Bailey County Employees.

Symptoms that may appear include but are not limited to the following

- Fever or chills
- Cough
- Shortness of breath or difficult breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste
- Sore throat
- Congestion
- runny nose,
- watery eyes
- Nausea or vomiting

Employees who have family members who have tested positive for the above-mentioned diseases may work if they themselves have no symptoms; however, their department head has the right to request that they wear a mask.

All employees will be required to use accrued sick or vacation hours to cover the lost time from work.

An exception to this requirement is for Law enforcement, Detention officers, and EMS employees (First Responders). These employees are covered under HB 2073, and Bailey County is required to pay administrative leave to those employees if they were exposed to the illness while at work. To receive pay, the employee must be tested by a medical professional.

Home test will not be accepted.

Supervisors **must** notify HR/Payroll on the same date they are notified.

SECTION 3: EMPLOYEE POLICIES

A. TRAVEL

BAILEY COUNTY TRAVEL POLICY

Section 152.011 of the Texas Local Government Code gives the County Commissioners' Court the authority to set travel expenses and other allowances for all County officials and employees. The Commissioners' Court allows reimbursement of travel expenses for county officials and employees who travel on official county business when funds have been allocated in departmental budgets for that purpose.

3A-1 GENERAL TRAVEL RESPONSIBILITIES

When conferences, training, or meetings are offered virtually, it is required to attend virtually, unless prior approval has been given by the Commissioners' Court to attend in person.

County Officials and Department Heads are expected to plan the out-of-county travel for themselves and/or their employees to achieve maximum economic efficiency.

Coordination of travel is required when four (4) or fewer employees travel on the same dates with the same itinerary to conduct the same official County business If more than four (4) employees travel on the same dates with the same itinerary to conduct the same official County business, then coordination of travel is required for each group of four (4) employees and for any fraction in excess of a multiple of four (4) employees.

Exception to coordination of travel: Coordination of travel is not required if, prior to the trip, the County Official determines that coordination of travel is not feasible. That determination must be based only on factors relating to official County business, **not personal reasons**. **Determinations should be made on a trip-by-trip basis and must be provided in a written memo to the Commissioners' Court for approval before traveling.**

It is the responsibility of the County Official or Department Head to see that all travel expense forms are properly completed and signed before being sent to the County Treasurer's office. The County Official or Department Head shall be responsible for verifying that adequate travel funds are available in their budget before planning to attend a conference, training, or meeting.

Forms filed with the County Treasurer's office must be completed, signed, and include all appropriate supporting documents. **All forms should include an agenda or an email from the conference sponsor** outlining their daily activities while on official county business. All hotel stays must include an itemized hotel statement. All other travel expenses must also include itemized receipts. A printout from MapQuest or Google Maps showing the round-trip mileage (employees should use the most economical route) if using a personal vehicle or one of the county vehicles (this is not required for rental vehicles). Breakdown and /or any other document explaining the charges included on their expense forms. The Travel Expense Form should include a Certificate of Attendance and/or Hours/Credits Earned for the conference or training they attended.

It is the responsibility of the County Official or Department Head to ensure that all reimbursement forms from the State of Texas, the Texas Association of Counties (TAC), or any other reimbursing agency are promptly submitted for reimbursement. All reimbursement forms to the State of Texas, Texas Association of Counties (TAC), or any other reimbursing agency must request reimbursement be made payable to Bailey County and **mailed to: 316 S Main St, Muleshoe, TX 79347 /The Bailey County Treasurer's Office}-**

All travel expenses should be applied to the County Official, Department Head, or employee's credit card, with the exception of meals if a meal advancement was received. In situations where personal funds were used, a reimbursement form, along with receipts, must be submitted to the County Treasurer within 14 days of the employee's first working day upon return. Only the amount spent on meals will be reimbursed up to the maximum listed in Meal Per Diem Rates.

3A-2 ALLOWABLE TRAVEL EXPENSES

Reimbursable expenses must be reasonable, customary, and standard expenses for an employee to incur while attending the specific conference, meeting, or training. The following examples are representative of allowable expenses, but are not exclusive:

- Hotel Rooms
- Fuel
- Per Diem for meals up to the allowable
- Parking expenses, including airport parking or hotel guest parking or valet parking if self-parking is not free
- Tolls
- Rental cars and rental insurance
- Hotel wireless charges
- Airfare insurance
- Baggage fees

Itemized receipts and agendas are required when using the county credit card. Submission of the monthly credit card statement is insufficient, and an employee will owe any amount charged to the county's credit card if unable to provide an itemized receipt and agenda. It is recommended that, if an employee is unsure, they keep track of each receipt; they should take photos of their receipts as they obtain them during their travel. If a receipt at a car wash or gas pump does not print, then take a picture of the car wash kiosk or gas pump total.

