

# EMPLOYEE POLICY MANUAL



## MONTGOMERY COUNTY TEXAS

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**MONTGOMERY COUNTY, TEXAS  
EMPLOYEE POLICY MANUAL**

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### 1. INTRODUCTION

#### 1.0 WELCOME

**WELCOME** 1.0-1 We are glad to have you on the team of employees that make up Montgomery County government. From temporary workers to elected officials, our job is to serve the residents of our county. We must all work together to meet their needs, earn their respect, and deserve their support.

1.0-2 As taxpayers, we ourselves expect quality service from government. As public servants, we owe it to ourselves as well as our community to ensure that we provide what is needed as economically as possible.

1.0-3 As one of the fastest growing counties in the nation, our community and its needs change constantly, and our duties and policies will change as well. Our commitment to providing the highest level of service possible will remain the same.

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1. INTRODUCTION**

**1.1 MONTGOMERY COUNTY GOVERNMENTAL ORGANIZATION**

- ORGANIZATION** 1.1-1 Montgomery County is a local subdivision of the State of Texas; as such, its organization is established by the Constitution of the State of Texas and by State statutes. Our operations are governed by state and federal law as well as the actions of Commissioners Court.
- STRUCTURE OF COMMISSIONERS COURT** 1.1-2 The Commissioners Court consists of four Commissioners, each elected by the voters of a Commissioner's precinct, and the County Judge, elected by voters in all areas of the county. This is the policy making body of the county.
- OPERATIONS** 1.1-3 County operations are conducted through departments, each administered by an elected official or appointed department head.
- SERVICES** 1.1-4 Under the direction of elected officials and department heads, Montgomery County employees provide important services to the public, including but not limited to: recording vital statistics, maintaining records, preserving law and order, road maintenance, conducting elections, and collecting taxes. County departments include: Airport, Animal Control, Bail Bonds, Budget, Building Maintenance, Civil Defense, Collections, Commissioners (4), Communication Information Services, Community Development Block Grant, Community Supervision & Corrections, Constables (5), County Attorney, County Auditor, County Clerk, County Courts at Law (4), County Engineer, County Judge, County Treasurer, Custodial Services, Dispute Resolution, District Attorney, District Clerk, District Courts (5), Drug Court, Elections, Environmental & Consumer Health, Extension Service, Fire Marshal, Human Resources, Indigent Defense, Justice of the Peace (5), Juvenile Probation, Law Library, Library, Lone Star Convention Center, Parks, Purchasing, Risk Management, Sheriff, Tax Assessor-Collector, and Veterans Services.

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### 1. INTRODUCTION

#### 1.2 PURPOSE OF MANUAL

##### **PURPOSE OF MANUAL**

1.2-1 This manual is a reference for you which outlines the county's policies, what we expect from you, and what you can expect from us as your employer. These guidelines have been established by Commissioners Court to promote consistent, equitable, and effective practices by both employees and supervisors which will result in high quality public service.

1.2-2 Montgomery County reserves the right at any time to change, delete, or add to any of the manual's provisions. Furthermore, the policies of this manual are designed to serve as guidelines rather than absolute rules, and exceptions may be made from time to time on the basis of particular circumstances. In addition, individual elected officials and/or department heads may institute policies for employees in their particular offices which are over and above the policies which make up this manual, and those policies take precedence over the policies found here, as long as they are nondiscriminatory and legal and are meant to supplement the provisions herein.

##### **EMPLOYMENT- AT-WILL VS. CIVIL SERVICE**

1.2-3 Employees working in most Montgomery County positions are covered under the Montgomery County Civil Service Regulations, however, employees working in some departments and positions are employed "at will" which means either the employee or the County can sever the employment relationship at any time with no notice for any non-discriminatory reason or for no reason. During the interview process, each applicant will be told whether or not the position for which he or she is applying is included under or excluded from Civil Service.

1.2-4 This manual and the provisions herein do not constitute a contract of employment with any County employee.

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**1.3 APPLICABILITY**

**APPLICATION OF POLICIES** 1.3-1 These policies apply equally to all employees of the County unless a class of employees is specifically exempted. In cases where federal or state laws or regulations supercede local policy for specific groups of employees, such laws or regulations will substitute to the extent necessary to comply.

**CIVIL SERVICE** 1.3-2 Since most County positions are covered by Civil Service, the persons holding them are also governed by Civil Service Regulations approved by the Montgomery County Civil Service Commission. These employees have the right to file a grievance with the Civil Service Commission if they are (1) suspended for more than three days, (2) demoted, or (3) discharged.

**VIOLATION OF POLICY** 1.3-3 Reasons for disciplinary action for positions covered by and excluded from Civil Service may include violation of the policies contained in this manual.

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**1.4 POLICY IMPLEMENTATION AND ADMINISTRATION**

- RESPONSIBILITY** 1.4-1 The responsibility for policy administration is divided among County offices as follows:
- A. The Commissioners Court establishes and oversees general personnel policies.
  - B. The Human Resources Director serves as the resource to elected officials, department heads, and employees on personnel matters and policies. The office distributes copies of newly-created and updated policies to County employees; it is during new employee orientation that new employees are first advised of the County's policies. The office also maintains the Employee Policy Manual and makes recommendations to Commissioners Court regarding needed policy changes and additions.
  - C. Elected officials and department heads are responsible for implementing these policies in a fair and consistent manner in all areas over which they have responsibility.
  - D. All regular full-time employees are given a copy of the Employee Policy Manual at new employee orientation; part-time employees are given a copy by their departmental representative.



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2. EMPLOYMENT PRACTICES**

**2.0 EQUAL EMPLOYMENT/AFFIRMATIVE ACTION**

**EQUAL  
EMPLOYMENT**

2.0-1 It is the policy of Montgomery County to recruit, hire, train, and promote persons in all job classifications without regard to race, color, religion, national origin, age, military status, disability, or sex, except where sex is a bona fide occupational qualification.

2.0-2 All employment and promotional decisions will be based only on valid job requirements and will be made in accordance with principles of Equal Employment Opportunity. Reasonable accommodation to religious practices will be granted if such accommodation can be effected without undue hardship on other employees and/or county operations so far as health, safety, or productivity in the workplace.

2.0-3 All other personnel actions, such as compensation, benefits, transfers, training programs, educational assistance, and social and recreational programs are administered without regard to race, color, religion, sex, national origin, military status, disability, or age.

2.0-4 In accordance with the Americans with Disabilities Act (ADA) and Section 503 of the Rehabilitation Act, reasonable accommodation will be made for otherwise qualified individuals with disabilities to afford them the same opportunities for selection and all conditions and privileges of employment as non-disabled applicants and employees.

2.0-5 The Human Resources Director administers Equal Employment Opportunity (EEO) programs at all Montgomery County facilities. As the County's EEO Coordinator and ADA Coordinator, he/she is responsible for advising elected officials and department heads of federal and state EEO and ADA laws and seeing that they comply.

2.0-6 All elected officials, department heads, and supervisors are responsible and accountable for complying with this policy and implementing it throughout their particular organizational unit.

**AFFIRMATIVE  
ACTION**

2.0-7 Montgomery County will take affirmative action to promote the principles of equal employment opportunity and may post open jobs with the Texas Workforce Commission, advise programs that cater to individuals in protected classes of open positions, and may post notices of open positions in county facilities.

**MONITORING**

2.0-8 The Human Resources Director will continuously monitor all personnel actions to insure that they are nondiscriminatory.

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**2.0 EQUAL EMPLOYMENT/AFFIRMATIVE ACTION**

**REPORTING** 2.0-9 Any employee who has reason to believe that he has been discriminated against on the basis of race, color, religion, age, sex, national origin, disability, or military status is encouraged to contact the Human Resources Director.

2.0-10 An employee who, in good faith, reports an alleged incident of discriminatory behavior will under no circumstances be subject to reprisal or retaliation of any kind. Any employee who feels he or she has been subjected to such adverse actions should contact the Human Resources Director.

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**2.1 EMPLOYEE STATUS**

- CATEGORIES** 2.1-1 Montgomery County has four categories of employment:
- FULL-TIME** 2.1-2 A full-time employee is one who is employed in a position that requires at least 30 work hours per week which is budgeted for at least one year.
- PART-TIME** 2.1-3 A part-time employee is one who is employed in a position that requires less than 30 work hours per week and is budgeted for at least one year.
- \*NOTE:** A part-time employee who is allowed to breach their weekly hours of <30 hours per week and is allowed to work 30 or more hours per week may be eligible for medical benefits as defined by the Affordable Care Act (ACA) and the elected official/department head may need to request an increase in their budget which requires approval by Commissioner’s Court.
- TEMPORARY** 2.1-4 A temporary employee is one who is employed in a position that has a duration of hire not to exceed one year, e.g., someone hired to complete a specific project or work for a specified period of time.
- SEASONAL** 2.1-5 A seasonal employee is one who is employed in a position that has a duration of hire for a maximum of 6 months.

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**2.2 RECRUITMENT, SELECTION, PROMOTION, DEMOTION**

- JOB POSTINGS** 2.2-1 As an efficient means of filling vacant County positions, and in an effort to communicate employment opportunities to surrounding communities, vacant positions may be posted with the Human Resources Department. Once the department notifies Human Resources of the employment need, a "Notice of Job Posting" is created and posted in the Human Resources Department, circulated to all county departments, and sent to various agencies, including the Texas Workforce Commission. Additionally, the position is included on the Human Resources Department's job line and on the County's website.
- REFERRAL** 2.2-2 Applicants for most jobs (law enforcement and professional positions are excluded) must get a referral from the Texas Workforce Commission.
- TESTING** 2.2-3 Applicants for clerical positions must receive a typing test administered by the Texas Workforce Commission; the Montgomery County Human Resources Department administers a clerical skills test. Only those applicants meeting or exceeding the minimum qualifications for positions (as set by the hiring department) are referred to the department with the job opening.
- APPLICATION** 2.2-4 All applicants for Montgomery County positions must complete a Montgomery County Application for Employment, a copy of which will be forwarded to the department with the job opening.
- DOCUMENTATION** 2.2-5 All applicants selected for positions which require education above the high school level will be required to provide copies of official transcripts or other acceptable official documentation from the colleges or universities they attended. Persons hired to fill positions that require special training, licensing, or certification must also provide satisfactory evidence of completion of the stated requirements. Said documentation must be received by the elected official or department head or his/her designee prior to the applicant being sent by the department for his/her post-offer pre-employment drug screen; a copy of the documentation must be forwarded to the Human Resources Department for inclusion in the employee's personnel file.
- SELECTION** 2.2-6 Each elected official and department head selects the employees which make up his or her department. Once a selection has been made, the department should notify Human Resources so the job can be closed.

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**2.2 RECRUITMENT, SELECTION, PROMOTION, DEMOTION**

- DISQUALIFICATION** 2.2-7 An applicant shall be disqualified from consideration if he/she:
- A. Does not meet the minimum qualifications necessary for the performance of the position for which he/she is applying;
  - B. Fails to provide documentation as required in Section 2.2-5 of this policy, if applicable;
  - C. Has knowingly made a false statement on or omitted relevant information from the application form or any other documents related to, or which have bearing on, the selection process;
  - D. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
  - E. Is not legally permitted to hold the position;
  - F. Has a positive result on a post-offer, pre-employment drug screen;
  - G. Is unable to perform the physical requirements of the position (relates only to particular job types) as determined by a job-related post-offer, pre-employment physical agility test; or
  - H. Is determined to be unqualified on other reasonable, nondiscriminatory grounds.

**PROMOTIONS** 2.2-8 A promotion is movement to a position with a higher salary grade (i.e., a higher salary range and rank) which requires greater skill and responsibility. It is the County's policy to give qualified employees advancement opportunities whenever possible. Therefore job vacancies will be posted unless a qualified individual from within the same department is identified and promoted. In all cases, promoted individuals must meet or exceed the basic qualifications for the position as stated in the completed Position Description Questionnaire. Interviews are scheduled at the discretion of the department.

**DEMOTIONS** 2.2-9 A demotion is the movement of an employee from his/her present position to one with a lower pay grade and/or salary level. Acceptable reasons for demotion are:

- A. Employee's request (this must be in writing)
- B. Job evaluation, if a review of the Position Description Questionnaire determines that the position should be at a lower pay grade. All requests for review of any position must be submitted to the Human Resources Department.

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**2.2 RECRUITMENT, SELECTION, PROMOTION, DEMOTION**

- C. Reduction in force: A reduction in the County budget (including a reduction in revenues as a result of a discontinuation of grant or other reimbursed funds), as well as changes in program emphasis or lack of work, may cause a reduction in force. Employees who are affected by a reduction in force may be considered for a demotion in lieu of layoff. Such a demotion is possible only if approved by Commissioners Court and if a vacant position exists where the affected employee may be placed with the consent of the elected official or department head.
  
- D. Disciplinary action: When a demotion is the result of a disciplinary action, the elected official, department head, or his/her designee must provide the employee with the specific reason in writing. The salary of an employee who is demoted may be reduced and in all cases will be no more than the maximum for the salary range for the grade.
  
- E. Disqualification: An employee who is found to be unqualified or who becomes disqualified to perform the position held, e.g., a certified peace officer who loses his/her law enforcement certification. In all such cases:
  - 1. The employee must notify his/her supervisor within seven days of lack of qualification that he/she is not qualified/no longer qualified to hold the position. Failure to do so will result in disciplinary action, up to and including termination of employment.
  
  - 2. Within the same pay period of being notified, the elected official or department head is required to (1) terminate the individual's employment; (2) transfer the employee to another open position for which he/she is qualified; or (3) submit a Position Description Questionnaire to the Human Resources Department for a modified position for which the employee is qualified and the department has a need. Human Resources will recommend an appropriate salary within the salary range for the new position, and the department will complete a Payroll Change Request Form to transfer the employee to the new position; said transfer will likely result in a decrease in pay. If the employee is retained, the effective date of the transfer to another position shall be the date of disqualification. Creation of a modified position must be approved by Commissioners Court.

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**2.3 DATE OF HIRE/DATE OF TERMINATION**

- PURPOSE** 2.3-1 It is important that Montgomery County be consistent in the manner in which an employee's date of hire and date of termination are determined.
- EFFECTIVE DATE OF HIRE** 2.3-2 A person's date of hire is the first day he is required to be physically present at the job site to perform the duties of the job. No one may begin working until after the department has been notified by Human Resources that the prospective new employee has received a negative result on a pre-employment, post-offer drug screen and, if applicable, he/she has passed a job-related physical agility test.
- EFFECTIVE DATE OF TERMINATION** 2.3-3 An employee's date of termination shall be his last day physically present at the job site. The only exception to this policy shall be when an existing employee is not hired or retained by a newly-elected official, in which case his termination date shall be the date the newly-elected official takes the oath of office (normally January 1), allowing him to be eligible for benefits under the Montgomery County Employee Benefit Plan through the end of that month if otherwise entitled to same. The employee who is not hired or retained will receive payment for the number of hours he would have been paid for that day had his employment continued. (Example: An employee who normally works an 8-hour day would receive payment for 8 hours for January 1.)
- PAPERWORK NEEDED** 2.3-4 As soon as the decision is made to hire a particular individual, the department must contact Human Resources to schedule a drug screen and, for some positions, a physical agility test. A completed Payroll Change Request Form (HR-001) must be received by the Budget Office by 8:00 a.m. on the Tuesday before the Monday's Commissioners Court session at which it is to be approved.
- RESIGNATIONS** 2.3-5 As soon as an employee gives notice that he plans to resign the elected official or department head should complete a Payroll Change Request Form, showing the last day the employee will physically work as the effective date, and forward it to the Budget Office. The employee will receive payment for accrued time as defined in other policies in this manual. Payment for accrued leave, if any, will be delayed if forms are not sent to the Budget Office in a timely manner.
- DISCHARGE** 2.3-6 When an individual is discharged, a completed Payroll Change Request Form must be forwarded to the Budget Office. The date of termination is the last day the employee was physically present at the job site unless the employee had been suspended, in which case the effective date would be the date of the decision to discharge. The employee will receive payment for accrued time as defined in other policies in this manual.

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**2.4 PROBATION**

- NEW EMPLOYEE** 2.4-1 Montgomery County employees in positions covered by Civil Service have a six-month probationary period before they are covered by Civil Service. Until the six months have been completed, these individuals, as well as those in positions excluded from Civil Service, are employed "at will" which means they can be terminated for any reason (other than an illegal reason, e.g., because of their age, race, sex, etc.) or for no reason, with or without notice.
- PROBATIONARY INCREASE** 2.4-2 The first few months of employment are a time of evaluation for both the employee and the employer. Some departments structure their reward system so that they have funds available to grant a salary increase after a three- to six-month period if the new employee's performance is consistent with or exceeds expectations.
- DISCIPLINARY ACTION** 2.4-3 Actions or inaction by an employee which result in the necessity for the supervisor to complete a Documentation of Second Level Discipline form (HR-11) or a Documentation of Third Level Discipline form (HR-12) have the effect of placing the employee on probation (which Webster defines as "critical examination and evaluation"). While the word "probation" may not necessarily be used in conjunction with a disciplinary action, verbal and written documentation is a way for the supervisor to alert the employee to the fact that his/her job performance and/or behavior is unacceptable and to give the employee time to improve.



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**2.5 EMPLOYEE TRANSFER POLICY**

- TRANSFERS AUTHORIZED** 2.5-1 Montgomery County employees may transfer from one department to another with the approval of the elected official or department head of the receiving department. Following are the different types of transfers:
- A. Promotion: A transfer to a position with a higher salary grade.
  - B. Demotion: A transfer to a position with a lower salary grade.
  - C. Lateral: A transfer to a position with the same salary grade.
- CHANGE IN STATUS** 2.5-2 An employee who transfers from a position covered under Civil Service to a position which is excluded from Civil Service will no longer be covered under Civil Service.
- BENEFITS** 2.5-3 All accrued benefits (vacation, sick leave, etc.) transfer with the employee to the new position.
- REQUIRED PAPERWORK** 2.5-4 In order to effect the transfer, the receiving department must submit a completed Payroll Change Request Form to the Montgomery County Budget Office by 8:00 a.m. on the Tuesday before the Monday's Commissioners Court session at which it is to be approved.

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**2.6 TRAVEL AND AUTO EXPENSES**

**PURPOSE**

**2.6-1** The Commissioners' Court allocates funds annually for the payment of travel expenditures for county employees and officials within the individual departmental budgets. Travel expenditures paid from these budgets must serve a public purpose for Montgomery County. These expenditures may be paid directly to the vendor or provided as a per diem to the employee/official upon completion of their travel. Advance payments to vendors may be accommodated by issuance of a check or use of a County procurement card. Eligible expenditure categories under this policy include: Lodging, transportation, registration fees, and other fees (with justification). Each category is further defined below.

**CONTRACT RATES**

**2.6-2** Montgomery County is a "Cooperative Purchasing Participating Entity" with the State of Texas. This program is also known as TPASS (Texas Procurement and Support Services) State Travel Management Program (STMP). This gives County employees and officials access to the contract rates negotiated by the State for hotels and rental cars. Procurement procedures for these contract services are explained within the categories below.

**LODGING (In and Out of State)**

**2.6-3** Hotel: These sites are provided as guidelines only: Hotel reimbursements are limited to the Federal Travel Regulations set forth by U.S. General Services Administration (GSA) by location, not including taxes. The rates are set annually and vary by month and location. Based on the traveler's destination the maximum rates for lodging per day can be found at the following:  
[http://www.gsa.gov/portal/content/104877?utm\\_source=OGP&utm\\_medium=print-radio&utm\\_term=perdiem&utm\\_campaign=shortcuts](http://www.gsa.gov/portal/content/104877?utm_source=OGP&utm_medium=print-radio&utm_term=perdiem&utm_campaign=shortcuts)

Montgomery County's membership as a "Cooperative Purchasing Entity" gives County employees and officials access to the contract rates negotiated by the State for hotels. Participating hotels can be found at the following website: [http://portal.cpa.state.tx.us/hotel/hotel\\_directory/index.cfm](http://portal.cpa.state.tx.us/hotel/hotel_directory/index.cfm) (be sure to check the correct fiscal year). **When making a reservation the traveler must ask for the State of Texas Contract rate (not the government rate) and be prepared to provide the County's agency #: C1702.**

If the organizer of a conference/seminar has negotiated discount rates with a hotel(s), the traveler may choose these lodgings and the traveler may reserve the room at the group rate.