3A-3 RECEIPT AFFIDAVIT

If a receipt is lost or cannot be obtained, an employee may submit an affidavit listing what was purchased, the date of purchase, and the place of purchase, attach it to the credit card statement and then submit it to the Bailey County Treasurer's office.

An affidavit is meant to be used on rare occasions, not as a substitute for multiple receipts. **A maximum of 4 affidavits may be used in a year.** Employees will be required to reimburse the county for lost receipts beyond the 4 allowed each year.

3A-4 TRAVEL TIME

While traveling from Bailey County to the destination site and while returning to Bailey County or their place of residence, employees other than Elected Officials will receive compensation. When returning to work, submit your hours to Human Resources. They will add the hours to your time sheet for you.

3A-5 MEAL PER DIEM RATES

The following per diem meal rates have been set by the Bailey County Commissioners, and employees must be in travel status away from Bailey County for the following length of time to qualify for the meal per diem rates below.

Breakfast: \$20.00

Lunch: \$20.00

Dinner: \$25.00

Employees must be in travel status, away from Bailey County, for the following length of time to qualify for meal per diems:

AT LEAST (4) HOURS ONE MEAL

AT LEAST (9) HOURS TWO MEALS

AT LEAST (12) HOURS THREE MEALS

Employees may use the county credit card for meal expenses in lieu of receiving a cash advancement. Employees who do not have a credit card can have a county credit card assigned to them by going to the County Judge's office the day prior to departure or Friday if traveling over the weekend. If an employee elects to use the county credit card, they may not exceed the per diem rates listed above. If the amount charged on the county credit card exceeds the per diem amounts, the employee will be responsible for reimbursing the county. If the meal expense charged to the county card is less than the allowed per diem, Bailey County will not reimburse the employee for the remaining funds.

For an employee to receive the per diem amount as a cash advance, they must submit the request form by the first or third Wednesday before their departure date.

The advancements will be ready after the Commissioners' Court approval and printing of the check.

Employees may not choose both options; doing so may result in the denial of future advancement requests.

3A-6 VOLUNTARY GRATUITY

Voluntary Gratuity may not be charged to the county credit card. If an employee voluntarily elects to use their county credit card for gratuity, they will be expected to reimburse

the county for the amount. It is recommended that employees bring separate cash if they wish to tip individuals while traveling.

3A-7 USE OF PERSONAL VEHICLES

The use of personal vehicles for County business travel is acceptable **ONLY** when a County vehicle is **not** available, or they are unable to operate the County vehicle due to a disability, health issue, or injury. The employee must provide a letter from a physician stating the need to use a personal vehicle. A written request for the county vehicle must be submitted to the Bailey County Judge's office as soon as travel dates are known. Failure to submit a timely request for the county vehicle will result in denial of mileage reimbursement for the employee's use of a personal vehicle for travel, unless they fall under the exceptions stated above.

The County's insurance policy does not provide coverage for employees using their private vehicles for traveling. An employee is responsible for confirming that their automobile insurance policy provides adequate coverage. Damage to the vehicle, vehicle repairs, parking fines, towing charges, and theft of property are the responsibility of the County Official or employee traveling, not the County's.

The use of a personal vehicle for out-of-county travel, whenever a county vehicle is not available, is acceptable as long as the total cost to the County, including the employee's paid time, does not exceed the cost of air travel and a rental car.

The rate for personal mileage is the IRS rate or the rate set by Commissioners' Court at the time of travel. Notice will be given by the County Treasurer's office when there is a change to either of these rates; the approved rates will be documented in the Commissioners' Court Minutes.

The County will reimburse the employee based upon mileage calculated by MapQuest. com or Google Maps.com.