While Montgomery County intends for all employees to stay at safe and comfortable lodging environments, travelers are expected to make every effort to procure the best and lowest rates available for that area.

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**2.6 TRAVEL AND AUTO EXPENSES**

\*\*Travel websites including but not limited to Expedia and Travelocity **shall not** be used for booking lodging.

**Travel Days:** Employees should minimize overnight stays. An additional night's lodging is allowable before and/or after the event only if the driving distance and event start/end times make it unreasonable to travel the day of the event.

**Additional fees allowable:** Parking

**Fees not allowable:** Internet (except for County business), phone charges, laundry, safe fees, Texas state sales tax.

**Gratuities:** Gratuities are not reimbursable for any lodging services.

**Prepaid Lodging:** Prepaid lodging services should be accurately calculated to prevent delays in processing travel reimbursements.

**Procurement Card:** The traveler may use the procurement card to make lodging reservations. Contact Purchasing to arrange to use the procurement card assigned to the department or traveler.

**Documentation:** **A final hotel bill with a zero balance is required even if lodging is paid by the procurement card.** The hotel bill should be scrutinized before traveler departs to make sure all charges are valid, and notify hotel of any invalid charges and resolve issues before departing. Any invalid charges will be the responsibility of the traveler. A copy of the itemized hotel statement must be submitted with the travel requisition claim, even if the traveler used a County procurement card to purchase lodging services or prepaid by County check. Event agenda/documentation or a letter from the traveler describing the event/meeting is required.

**Changes/Modifications to Reservations:** In the event of modifications including cancellation of reservation, the traveler must obtain a confirmation number and note the name of the person they spoke with in case the hotel charges the traveler. Expenses resulting from changes or modifications to travel reservations will be paid by the County if the traveler produces documentation that a family emergency exists or if County business prevented travel.

**MEALS**

**2.6-4 Per Diem Rate:** A flat meal rate of \$51/day will be paid to the traveler. The traveler's per diem on the departure day and final day of travel will be at 75% of the per diem.

**Day Trips:** Meals will not be reimbursed for trips that do not require an overnight stay.

**Procurement Card:** No meal purchases are allowed on any County procurement card.

**Documentation:** No meal receipts are required. Event agenda/documentation or a letter from the traveler describing the event/meeting is required.

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**2.6 TRAVEL AND AUTO EXPENSES**

**TRANSPORTATION** **2.6-5 Personal Vehicle:** Use of personal vehicle will be reimbursed at the current rate/mile set by Commissioners' Court. Mileage should be calculated using the shortest distance of either the County office location or the traveler's home address and the event location. Mileage should be calculated using a readily available online mapping service. A printout of the route detailing the mileage must be provided in lieu of the mileage report page of the Travel Payment Requisition. Employees receiving an auto supplement may not be reimbursed for mileage.

**Allowable Expenses:** Parking and tolls with documentation.

**Travel within Montgomery County:** Mileage-only travel forms (i.e., regular office errands) should be completed and submitted by the end of each month. In-county travel does not require the use of an online mapping service. The mileage report page of the travel requisition must be appropriately filled out and submitted.

**County Vehicle:** County vehicles are to be used **only** for County business. Under no circumstances will family members be allowed to drive County vehicles. Employees' actions in County vehicles are observed by the public; this necessitates good conduct and driving habits by employees. Authorized Driver forms must be completed and on file in Risk Management.

**Accident:** In case of an accident, however minor, a full report must be made to the Risk Management Department. Failure to observe this rule could result in disciplinary action.

**Fuel Purchases:** Fuel purchases when using a County vehicle should be made with the County procurement card if available. Original receipts will accompany the procurement card statement.

**Withholding Taxes:** To the extent required by I.R.S. laws, rules and regulations, when County vehicles are assigned to the exclusive use of individual employees, \$3.00 per day will be declared as salary, subject to withholding taxes.

**Allowable Expenses:** Parking and tolls with documentation required.

**Airfare:** Airfare is reimbursable only for coach/economy full-service seat based on the required arrival of the event. The payment confirmation and itinerary must be presented with the travel reimbursement form. The traveler will be responsible for the excess charges of an airline ticket purchase other than a coach/economy seat.

**Allowable Expenses:** Bag fees. Fare changes are allowable if business related or due to family emergency with appropriate documentation of such.

**Unallowable Expenses/Fees:** Any upgrades from the base coach/economy full-service ticket, all fees/fares for changes made for personal reasons (i.e., extra legroom).

**Rental Car: These sites are provided as guidelines only.**

Rental cars are limited to the negotiated TPASS rates listed at: <http://www.window.state.tx.us/procurement/prog/stmp/stmp-rental-car-contract/vendor-comparison/>. The contact information for Enterprise is listed here: <http://www.window.state.tx.us/procurement/prog/stmp/stmp-rental-car-contract/Enterprise/>. It is recommended to make your reservations at least 14 days

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**2.6 TRAVEL AND AUTO EXPENSES**

in advance and provided the County's agency # **TXC1702**. The traveler should select a value priced vehicle comparable in size to the number of County travelers. The traveler may use a non-contract vendor at an overall rate lower than the contract rates with no penalty. The original contract/receipt must be presented with the travel reimbursement form or a copy if a County procurement card is used. The traveler will be responsible for any excess charges not included in the TPASS rates or for choosing a vehicle size not comparable with the number of travelers on the trip. Insurance is included in the negotiated TPASS rates, if a traveler chooses to take out additional insurance the cost of that insurance is the responsibility of the traveler.

**Enterprise:**

- Optional customer, coupon or corporate number is **06E1410**
- Enterprise will automatically bill Montgomery County when the reservations is made so the department will need to process a blanket release before departure.

**Unallowable Fees/Charges:** GPS, premium radio, child safety seats, additional insurance, one way rentals.

**Allowable Expenses:** Parking and tolls allowed with documentation.

**Other Transportation:** Other forms of transit (bus, taxi, train) are reimbursable with an original receipt.

**Gratuities:** Gratuities are not reimbursable for any transportation services.

**Procurement Card:** The traveler may use a County procurement card to make transportation reservations for air travel and rental car services. Contact Purchasing to arrange to use the procurement card assigned to the department or traveler.

**Documentation:** Original receipts are required for all transportation reimbursements paid by the traveler. Transportation services obtained with a County procurement card require a copy of the receipt. Additional requirements are noted within each category above. Event/agenda documentation or a letter from the traveler describing the event/meeting is required.

**REGISTRATION**

**2.6-6 Registration Fees:** Registration fees are reimbursable for events that serve a County purpose. Registration fees for golf tournaments, tours, spouse attendance guest fees, and other recreational events are not reimbursable.

**Procurement Card:** The traveler may use a County procurement card to register for an event. Contact Purchasing to arrange to use the procurement card assigned to the department or traveler.

**Documentation:** An original receipt must be obtained upon registration and submitted with the reimbursement request if paid by the traveler. A copy of the receipt must be provided if registration is paid on a County procurement card with the original receipt being submitted with procurement card statement. Acceptable receipts must detail the amount of the fee and type of payment used. Event agenda/documentation or a letter from the traveler describing the event/meeting is required.

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- GRANTS:**                   **2.6-7** Travel expenditures from Federal and State grants must also conform to the granting agency's funding requirements as well as those of the Montgomery County Travel Policy.
- TRAVEL PAYMENT REQUISITION:**   **2.6-8** The traveler must use the current travel payment requisition attached for all travel related services addressed in this policy. Only travel related expenditures may be submitted for reimbursement on the travel reimbursement form. After completing all required information, including any prepaid travel expenses, the travel form must be signed/dated by the traveler and the department head/elected official. Travel reimbursement request must be submitted to the County Auditor within 60 days of the last date of travel.
- TRAVEL OUTSIDE OF THE UNITED STATES:**   **2.6-9** All costs associated with travel outside of the U.S. must be converted to U.S. dollars before submission for reimbursement.

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2.7 PROFESSIONAL MEMBERSHIPS

**PAYMENT** 2.7-1 Montgomery County will pay for memberships in organizations and associations when:

- A. The organization promotes the aims of Montgomery County and is beneficial for taxpayers and county government;
- B. The membership is held in the name of the county or jointly in the name of the county and an individual holding a position with the county; or
- C. The membership is required to be held in the name of an individual whose position in the county is a requisite for such membership.

2.7-2 Montgomery County will not pay professional or association membership dues or fees when the membership is obviously beneficial only to the individual or is a condition of employment for the individual, e.g., dues to the State Bar of Texas for an attorney.

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**2.8 PRIVACY**

- PURPOSE** 2.8-1 As a Montgomery County employee you have the right to expect a reasonable level of privacy as you conduct your daily business. However, that right must be balanced against Montgomery County's need for supervision, control, and the efficient operation of the workplace. It is also the County's duty to provide a safe work environment.
- TECHNOLOGY** 2.8-2 All messages or files created, sent, retrieved or downloaded over the County's e-mail/Internet system are the property of the County. With the exception of information made confidential by State statute, the County reserves the right to access and monitor all messages and files on the County's e-mail/Internet system. Do not assume electronic communications are totally private and do not transmit highly confidential data using this medium. Also, deleted e-mails and a history of accessed web sites can be retrieved. All electronic and telephonic communications systems and all information transmitted by, received from, or stored in these systems are the property of Montgomery County. County employees and other users of the County's electronic and telephonic communications systems have no expectation of privacy or any personal privacy right in connection with the use of these systems, or with the transmission, receipt, or storage of information in these systems.
- MONITORING** 2.8-3 Elected officials and department heads have the authority to request Communication Information Services to inspect the contents of any equipment, files, calendars, or electronic mail of their subordinates in the normal course of their managerial responsibilities. Reasons for review include but are not limited to system hardware or software problems, general system failure, regular system maintenance, a lawsuit against Montgomery County, suspicion of a crime or violation of policy, review of employee work, a need to perform work, or to provide a service.
- RIGHT TO SEARCH** 2.8-4 In your absence, departmental supervisors have the right to search desks, drawers, credenzas, and other work spaces to retrieve a needed file or other work document as necessary for the efficient operation of the department.
- 2.8-5 If you are given a locker or other storage area that needs to be secure, the County will furnish the lock and keep a copy of the key or combination; if you furnish a personal lock you must give your supervisor a copy of the key or combination.



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2.9 DISCIPLINE

**DISCIPLINARY PROCEDURES** 2.9-1 Montgomery County expects employees to follow departmental and County policies and to perform their jobs to the best of their abilities. In most cases we follow a system of progressive discipline and counseling geared to correct problems rather than penalize employees. This policy applies to both exempt and non-exempt employees, however in some cases it may not apply to employees not covered by Civil Service.

**STEPS** 2.9-2 The steps of progressive discipline will normally include, but may not in some cases, the following:

A. **Verbal counseling or oral warnings:** Normally the first indication of a performance problem or a violation of policy, consisting of a verbal conference with the employee. This is designed to advise the employee of the problem which has resulted in unsatisfactory behavior or performance. An informal note, including the date of the discussion and what was said, should be placed in the employee's file.

B. **First Level Discipline:** For dealing with the continuation of minor offenses, when two or more previous verbal warnings or reprimands do not result in the correction of the problem by the employee. The action should be documented on form HR-10, First Level Discipline, be signed by the supervisor and employee, and should also allow for the employee to respond. Copies should be distributed to the employee and the Human Resources Department and a copy retained by the supervisor.

C. **Second Level Discipline:** For dealing with serious offenses or a continuation of minor offenses that were not corrected in the first level of discipline. This level may be used without using the first when the offense is serious enough to warrant such action. The action should be documented on form HR-11, Second Level Discipline, be signed by the supervisor and employee and should also allow for the employee to respond in writing. Copies should be distributed to the employee and the Human Resources Department and a copy retained by the supervisor. Second level discipline could include:

1. Placing the employee on **probation**; or
2. Placing the employee on an **unpaid suspension** for three days or less.

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D. **Third Level Discipline:** This level of discipline deals with major offenses or a continuation of minor offenses which were not corrected in the first or second levels of progressive discipline. This level may be used without the use of the first or second levels when the severity of the offense makes this level of discipline appropriate. All cases of third level discipline should be recorded on form HR-12, Third Level Discipline, and be specific enough that the employee understands the severity of the action. Third level discipline could include:

1. **Unpaid suspension** for more than three days
2. **Demotion** to a position with a lower salary grade and/or pay rate
3. **Discharge**

2.9-3 For employees covered by Civil Service, all cases of third level discipline must be recorded on form HR-12, Third Level Discipline, and must be properly documented so that the employee understands the severity of the action and is given the opportunity to respond in writing to the department head before formal action is taken by the department. Once the employee has responded or declined to respond, any action taken should be documented by the elected official/department head or his/her designee using form HR-13, Notification of Disciplinary Action. Copies should be given to the employee and the Human Resources Department and a copy retained by the department.

2.9-4 There are some infractions which are so serious as to constitute a basis for immediate discharge without going through the steps listed above. Examples include but are not limited to theft, fraud, insubordination, being on duty under the influence of alcohol or illegal drugs, fighting, and/or willful property abuse.

2.9-5 Although supervisors are encouraged to follow the above disciplinary procedures, all employees are employed "at will" during their first six months of employment and may be terminated at any time, with or without reason or notice. Even those in positions covered by Civil Service are not guaranteed that each step of progressive discipline will be followed.

2.9-6 Employees in positions covered by the Montgomery County Civil Service Regulations have the right to grieve suspensions of more than three days, demotions, and discharges to the Montgomery County Civil Service Commission.

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- EXEMPT EMPLOYEES** 2.9-7 Exempt employees who violate workplace conduct rules (defined by the FLSA as behavior such as sexual harassment, violence, drug or alcohol use, or violation of state or federal laws) may be suspended for one or more full days.
- SAFETY RULES** 2.9-8 As allowed under the FLSA, deductions may be made from the pay of exempt employees for penalties imposed in good faith for infractions of safety rules of major significance, defined by the FLSA to include “those relating to the prevention of serious danger in the workplace or to other employees.” The deduction does not have to be proportional to the time for which the employee is suspended. Deductions from the pay of non-exempt employees will be based on the number of hours of unpaid suspension.
- RECORDS RETENTION AND DESTRUCTION** **2.9-9** Records created by or for the Montgomery County Civil Service Commission or by or for personnel or supervisory officers in considering, or reconsidering on appeal, a disciplinary action (i.e., a Verbal Reprimand, Counseling or Warning, a First Level Discipline, a Second Level Discipline or a Third Level Discipline) against an employee, including, but not limited to, witness and employee statements, interview reports, exhibits, reports of findings, and decisions and judgments must be retained for two years after the civil service case is closed or the action is taken, as applicable. Upon the expiration of that time, the Montgomery County Civil Service Commission may, at its discretion, order that such records in its custody be removed from its files and destroyed. Likewise, upon the expiration of that time, such records contained in the employee’s departmental personnel file and such records in the employee’s personnel file in Human Resources may, at the discretion of the elected official or department head for whom the employee then works or last worked, be removed from the files and destroyed; provided, however, that nothing in this sentence shall prohibit the Human Resources Director from removing documents from an employee’s personnel file and destroying same in accordance with a uniformly applied document retention and destruction schedule.

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**2.10 COMPLAINT PROCEDURE**

**PURPOSE** 2.10-1 Sometimes employees and their supervisors have misunderstandings that warrant a formal path of communication and appeal to review impartially a difference of opinion or dispute which may be due to interpretation or application of policy. This procedure is specifically not applicable to situations where disciplinary action has been taken by the employee's elected official or department head.

2.10-2 A complaint, or written concern, shall be filed as promptly as possible but not later than ten days after the action or disagreement becomes known to the employee. This procedure may be used without fear of retaliation.

**PROCESS** 2.10-3 The steps of the complaint process are as follows:

- A. Step 1: The employee discusses the problem with the immediate supervisor. Many times a complaint can be resolved at this step. If the employee does not receive a satisfactory reply within one week, he or she should then advise the immediate supervisor that he/she wishes to proceed to Step 2.
- B. Step 2: The employee, immediate supervisor, and elected official or department head meet. If the complaint or concern is still not resolved, the employee notifies the Human Resources Director in writing of his/her complaint or concern, stating the nature of the complaint, and his/her desire to meet in hopes of resolution of the problem.
- C. Step 3: As soon as possible, the Human Resources Director arranges a meeting of those concerned, to include the immediate supervisor, the employee, and herself. The complainant may bring another employee of his/her choice to the meeting. The complainant and the elected official or department head will receive written replies from the Human Resources Director within one week following the meeting.
- D. Step 4: Relative to departments headed by officials appointed by Commissioners Court or other governing body, in cases where supervisors choose not to take the recommendation of the Human Resources Director and the complaint remains unresolved, the Human Resources Director will discuss the matter with the members of Commissioners Court or the other governing body, as applicable. Relative to departments headed by elected officials, except in cases which involve illegal behavior and/or discrimination, the decision of the elected official shall be final.

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2.11 CELLULAR TELEPHONE

<b>PURPOSE</b>	2.11-1 County employees whose job duties require constant communication may be entitled to extra compensation, in the form of a cell phone allowance, to cover the business-related expenses of operating a cell phone.
<b>ELIGIBILITY</b>	<p>2.11-2 Cell phone allowances will be at the discretion of the Elected Official/Department Head that has an established Mobile Telephone Budget (Line 7423). Cell allowances cannot exceed the amount currently budgeted in that Department's line 7423 and shall adhere to the defined allowance amounts.</p> <p>2.11-3 Administration of the cell phone allowances will be made between the Elected Official/Department Head and Human Resources.</p>
<b>EMPLOYEE'S RESPONSIBILITIES</b>	<p>2.11-4 In order to receive a cell phone allowance, the employee must have a cell phone available to them for business purposes as long as the cell phone allowance is in place. County employees receiving a cell phone allowance are personally liable for any contractual agreement that they enter or any other arrangement for cell phone use. The cell phone allowance is intended to cover <b>most</b> of the cost of the cell phone expenses related to work duties. However, the employee will pay <b>any</b> costs exceeding the amount of the cell phone allowance to the cell phone provider.</p> <p>2.11-5 The phone is considered the employee's personal property. The initial purchase of the cell phone, accessory equipment, and activation fees will be the responsibility of the employee. Any repairs, replacements, upgrade or purchase of prepaid time of the phone device <b>will not be reimbursed by the County</b>.</p> <p>2.11-6 Employees will ensure that the mobile telephone service is reliable in Montgomery County, Texas.</p> <p>2.11-7 Any number changes must be reported to the employee's respective Elected Official/Department Head.</p>
<b>FEES FOR CONTRACT CHANGES OR CANCELLATIONS</b>	2.11-8 Contract termination fees (if assessed by the service provider) will not be paid or reimbursed by the County. This includes termination fees of employees who quit, are terminated, transfer to another department, or are moved into another position with no cell phone allowance.

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**2.11 CELLULAR TELEPHONE**

**PAYMENT OF  
ALLOWANCE**

2.11-9 Once determined that an employee is eligible, the Elected Official/Department Head may assign allowances based on the following tiers of usage:

Allowance Amounts (monthly):

- Tier 1 = \$20
- Tier 2 = \$40
- Tier 3 = \$70
- Tier 4 = \$80

2.11-10 The cell phone allowance will be processed through Montgomery County Payroll as taxable income and is subject to standard payroll withholdings to the extent required by Federal Law.

2.11-11 The allowance will be paid bi-weekly.

**CELL PHONE  
USAGE**

2.11-12 Workplace – Employees receive a cell phone allowance due to the critical need to maintain accessibility with County staff and officials in order to ensure the uninterrupted flow of services to our constituents. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and is distracting to others. Employees should endeavor to make or receive personal calls during designated breaks, lunch periods, before and after working hours. Excessive time spent on personal calls may warrant disciplinary action at the discretion of the Elected Official/Department Head.

2.11-13 Operating a motor vehicle – When operating a vehicle in the course of one's employment, either county or personally owned, safe operation of the vehicle is the employee's primary responsibility; employees are personally liable for any misuse of a cell phone. Employees who need to take or make a call while driving must pull off the road and be parked in a safe location before making or receiving a phone call. The County shall not be responsible for any failure to obey any state, county or other law or regulations prohibiting cell phone use.

**RECORDS  
REQUESTS**

2.11-14 County employees must understand that use of their personal cell phones for business purposes may be subject to disclosure pursuant to the Public Information Act.