3A-8 TRAVEL EXPENSES NOT REIMBURSED (The following list is not exhaustive)

- Mileage for use of personal vehicle (if County vehicles were available for dates traveled)
- Movie rental charges
- Spas or health clubs
- Limousines or luxury rental cars
- Refueling penalty charges by rental car companies
- Entertainment expenses (golfing; raffle tickets; silent or regular auctions; banquets & other events not covered in the registration fee)
- Personal item, i.e., books, magazines, toiletries
- Medication or medical visits
- Airport express check-in
- Mileage multiplier expenses
- ***Non-employee/Spouse or family's lodging, meals, or conference registration costs, social outings or entertainment expenses
- Phone calls
- Dry Cleaning
- Alcoholic beverages

Bailey County will not reimburse mileage or meals to surrounding cities to pick up various items or supplies that can be purchased, ordered, and delivered in a timely manner, unless approved by the Commissioners' Court

Example: Use Amazon, Quill, Office-wise, Holland's Office Supply, etc.

3A-9 OUT OF STATE TRAVEL

If any out-of-state travel is required, it is the responsibility of the County Official or Department Head, prior to making reservations or departing, to notify **the Commissioners' Court** of such travel with the location, dates of travel, the conference type, and the agenda. This should be done prior to making reservations and finalizing travel plans. This is in accordance with a resolution passed by the Commissioners' Court on May 6, 2025.

3A-10 TAXI, HOTEL SHUTTLE, PUBLIC TRANSPORTATION

The hotel shuttle service is the preferred mode of travel if you choose to fly. Whenever a shuttle is unavailable, using a taxi or other service, such as Uber or Lyft, is acceptable and reimbursable. Receipts should be retained to document the expense. If none of the transportation methods are available, fees for a rental car may be considered and **must be approved by the Commissioners' Court prior to the rental**. If approval is not obtained, the employee may be responsible for the charges.

3A-11 RENTAL CARS

Use of a rental car may be justified. No other driver, other than a County Official or employee, is authorized to drive the rental car. Fuel and other receipts should be retained along with the vehicle receipt for reimbursement. The use of an economy car for one (1) person, a mid-size for two (2), and a full-size for three (3) or more is recommended. The use of SUVs, vans, or other specialty vehicles requires special justification. **All vehicle rentals should be authorized prior to the trip by the Commissioners' Court.**

Employees are required to purchase the full liability insurance option prior to operating the rental car.

3A-12 NON-EMPLOYEE /SPOUSAL ATTENDANCE

Bailey County will not reimburse extra event expenditures at conferences. Nor will Bailey County reimburse for a non-employee/spouse's registration or attendance. If additional room charges are incurred for a guest attending, and the county is charged for these, the employee will be expected to reimburse the county for these expenses when the credit card statement is submitted to Accounts Payable for processing.

3A-13 HOTELS

The County encourages the use of clean, comfortable, and safe hotels, but expects that the employee will be frugal in selecting a hotel. The host hotel **MUST** be used when available (Book early so the host hotel still has rooms blocked at the lower rate.) Government rates should be used whenever available. Lodging reimbursement will be based on the conference's start and dismissal times, as well as the time of travel from Bailey County or the employee's place of residence. Agendas **MUST** be attached to the credit card statement or reimbursement forms. Using a concierge to store baggage is encouraged to avoid late checkout charges at the hotel. Arrival the day of the meeting or conference is encouraged whenever the meeting or conference is less than three (3) hours travel time. Returning the same day that the conference or meeting ends is expected if less than five (5) hours away from Bailey County and classes dismiss before 5:00 p.m. (unless there is Commissioners' Court approval).

3A-14 AIRFARE

Travel by air is acceptable whenever travel by car is longer than three (3) hours or air travel along with car rental is cheaper than travel by car. Travel should be scheduled to allow for the most economical fares. Cancellation fees or other similar charges will only be reimbursed when a written statement from the traveler and the County Official or Department Head explaining the **emergency** is included and warranted. **Two (2) weeks'** advance purchase should be the minimum for making airfare/travel plans. Airfare insurance **must be** purchased while booking the flight. The use of a travel agency to book air travel reservations is discouraged. Travel agency bookings are not reimbursable from the State of Texas, Texas Association of Counties (TAC), or any other reimbursing agency.

3A-15 LAME DUCK TRAVEL

Any elected official who has announced that they are not seeking re-election or has been defeated in an election **shall not** expend county funds for any type of travel. This includes conferences, trainings, meetings, registration fees, meals, and mileage.