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**INFORMATION  
TECHNOLOGY**

2.11-15 For all cell phones, regardless if they are County-owned or employee-owned, connections to County messaging services or County-licensed applications may be loaded and configured only as authorized by Information Technology (IT), consistent with the IT cellular telephone policy. IT can provide only limited support for personal cell phone devices and will not provide troubleshooting services for employees who elect to purchase devices with operating systems other than those recommended by IT.

2.11-16 Should a County-owned or employee-owned device become lost, stolen or otherwise become a risk to the County computing environment, IT maintains the right to remove County messaging or County-licensed programs from the device remotely.

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**3.0 RULES OF CONDUCT**

**RULES OF  
CONDUCT**

3.0-1 It is impossible to create a list of all activities that could be considered illegal or contrary to good business practices. Any act or omission which is not consistent with this policy, however, could be grounds for disciplinary action.

**PROHIBITED  
ACTIVITIES**

3.0-2 As a Montgomery County employee you are prohibited from doing the following:

- A. Willfully causing damage to or removing County property without authorization; wasting public supplies through negligence or willful misconduct;
- B. Committing an act of violence on County premises;
- C. Engaging in an action which causes you to be convicted of a criminal offense involving moral turpitude. The word "convicted" means a finding of guilt by either the judge or jury without regard to subsequent disposition of the case by suspension of sentence, probation, and deferred adjudication or otherwise. The words "moral turpitude" mean any act of baseness, vileness or depravity; or any act done with deception, or through corrupt motives, or as defined by state law and/or decisions made under state law;
- D. Being dishonest; lying about or concealing a material fact concerning a matter under investigation and/or relating to public services under your responsibility;
- E. Engaging in any conduct unbecoming an employee of the County while performing job duties;
- F. Repeatedly being tardy or absent; being absent without legitimate cause, or failing to inform your supervisor of absence within a reasonable time period;
- G. Refusing to work as directed, willful neglect of duty, malingering, or shirking of duties;
- H. Being at work while under the influence of drugs or alcohol;
- I. Falsifying employment applications, time sheets, and/or accounting, personnel, or other records, including the omission of pertinent data;
- J. Willfully violating or disregarding safety, health, fire, security or employment regulations, signs, and notices;



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- K. Divulging information which you have been told is confidential and not to be shared with others;
- L. Permitting another person to substitute or falsely use your official badge or identification card;
- M. Openly carrying a firearm (including a handgun) on County premises unless you are a licensed peace officer, member of law enforcement, judge or prosecutor. An employee may however possess a concealed handgun on County premises as allowed by law if you are licensed to carry a handgun under Subchapter H, Chapter 411, Government Code. Notwithstanding a handgun license, you are prohibited from possessing a concealed handgun or other firearm anywhere the possession of a handgun or firearm is prohibited by law, including but not limited to, the following: (1) on the premises of any government court or offices utilized by the court, (2) on the premises of a polling place on the day of an election or while early voting is in progress, or (3) in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code. See TEX. PENAL CODE §§ 46.03, 46.035.
- N. Attempting to undermine or discredit your elected official, department head, and/or supervisor;
- O. Engaging in any behavior meant to or which has the effect of intimidating or humiliating another individual; this would include bullying, gossiping, harassment, and verbal abuse.
- P. Engaging in horseplay.

3.0-3 County officials and employees shall not:

- A. Hold financial interests that are in conflict with the conscientious performance of their official duties and responsibilities except to the extent permitted by Texas statutes;
- B. Engage in any financial transaction in order to further any private interest using non-public information which they obtain in the course of their work as a county official or employee;
- C. Use their public offices for private gain;
- D. Engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities;
- E. Make any unauthorized commitments or promises of any kind purporting to bind the county or any of its components.

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**3.0 RULES OF CONDUCT**

**EXPECTED  
BEHAVIOR**

3.0-4 County officials and employees shall:

- A. Act impartially and not give preferential treatment to any private or public organization or individual;
- B. Protect and conserve public property and use it for only authorized activities;
- C. Promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
- D. Adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age or disability;
- E. Avoid actions that would create the appearance that they are violating the law or the ethical standards of the Texas Ethics Commission;
- F. Dress appropriately based on the guidelines set by the particular department in which they work.

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**3.1 ATTENDANCE**

**EXPECTATION** 3.1-1 Being available to work hours scheduled is an essential function of each employee's job. All employees should regard coming to work on time, working their shifts as scheduled, and leaving at scheduled times as an important part of their job description.

**DEFINITION** 3.1-2 Among other things, "good attendance habits" means the following:

- A. Being at your work station and ready to work by the start of the shift;
- B. Remaining at your work station unless the needs of the job require being elsewhere, except during authorized breaks (including restroom breaks);
- C. Taking only the time normally allowed for breaks, if any;
- D. Remaining at work during your entire shift, unless excused by a supervisor;
- E. Leaving promptly at the end of your shift, unless you have been given advance permission from your supervisor to work past that point; and
- F. Calling if you are going to be either absent or tardy, unless a verifiable emergency makes it impossible for you to do so.

**NOTICE OF ABSENCE OR TARDINESS** 3.1-3 Under some circumstances, absence or tardiness on your part may be excused, but only if you give proper notice of such a problem before the start of your shift, if possible. Your department needs advance notice if you are not able to be at work so that other arrangements can be made to cover your absence, if necessary. "Proper notice" means that you call your supervisor or other person designated by your elected official or department head prior to the start of your shift and personally notify him or her about the problem unless a verifiable emergency makes it impossible for you to do so. It is not sufficient to call in and leave a message with a coworker or someone else who is not in a supervisory position unless authorized by your elected official or department head.

3.1-4 If you fail to give proper notice of attendance problems in advance as explained in this policy you may be subject to disciplinary action, up to and including discharge.

**JOB ABANDONMENT** 3.1-5 Unless there are extenuating circumstances, if you are absent without notice for two days in a row you will be considered as having abandoned your job, and Montgomery County will process your work separation as a voluntary resignation on your part.

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**3.2 DRUG FREE WORKPLACE**

<b>PURPOSE</b>	3.2-1 Montgomery County wishes to have a safe and productive workplace, one that is free of drugs and alcohol.
<b>EDUCATION</b>	3.2-2 The County, through the Human Resources Department, will implement a comprehensive drug and alcohol abuse education program.
<b>TREATMENT</b>	3.2-3 Alcoholism and other drug addictions are recognized as diseases responsive to proper treatment. For this reason, the County offers treatment under the Montgomery County Employee Benefit Plan (see the Plan Document for details) to those covered under the Plan; others would have to seek treatment at their own expense.
<b>PROHIBITED ACTIVITIES</b>	3.2-4 Employees are specifically prohibited from manufacturing, distributing, dispensing, possessing, purchasing, and using controlled substances (including inhalants) in the workplace or in any other facility, location, or transport in which the employee is required to be present in order to perform his or her job duties except for drugs prescribed for an employee by his physician when such drugs are used as prescribed. Being under the influence of alcohol or illegal drugs on County property is prohibited.
<b>REPORTING</b>	3.2-5 Employees of Montgomery County who are convicted of a violation of state or federal law against manufacturing, distributing, dispensing, possessing, purchasing, or using a controlled substance (including inhalants) or alcohol are required to report such conviction to their immediate supervisor and the Montgomery County Human Resources Director in writing within five days of conviction. Failure to do so may result in termination of employment.
<b>PRE-EMPLOYMENT TESTING</b>	3.2-6 After receiving a conditional offer of employment, applicants requiring a commercial driver's license (CDL) or whose job is a safety sensitive position (defined as a job or position where the employee holding the position has the responsibility for his/her own safety or other people's safety and for which it would be particularly dangerous if such an employee was using drugs or alcohol while on the job) must pass a drug screen (coordinated through the Human Resources Department) before they may begin working; the applicant will be required to pay half the cost of this screening. Those with a positive test result will not be hired.
<b>RANDOM DRUG TESTING</b>	3.2-7 The County may also require random drug testing of employees whose job duties require a CDL or whose job is a safety sensitive position (defined above).
<b>ALCOHOL TESTING</b>	3.2-8 Employees may also be subject to random alcohol testing as required by the Department of Transportation.

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**3.2 DRUG FREE WORKPLACE**

**OTHER TESTING** 3.2-9 All employees are subject to reasonable suspicion and post-accident drug and alcohol testing.

**CONSEQUENCES TO EMPLOYEE** 3.2-10 Employees who engage in prohibited activities (as listed in 3.2-4) and/or test positive for alcohol or controlled substances are subject to immediate termination of employment or, if the supervisor believes it is in the County's best interests to continue the individual's employment, the following may occur:

- A. An employee having a breath alcohol level of 0.02 to 0.039 shall be relieved from duty for three days without pay on the first occurrence.
- B. An employee having a breath alcohol level of 0.04 or greater or a positive test result for controlled substances on the first test shall be relieved from duty for three days without pay and will be referred to a Substance Abuse Professional (SAP) for evaluation and a determination of what assistance, if any, he needs in resolving his problems associated with alcohol and/or controlled substances. If referred to a SAP, he will be subject to unannounced follow-up alcohol testing. The number and frequency of such follow-up testing shall be as directed by the Medical Review Officer (MRO) and consist of at least six tests in the first 12 months. All evaluation and follow-up testing shall be at the employee's expense. An employee's refusal to visit a SAP or follow his treatment plan will result in termination of employment.

3.2-11 An employee with a previous test showing alcohol or controlled substance use who is tested a second time and found to have a breath alcohol level of 0.02 or greater or a positive drug test, whether or not he was previously referred to a SAP, shall be subject to termination.

3.2-12 An employee who refuses a test shall be considered to have received a positive test result and is subject to termination.

**APPLICABILITY** 3.2-13 This policy applies to all employees of Montgomery County, regardless of rank or position, and includes temporary and part-time employees.

**CONTRACTORS AND GRANTEES** 3.2-14 All private or non-county agencies or organizations receiving state or federal grant funds under the official sponsorship of the County must comply with the requirements of the Drug Free Workplace Act of 1988. Recognizing the potential volume, monitoring for compliance will be done on an exceptions basis by either the Director of Risk Management, the Purchasing Agent or the Auditor, depending on the circumstances.

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**3.3 HARASSMENT**

<b>PURPOSE</b>	<p>3.3-1 Harassment is a form of misconduct which undermines the integrity of the employment relationship. Montgomery County employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, intimidating, or disruptive.</p> <p>3.3-2 Mental, verbal or physical harassment because of <b>sex</b> (including sexual harassment, harassment due to pregnancy, childbirth or related medical conditions, and gender harassment) and harassment because of <b>race, religion, color, national origin, medical condition, physical or mental disability, age</b> or any other basis protected by federal, state, or local law is illegal and against County policy. Tolerance of an individual's sexual orientation is also expected.</p>
<b>APPLICABILITY</b>	<p>3.3-3 This anti-harassment policy applies to all individuals involved in the operation of County government and prohibits unlawful harassment by any employee of Montgomery County, including elected officials, department heads, supervisors, and co-workers, or by any vendors and/or independent contractors and their employees.</p>
<b>MANAGEMENT'S RESPONSIBILITY</b>	<p>3.3-4 Elected officials, department heads, and others in management positions are responsible for taking action against acts of harassment by persons they supervise or otherwise control.</p>
<b>ZERO TOLERANCE</b>	<p>3.3-5 Any employee who engages in harassment of any kind is subject to discipline, up to and including discharge.</p>
<b>SEXUAL HARASSMENT</b>	<p>3.3-6 <b>Sexual harassment</b> includes unwelcome verbal or physical conduct of a sexual nature (1) when submission to the conduct is made either an implicit or explicit term or condition of employment, i.e., promotion, training, amount of pay, time-keeping; (2) when submission to or rejection of the conduct is used as a basis for making employment decisions; (3) when the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment; or (4) that denigrates or shows hostility toward a person because of his or her gender when the conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.</p> <p style="margin-left: 40px;">A. <b>Quid Pro Quo</b> Harassment: Unwelcome sexual advances by a supervisor or manager who has the authority to affect the working conditions of the employee.</p>

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**3.3 HARASSMENT**

- B. **Hostile Environment Harassment:** Actions of managers, supervisors, co-workers, or third parties (customers, sales representatives, subcontractors, etc.) which includes but is not limited to:
1. Unwelcome sexual flirtations, propositions, touches, advances, sexually explicit letters, notes, e-mails, or gifts;
  2. Unwelcome whistling, staring, or leers;
  3. Conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender, including jokes;
  4. Graphic verbal comments about an individual's body;
  5. Sexually degrading words used to describe an individual;
  6. The display in the workplace of sexually suggestive objects or pictures.

**RELIGION**

3.3-7 Employees are entitled to their own religious beliefs or non-belief. While it is not the County's intent to deny any employee's right to freedom of speech, any discussions during working hours regarding religion should be minimal and not meant to harass any individual or to try to convince others of the superiority or inferiority of one religion over another or the necessity of believing in a higher power.

3.3-8 Reasonable efforts will be made to accommodate religious practices and beliefs; requests and concerns should be directed to the Human Resources Director. Religious symbols in an employee's workspace should be limited (as should any other non-work related items) so that the work environment is professional in appearance and safety is not compromised.

**REPORTING**

3.3-9 An employee who believes he/she has been harassed for any of the reasons listed in this policy should follow the steps outlined in Section 2.10 of this manual (Complaint Procedure). If the supervisor is the subject of the complaint, the employee should notify a higher level supervisor or the Human Resources Director. Complaints that are not resolved to the employee's satisfaction should also be brought to the attention of the Human Resources Director. Complainants and witnesses acting in good faith, even if the complaint is not founded, will be protected from retaliation.

**INVESTIGATION**

3.3-10 Montgomery County will fully and completely investigate any report of alleged harassment and will take appropriate corrective action depending on the severity of the conduct. The complaining employee will be informed of the action taken. An employee who engages in acts of harassment contrary to this policy may be personally liable in any legal action brought against them.

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3.3-11 Employees should also be aware that as an employer, Montgomery County has a duty to prevent and correct harassment even when the complaining employee asks that no action be taken and that the complaint be kept confidential.

**CONFIDENTIALITY** 3.3-12 Interviews, allegations, statements, and identities will be kept confidential to the extent possible and allowed by law. However, Montgomery County will not allow the goal of confidentiality to be a deterrent to an effective investigation, and it may be necessary to reveal certain information to various state or federal agencies or courts.

**VIOLENCE IN THE WORKPLACE** 3.3-13 It is the intent of this policy to ensure that Montgomery County provides a workplace that is free from intimidation, threats, or violent acts. Montgomery County will not tolerate workplace violence or the threat of violence by any employees, customers, the general public, or anyone who conducts business with the County while on County premises, County-owned property, or County work sites. Montgomery County takes all reported incidents of workplace violence or threatened workplace violence seriously and will investigate any claim of workplace violence or threatened workplace violence in a timely fashion. The County will take any action deemed necessary to provide for the safety of its employees.

3.3-14 Workplace violence includes, but is not limited to, harassment, statements of intent to harm, physical attack, or property damage. Other examples of violence may include:

- a. Teasing and practical jokes that cause anger or humiliation;
- b. Intimidation or bullying;
- c. Angry outbursts;
- d. Verbal abuse, name-calling, or obscene language;
- e. Threats (verbal, written, or motioned);
- f. Harassment (general, racial, or sexual);
- g. Theft, vandalism, or sabotage;
- h. Throwing or breaking objects;
- i. Romantic obsessions and stalking;
- j. Sexual assault or rape; or
- k. Unauthorized possession and use of weapons.

All County personnel are on notice that acts or threats of workplace violence shall not be excused from investigation on the grounds that the actor was "joking," "blowing off steam," etc.



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3.3-15 It is the responsibility of every employee to be alert to the possibility of violence in the workplace. Workplace safety is a major concern for all employees; therefore, employees must refrain from acts of violence and seek assistance to resolve personal issues which may lead to acts of violence in the workplace. All employees are encouraged to openly communicate with each other, and to be aware of any unusual activity that may be an indicator of potential violence. Threats or acts of violence that require immediate or emergency action should be reported to 911.

3.3-16 Any incident of violent behavior, whether committed by a County employee or an external individual such as a customer, vendor, or citizen, must be reported to departmental management. Employees have a duty to warn management of any suspicious workplace activity or situation or incidents that they observe or that they are aware of, that involve other employees, former employees, or the public. If the individual to be reported is an elected official, the report should be made to the County Judge, Sheriff, and/or Human Resources.

3.3-17 Any employee who violates this workplace violence policy will be subject to disciplinary action up to and including termination and/or legal action, as appropriate.

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**3.4 TECHNOLOGY POLICY**

**COMPUTER/PC USE  
AND SCOPE**

3.4-1 This policy applies to all internet access, electronic communications, software and computer equipment attached to or used on the Montgomery County network system (including equipment owned by outside agencies and individuals) and applies to all Montgomery County owned software and hardware regardless of location or connectivity; it applies to all individuals using the Montgomery County network system whether or not they are employees of Montgomery County. The intent of this policy is to permit maximum freedom of use consistent with federal and state law, Montgomery County policy, and a productive working environment.

3.4-2 Use of Montgomery County computers and communication devices must comply with Texas law and Montgomery County policies. Therefore, Montgomery County computers and communication devices may not be used for commercial, profit-making or political purposes, or to disseminate unsolicited information regarding religious or political beliefs. With the rapidly changing nature of electronic media developing among users of external on-line services and the Internet, this policy cannot provide guidelines for every possible situation. Instead, it expresses the County's philosophy and sets forth general principles for the use of Internet service and e-mail by all County departments.

3.4-3 Employees are responsible for complying with this policy. In order to ensure that employees are aware of the provisions of this policy, they will be required to acknowledge acceptance of same before being allowed access to Montgomery County's electronic communications equipment other than telephonic. Elected officials and department heads are responsible for taking disciplinary action against employees in violation of this policy.

**COMPUTER  
SECURITY**

3.4-4 Each department and each user must maintain a high level of physical security for each machine entrusted to the care of that department and that individual to prevent unauthorized access to the Montgomery County network. When an employee has logged onto the network, the level of access to the network available to that employee is available to anyone using that computer. Thus, anyone sitting at the computer (visitors, reporters, contractors, janitors, jail inmates or trustees) will be able to view, change, and enter the same data that the employee logged onto the system is allowed to view, change or enter. Not only does this compromise the integrity of the data on the Montgomery County network, in some cases it is illegal to disclose the information on the network without a court order or permission from a specific person. Therefore, all employees should take the following steps:

3.4-5 At the end of the day or shift, logout and turn off power to your equipment. If the equipment is being used for remote access, you must logout, turn off power to the equipment, and then turn power back on to the equipment (but not log in), before leaving for the day.

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3.4 TECHNOLOGY POLICY

3.4-6 Allowing others to use your password is a serious breach of security. Do not divulge your password to anyone. If *any* person requests your password for any reason whatsoever, please report this immediately to your elected official or department head. He/she should report this to Montgomery County Communication Information Services (CIS). CIS should never have the need to know your password; should the occasion ever arise, secured procedures will be established by the CIS Director. Do not select a password that anyone who knows you could easily discern. Select one with a combination of letters and numbers that you can remember.

3.4-7 The sharing of computer data by using Windows file-sharing techniques is prohibited. Other more secure techniques, such as e-mail attachments, can be used to accomplish the same task.

3.4-8 Non-employees are expressly forbidden from using any terminal (except the public access terminals) without proper authorization. Should an elected official or department head have a need for a non-employee to access data other than through the public access terminals, he/she may request authorization through CIS.

3.4-9 If you must write down a password or user-ID, always maintain physical control over the document (keep it in wallet or purse). Do not:

- A. Identify the password as being a password.
- B. Record it in a document or file.
- C. Include the login name on the same piece of paper.
- D. Attach the password to a pc/terminal, keyboard, or desk.
- E. Write it down exactly as it is entered.
- F. Give the password to anyone over the telephone (including tech support).
- G. Send the password to anyone by e-mail.

3.4-10 If you have remote access to your computer from home or an outside agency has access, the dial in communication software must never be configured in such a way as to make the connection providing the password in the process. The attachment process *must require the manual entry* of the password. We have no way to control the individuals who may have physical access to a users' computer, whether at home or in a service center or otherwise.