B: FRAUD WASTE AND ABUSE POLICY

Bailey County Fraud, Waste And Abuse Policy

3B-1 OVERVIEW

Bailey County is committed to the safeguarding of public assets and preventing fraud, waste, and abuse. All County employees, as public stewards, must share in the commitment. County employees, especially supervisors and department heads/elected officials, must be aware of the circumstances, or "red flags", which may potentially lead to fraud. For the purpose of this administrative procedure, fraud, waste, and abuse are referred to as "fraud".

3B-2 PURPOSE

The purpose of this document is to communicate the County's policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate action in the event of suspected violations.

3B-3 SCOPE

This policy applies to any fraud, or suspected fraud, involving employees, department heads, officials, consultants, vendors, contractors, and any other parties with a business relationship with Bailey County.

3B-4 GOAL

The intent of this policy is to establish and maintain a fair, ethical, and honest business environment for all county employees, customers, suppliers, and anyone else with whom the County has a relationship.

Fraud not only involves loss of revenue, but decreased morale and productivity.

3B-5 DEFINITIONS

Fraud - Fraud encompasses an array of irregularities and illegal acts characterized by internal or external deception. It can be perpetrated for the benefit of, or to the detriment of, the County; and by persons outside as well as inside the County. Examples of fraud include, but are not limited to the following:

- Stealing. Misappropriation of funds, supplies, etc.

- Forgery or unauthorized alteration of any document
- Intentional misrepresentation by County personnel regarding payroll records or the payroll records of others
- Knowingly making a false entry in, or false alteration of a governmental record
- Making, presenting, or using any record, document, or thing with the knowledge that it is false
- Intentional destruction, concealment, removal, or other impairing to the verity, legibility, or availability of a government record
- Processing, selling, or offering to sell a governmental record or a blank governmental record form with intent that it be used unlawfully, or with knowledge that it was obtained unlawfully
- Using or claiming to hold an education degree that is fraudulent, fictitious, or has been revoked, with the intent to obtain employment, promotion, or other benefit.
- Credit card abuse or falsification of transactions
- Making a false statement to obtain property, credit, or services
- Fraudulent transfer of a motor vehicle
- Securing execution of a document by deception
- Fraudulent use or possession of identifying information without the person's consent
- Stealing an unsigned check or receiving an unsigned check with the intent to use it or sell it

Waste - Waste is defined as harmful or destructive use of property under one's control. Waste may also be referred to as the unnecessary incurring of costs as a result of inefficient practices, systems, or controls. Examples of waste include, but are not limited to the following:

- Damaging, destroying, or ruining materials or equipment
- Improper maintenance or intentional mistreatment of equipment
- Purchase of unneeded supplies or equipment
- Purchase of goods at inflated prices
- Failure to reuse or recycle major resources or reduce waste generation

Abuse -Abuse refers to violations and circumventions of departmental or County regulations which impair the effective and efficient execution of operations. Some examples of abuse are as follows:

- Using County equipment or suppliers to conduct non-County business
- An employee using non-confidential taxpayer information to get new customers for his/her outside business
- Improper handling or reporting of money or financial transactions
- Profiting by self or others as a result of inside knowledge
- Destruction or intentional disappearance of records, furniture, fixtures or equipment
- Accepting or seeking anything of material value from vendors or persons providing services or material to the County for personal benefit
- Unauthorized use of County resources (computers, software, databases, other information) for non-County purposes
- Abuse of purchase order authority, such as false travel or expense reports
- Accepting or seeking anything of material value from vendors or persons providing services or materials to the County
- Use of information gained as a county employee for personal gain, such as an employee using non-confidential taxpayer information to get new customers for his/her outside business

3B-6 DETERRENCE

Deterrence consists of those actions taken to discourage the perpetration of fraud and limit exposures if fraud does occur. Elected Officials/Department Heads are responsible for implementing and maintaining effective internal controls. The internal audit division is responsible for assisting in the deterrence of fraud by examining and evaluating the adequacy and effectiveness of internal controls.