3.4-11 Computers attached to the Montgomery County network authorized to be controlled remotely from home or another location must be configured to be waiting for a connection, but not logged into the network. In this way all security that is in place at work is also in place remotely, in addition to the dial-in security. Any computer attached to the Montgomery County network used for remote access must be configured to dial-back the remote computer.

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**3.4 TECHNOLOGY POLICY**

**PROHIBITIONS**

3.4-12 Do not:

- A. Attempt to read or "hack" into other systems or other persons' log-ins, or "crack" passwords, or breach computer or network security measures.
- B. Seek others' passwords or exchange passwords.
- C. Develop programs designed to harass other users or infiltrate a computer or computer network or to damage or alter hardware or software.
- D. Use your computer or network services in a manner that is likely to cause network congestion or significantly hamper the ability of others to access and use the services or equipment.
- E. Intentionally seek access to or copy information, files, or data which is confidential under federal, state, or local law unless specifically authorized to do so once the legal conditions for release are satisfied.
- F. Attach private equipment and/or use private services for the express purpose of circumventing this policy.
- G. Participate in the development, propagation or forwarding of computer viruses.
- H. Allow or provide access for unauthorized personnel to use the County's network system including internet service and e-mail.

**APPLICABLE LAWS**

3.4-13 Federal Copyright Law: Many intellectual works are copyrighted. The owner of a copyright holds the exclusive right to reproduce and distribute the work. Most computer programs and manuals are copyrighted, and care must be taken to comply with copyright laws.

3.4-14 State and Federal Trade Secret Laws: Many intellectual works are protected under trade secret laws. Owners consider some programs and many manuals trade secrets, and there are civil and criminal penalties associated with disclosing this information to anyone not authorized to use the material. Unless authorized in writing by the owner of the trade secret, you should not disclose any material that contains trade secret declarations to anyone outside County government.

3.4-15 Software License Agreements: Most computer software is licensed to a specific user or a group of specific users, and the license agreement is very specific as to the rights that the user has to operate the program and make additional copies of the program. There are civil and criminal penalties associated with breaking a license agreement.

**COMPUTER  
SOFTWARE**

3.4-16 Montgomery County provides computers to its employees with software pre-installed. The County encourages employees to use this technology to enhance their efficiency and effectiveness in providing services to the citizens of Montgomery County. Since the County uses a fully integrated network system, any change to a single computer can affect the rest of the Montgomery County network; because of this and due to our limited resources, the following procedures are mandatory.

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**3.4 TECHNOLOGY POLICY**

A. Unless provided by a state or federal agency, Montgomery County must own a software license for all software used on County-owned equipment unless prior authorization has been obtained from CIS.

B. Outside agencies with equipment attached to the Montgomery County network must provide proof of licensing for any software used with that equipment. Excepted is state or federally required software where the particular state or federal agency holds the license.

C. All software on any computer attached to the Montgomery County network or any other computer owned by Montgomery County must be installed/uninstalled, configured and/or updated by CIS or individual departmental representatives approved by CIS. This includes games, desktop themes, screen savers, etc., utilities not originally installed.

D. All Montgomery County computer software shall be approved by CIS and ordered by the Purchasing Department. Outside agencies must have CIS approval for software that is to be used on equipment attached to the Montgomery County network before it is obtained. Excepted is state or federally provided hardware and software.

E. Purchase of software specific to a department, specialty software, or software to meet personal preferences must be funded by the department but approved by CIS and ordered by the Purchasing Department. Excepted is state or federally provided software. Training for such specialty software shall be the responsibility of each department.

F. Departments will fund purchases of additional computer software licenses due to departmental growth. Net Term and Unidata software licenses will be provided by CIS.

**INTERNET SERVICE/  
E-MAIL**

3.4-17 Internet service and e-mail are provided to selected Montgomery County employees (based on need), contractors, vendors and other persons or firms designated by authorized County officials for conducting Montgomery County business. Every elected official, department head, and employee has the responsibility of maintaining and enhancing the County's public image and to use County e-mail and the Internet in a productive manner.

3.4-18 Montgomery County realizes that e-mail can be an efficient means of communication, similar to the telephone. Therefore, the County will allow for the use of e-mail for personal communications. However, this practice should be limited and should not interfere with your work responsibilities. To ensure that all employees are responsible, the following e-mail and Internet policy are established. Any improper use of the Internet or e-mail is not acceptable and will not be permitted.

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**3.4 TECHNOLOGY POLICY**

3.4-19 Employees on the County's Internet service and e-mail may not transmit copyrighted materials. All users obtaining access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy for reference purposes only.

3.4-20 Users of the County Internet service and e-mail should conduct themselves in a professional manner. Access to the County Internet service and e-mail is a privilege, not a right, which may be revoked for inappropriate conduct. It is the responsibility of every user to report any known misuse of the Internet or e-mail to his immediate supervisor.

**EMAIL OPERATIONS  
& BACKUP**

3.4-20a Read, unread, and sent mailbox messages will be retained automatically by the e-mail system for not more than 30 days. Deleted items will be deleted automatically one (1) day after deletion from the mailbox. Manually deleted "Deleted Items" are not retained in any way. Routine backups are made of the e-mail system and are maintained for seven (7) days. However, backups of the e-mail system are created and maintained for the recovery of the system only. Backups are not intended as permanent record retention storage.

**OWNERSHIP**

3.4-21 All messages or files created, sent, retrieved or downloaded over the County's e-mail/Internet system are the property of the County. With the exception of information made confidential by State statute, the County reserves the right to access and monitor all messages and files on the County's e-mail/Internet system. Do not assume electronic communications are private and do not transmit highly confidential data using this medium without appropriate protection. All electronic and telephonic communications systems and all information transmitted by, received from, or stored in these systems are the property of Montgomery County. County employees and other users of the County's electronic and telephonic communications systems have no expectation of privacy or any personal privacy right in connection with the use of these systems, or with the transmission, receipt, or storage of information in these systems.

**MONITORING**

3.4-22 Elected officials and department heads have the authority to request CIS to inspect the contents of any equipment, files, calendars, or electronic mail of their subordinates in the normal course of their managerial responsibilities. Reasons for review include, but are not limited to, system hardware or software problems, general system failure, regular system maintenance, a lawsuit against Montgomery County, suspicion of a crime or violation of policy, review of employee work, a need to perform work, or to provide a service.

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**3.4 TECHNOLOGY POLICY**

**RETENTION OF  
ELECTRONIC  
RECORDS**

3.4-22a All e-mail documents and accounts are subject to Public Records Law unless otherwise exempt. Users shall comply with public retention laws and rules.

**RELEASE OF  
ELECTRONIC  
RECORDS**

3.4-23 Release of electronic records pursuant to a request for public information is governed by Chapter 552, Texas Government Code. A request for public information must be in writing. Should you have a question about a particular request received in your department, contact the County Attorney's Office as soon as possible.

3.4-24 All communications sent electronically by employees via Montgomery County's Internet service and e-mail must comply with this and other County policies and may not disclose any confidential or proprietary County information.

**ACCEPTABLE  
USES OF INTERNET  
AND E-MAIL**

3.4-25 The following is a non-exhaustive list of acceptable uses of the internet and e-mail:

- A. Communication and information exchange directly related to the duties or responsibilities of the user's department.
- B. Communication for professional development, to obtain continuing education or training, or to discuss issues related to the user's public duties or responsibilities.
- C. Announcement of new departmental regulations, procedures, policies, rules, services, programs, or activities.
- D. At the elected official/department head's discretion, employees are permitted to use the Internet service and e-mail for incidental personal matters.

3.4-26 The following is a non-exhaustive list of unacceptable uses of the internet and e-mail:

- A. Software Downloads:
  - 1. No software or internet utilities may be downloaded or installed on systems described above without the express approval of CIS. Such software and utilities can and have changed fundamental system configurations rendering the equipment inoperable for other County users.
  - 2. Unless specifically authorized by the elected official/department head and CIS, downloading or streaming of MP# and other music files, video files, TV or radio programs, browser enhancements such as plug-ins that must be downloaded to view a document, is prohibited.

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**3.4 TECHNOLOGY POLICY**

- B. County internet service and e-mail must not be used for knowingly transmitting, retrieving, or storing any communications that contain:
1. Discriminatory or harassing language.
  2. Obscene, pornographic or x-rated material.
  3. Defamatory, abusive, threatening, profane or offensive language.
  4. "Chain" letters and other non-business-oriented mass e-mails.
  5. Derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual preference.
  6. Racial and/or sexual slurs or jokes.
  7. Any material which is illegal or against County policy.
- C. Identity Masking: No e-mail or other electronic communication may be sent which:
1. Attempts to hide the identity of the sender or represents the sender as someone else.
  2. Adopts the identity of another person.
  3. Uses another person's password.
  4. Misrepresents the user's affiliation with Montgomery County.
- D. Business Use: Except as specifically authorized above, all use of Montgomery County's Internet service and e-mail must be for the benefit of Montgomery County and must not be used:
1. For any personal profit.
  2. For purposes not directly or indirectly related to the job duties or responsibilities of the user before, after, or during normal business hours.
  3. For any non-County commercial or promotional purpose, including personal messages offering to buy or sell goods or services.
  4. To sell or distribute Montgomery county information, software, or services for personal gain or profit.
  5. In such a way that causes Montgomery County to be charged a fee by another person or entity.
- E. Restricted Information: Montgomery County's Internet service and e-mail must not be used:
1. To copy, retrieve, or forward copyrighted material (such as software, databases, documents, articles, graphics, and downloaded data) unless the individual has the right to copy or distribute such material.
  2. To communicate any material regarding confidential information from a person's personnel file, medical record, or information regarding a person's health condition, financial status, or a person's home address, telephone number, or social security number, unless expressly authorized to do so utilizing appropriate protection.



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**3.4 TECHNOLOGY POLICY**

F. Internet Access Through "Dial-up" Instead of Network Access: Use of personal Internet service providers (such as AOL) using telephone dial-up or other telephone access to the Internet is prohibited. Written requests for a waiver must be submitted to CIS.

**WEB SITE**

3.4-27 The Montgomery County web site and associated home pages have been established at the direction of Montgomery County Commissioners Court to improve the quality, productivity, and general cost effectiveness of the County's workforce, as well as greatly enhance communications between the public and Montgomery County. The quality of the layout, timeliness of information contained in the site, categories of information on the home pages, and subsequent web pages will be at the elected official/department head's discretion. The Montgomery County home page will link County departments and other web pages and sites to provide readily available information to all users. All proposed home pages and associated web pages will be professional in appearance and will contain current and accurate information, while emphasizing information that is important to the citizens of Montgomery County.