Fraud occurs for the following reasons:

1. Poor internal controls, especially disregard for set policies and procedures
2. Management override of internal controls
3. Collusion between employees and/or third parties
4. Poor or non-existing ethical standards
5. Lack of control over staff by their supervisors

3B-7 "RED FLAGS"

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

1. Changes in an employee's lifestyle, spending habits or behavior
2. Poorly written or poorly enforced internal controls, procedures, policies or security
3. Irregular/unexplained variances in financial information
4. Inventory shortages
5. Failure to take action on results of internal/external audits or reviews
6. Unusually high expenses or purchases
7. Frequent complaints from customers
8. Missing files
9. Ignored employee comments concerning possible fraud
10. Refusal to leave custody of records during the day by the employee
11. Working excessive overtime and refusing to take vacation time off

3B-8 FRAUD PREVENTION

The following internal controls should minimize the risk and help prevent fraud:

1. Detailed written policies and procedures and adherence to all policies and procedures, especially those concerning documentation and authorization of transactions
2. Physical security and controlled access over assets such as locking doors and restricting access to certain areas
3. Proper training of employees
4. Independent review and monitoring of tasks by the department supervisor, such as approval processing of selected items
5. Separation of duties so that no one employee is responsible for a transaction from start to finish
6. Clear lines of authority
7. Conflict of interest statements which are enforced
8. Rotation of duties in positions more susceptible to fraud
9. Ensuring that employees take regular vacations
10. Regular independent audits of areas susceptible to fraud

3B-9 REPORTING FRAUD

If an employee suspects that fraud is being committed within the County, then the employee should report it to any of the following:

- Their immediate supervisor,
- Department Head/Elected Official,
- County Attorney by phone at 806-272-4205; via e-mail at scamarena@co.bailey.tx.us; or by mail to Attorney's Office, 623 W. American Blvd, Muleshoe, Texas 79347.
- Human Resources Department by phone at 806-272-3239; via e-mail at ttorres@co.bailey.tx.us; or by mail to Treasurer's Office, 316 South Main St Muleshoe, Texas 79347.

The supervisor, department head/elected official, and human resource personnel should immediately report it to the County Attorney's Office.

At any time, an employee may communicate directly with the County Attorney's Office to report fraud, and the employee will have the option to remain anonymous. Every attempt will be made to protect the identity of the reporting individual. The County Attorney's Office is committed to protecting the employee's identity and confidentiality.

Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. **Managers, while appropriately concerned about "getting to the bottom" of such issues, should not, under any circumstance, perform any investigative or other follow-up steps on their own. All relevant matters, including suspected but unproven matters, should be referred immediately to those with follow-up responsibility.**

If members of the public suspect that fraud is being committed within the County, they may report it to the County Attorney's Office, which may be contacted in the following forms of communication:

- Phone number 806-272-4205
- Via e-mail at scamarena@co.bailey.tx.us
- Mail a letter to 623 W. American Blvd, Muleshoe, Texas 79347.
- County website [https:// www.co.bailey.tx.us](https://www.co.bailey.tx.us)

3B-10 RETALIATION

An employee who believes that they have experienced retaliation for making a report or assisting in an investigation shall report this as soon as possible to the County's Treasurer's Office at 806-272- 3239 or the County Attorney at 806-272-4205.

3B-11 REPORTING UNETHICAL BEHAVIOR

Employees are encouraged to seek advice from the County's Human Resources Department when faced with uncertain ethical decisions. The County Attorney is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as necessary.

3B-12 DUTY TO REPORT

Local public officials, County officials, County employees, and all others who are subject to this policy have a duty to report violations of this policy and to cooperate in investigations, inquiries, and hearings conducted by the County. However, a person making false reports shall be subject to disciplinary action if he or she reports information which they know to be false or which they disclose with reckless disregard for its truth or falsity.

3B-13 NO COERCION

No County official or employee shall directly or indirectly use or threaten to use any official authority or any influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce or discriminate against any person who in good faith reports, discloses, divulges or provides any facts or information relative to an actual or suspected violation of this policy or other state, federal, or local laws

3B-14 CONSEQUENCES

County Department Heads found to have violated this policy will be subject to discipline by Commissioners Court, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which a department head may otherwise be disciplined.

County employees found to have violated this policy will be subject to discipline by their department head or elected official regarding violations of this policy, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which the employee may otherwise be disciplined.

Parties doing business with the County, including vendors, consultants, contractors, or their principals and employees, found to have violated this policy will be subject to termination of any business relationship with the County and exclusion from further business opportunities with the County.

As to any person subject to this policy or otherwise, the County may make a referral of its findings to the appropriate law enforcement authority