3.4-28 The elected official/department head and CIS are the approving authorities for all official Montgomery County web pages including design, layout, and content.

3.4-29 Access to official County data (databases, images, documents, etc.) must be through the responsible Montgomery County elected official or department head who maintains the data and CIS.

**VIOLATION OF  
POLICY**

3.4-30 Violation of this policy can lead to internal disciplinary action, up to and including termination of employment. In addition, criminal or civil administrative penalties may be imposed. Security violations will be reported to your elected official or department head and may result in your password and access to the network being revoked.

3.4-31 In the event that Montgomery County incurs a cost due to employee negligence or misuse, the employee will be responsible for reimbursement of that cost.

3.4-32 There are a number of state and federal laws regarding computer crimes. Certain violations may result in a person being charged with a criminal offense, ranging from a Class A misdemeanor to a first-degree felony.

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**3.5 POLITICAL ACTIVITIES**

**PURPOSE** 3.5-1 Montgomery County government is made up of numerous departments, 41 of which are headed by elected officials. Therefore, county government is political by its very nature. Even so, there are certain activities that are illegal and others which are inappropriate.

**PROHIBITIONS** 3.5-2 Employees are not required to contribute to any fund or collection process. Likewise, employees are not required to campaign or participate in any related political activity as a condition of obtaining or retaining their jobs, nor shall they be disciplined, terminated, or deprived of any rights for refusing to participate in political service, contributions, etc.

3.5-3 It is illegal for employees to perform or be involved in political services, campaigning, or related activities during their normal working hours. Employees may not use County equipment, vehicles, uniforms, or other property in any way for political activity or involvement in political service, nor may they use their official authority or influence for the purpose of interfering with or affecting the results of an election or nomination to a public office. No official or employee shall ever attempt to dictate the political beliefs or affiliations of their employees or discourage the exercising of their right to vote.

**ACCEPTABLE BEHAVIOR** 3.5-4 Employees are welcome to make or receive private political endorsements during non-working hours; elected officials are also able to make political endorsements using their official titles.

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**3.6 EMPLOYEE PARKING**

**PURPOSE**

3.6-1 It is important that we maintain a good relationship with area merchants and other businesses or governmental entities in close proximity to County buildings, and that we are mindful of the needs of the public to utilize public parking spaces accessible to County buildings and to our neighbor facilities. When County employees disregard available County employee parking facilities and park in public parking spaces, they unfairly limit public accessibility. Additionally, since parking spaces in some locations have time restrictions, employees must leave their offices in order to move their vehicles and thereby avoid parking tickets or fines; these employees are wasting taxpayer dollars with unauthorized time away from their duties.

3.6-2 County employees shall park in areas designated by the County for employee parking. Failure to comply with designated parking arrangements for County employee vehicles shall be a factor to be considered in job performance evaluations. An employee who violates this provision may be subject to disciplinary action as deemed appropriate by the Department head.

**EXCEPTIONS**

3.6-3 Special exceptions to designated employee parking may be approved by the Department head for specific times in which employees require close access to their office, such as for loading or unloading. Any employee with a mobility impairment needing special parking accommodations that are not adequately met with designated employee parking areas should notify the Human Resources Director.

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**3.7 PERSONAL PHONE CALLS/FAXES**

- PURPOSE** 3.7-1 It is understood that employees have lives outside of Montgomery County government and that those lives sometimes require communication with family members, friends, and business associates during normal working hours.
- LOCAL CALLS** 3.7-2 In most cases an employee will be allowed to receive a minimal number of personal phone calls of short duration; what is "reasonable" is at the discretion of the elected official or department head. As a general guideline, however, personal phone calls which take the employee away from his or her work numerous times a day and/or which cause other employees to fill in for that person or cause the public to be inconvenienced and/or to wait longer than necessary for service are deemed as "unreasonable."
- LONG DISTANCE CALLS** 3.7-3 Reasonable personal long distance telephone calls will be allowed; it is at the elected official or department head's discretion to determine whether the employee will reimburse the County for those calls.
- CELLULAR PHONES** 3.7-4 Reasonable personal phone calls, local and in-state long distance, will be allowed from cellular phones. Elected officials and department heads will determine for which calls the County must be reimbursed by an employee. Incurred charges for personal out-of-state calls must be reimbursed.
- FAXES** 3.7-5 Employees may send and receive a limited number of faxes, at the discretion of the elected official or department head.
- PROHIBITION** 3.7-6 In no event may an employee send or receive telephone calls or faxes for commercial reasons, i.e. to run an outside business or to supplement his/her income from other pursuits.

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**3.8 PERSONAL PROPERTY**

- RESPONSIBILITY** 3.8-1 Montgomery County assumes no responsibility or liability for the security of an employee's personal property even when brought to his work place or used by him or others in any way, including in the performance of his job.
- EXCEPTION** 3.8-2 Employees **may** be compensated by the County for loss of the following categories of personal property brought to the work place when it is required for the proper performance of job duties as determined by the elected official/department head:
- A. Personal hand tools brought by:
    - 1. Commissioners' precinct mechanics.
    - 2. Maintenance Department personnel.
    - 3. Sheriff's Department auto mechanics.
  - B. Personal equipment (firearms, restraint devices, and personal protective equipment) brought by commissioned peace officers.
- PROCEDURE** 3.8-3 The employee suffering the loss must make a written request to be reimbursed to his elected official/department head including documentation establishing the stolen property's value. It will be the elected official/department head's decision whether or not to request approval for reimbursement from Commissioners Court.
- CASE BY CASE REVIEW** 3.8-4 Reimbursement for loss of personal property listed in 3.8-2 shall be determined on a case by case basis, depending upon the facts surrounding each loss. This policy does not create an automatic right of reimbursement simply because a loss has occurred.

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**3.9 APPEARANCE**

- PURPOSE** 3.9-1 As employees of Montgomery County, we must keep in mind that often when members of the general public see us performing our jobs or otherwise representing County government, the first thing that comes into their minds is that their tax dollars are paying our salaries. Appearance is often viewed as a direct reflection of the level of professionalism of the workplace. For this reason, unless otherwise told to disregard this policy by your elected official or department head or his/her designee, you are expected to follow these basic minimum guidelines in regard to dress and personal appearance; management may impose additional or other appropriate standards.
- DRESS** 3.9-2 Employees in positions that require contact with the general public should dress in a manner that is in keeping with the accepted standards of professional office attire. Suits, sport coats, ties, and slacks are preferred dress for men. Slacks, dress shirts, and ties are also acceptable. Suits, dresses, skirts and blouses, and pantsuits are preferred dress for women. Dress slacks are also acceptable.
- 3.9-3 Employees in positions that do not require direct contact with the public should still dress suitably for a professional office environment. Even though an employee's job may not involve direct contact with the public on a regular basis, being housed in a building where members of the public visit constitutes direct contact. Sweatshirts, T-shirts (with words or pictures relating to drugs, alcohol, or inappropriate wording), jeans, leggings, cutoffs, revealing clothing, hot pants, halter tops, visible body piercing (i.e., nose, eyebrow and tongue rings) and tattoos are not appropriate.
- 3.9-4 Clothing should be clean, in good repair, and fit appropriately.
- 3.9-5 Footwear should also be appropriate for a professional office environment. Acceptable wear includes oxfords, loafers, pumps, boots, and flats. Sport shoes, tennis shoes, flip-flops or other casual footwear is not appropriate. Open sandal-type footwear requires the wearing of socks or hosiery.
- UNIFORMED EMPLOYEES** 3.9-6 Employees whose jobs require that they wear a uniform are expected to keep their uniforms in good repair and laundered.
- HAIR** 3.9-7 Employees should keep their hair clean and neatly trimmed. Hair that is styled, cut and/or colored in a manner that calls undue attention to you will be considered inappropriate. Employees who choose to wear beards and/or mustaches must keep them well groomed and neat trimmed. For those working around office or other mechanical equipment, hair should not be worn in such a style as to create a safety hazard (i.e., it should not block vision or have the potential of getting caught in equipment).

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3.9-8 If an employee requires a reasonable accommodation regarding their dress for bona fide religious reasons, they should contact their supervisor or the Human Resources Director.

**FAILURE TO  
COMPLY**

3.9-9 Employees who refuse to comply with these policies, if endorsed by their elected official or department head, can be sent home to change into more appropriate attire. Repeated violation of this policy can lead to disciplinary action, up to and including discharge.

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**3.10 SMOKING POLICY**

- PURPOSE** 3.10-1 In order to preserve a healthy environment for all County employees and the public, Montgomery County is a SMOKE and TOBACCO FREE workplace.
- PROHIBITED ACTIVITIES** 3.10-2 As a Montgomery County employee you are prohibited from doing the following:
- A. Smoking or other use of tobacco products (including, but not limited to, cigarettes, pipes, cigars, e-cigarettes, vape pipes, hookah pens, snuff or chewing tobacco) in any area of a County building or vehicle owned, leased or rented by Montgomery County;
  - B. Smoke or otherwise use tobacco or similar products outside of the designated smoking area, or leave cigarette butts or other traces of litter or tobacco use on the ground or anywhere else other than a provided receptacle.
- EMPLOYEE'S RESPONSIBILITIES** 3.10-3 County Officials and employees shall:
- A. Abide by this policy in all respects while at work;
  - B. Use tobacco in designated areas outside no closer than 20 feet from an access door during scheduled breaks. Each department is responsible for designating a tobacco use area for their employees and facility.



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**4.0 MEDICAL AND LIFE INSURANCE**

<b>ELIGIBILITY</b>	4.0-1 All full-time employees of Montgomery County who have completed their 58-day waiting period are eligible for coverage under any group medical and basic life programs provided through the County. Coverage will begin on the first of the month following 58 days of employment. If originally hired as a part-time employee, the effective date will be based on the date of full-time employment. For optional benefits, see Section 4.4.
<b>EMPLOYEE COVERAGE</b>	4.0-2 Subject to amendment or discontinuance at any time, the County shall partially or fully fund the cost for medical coverage of eligible employees based upon the deductible plan option chosen by the employee.  4.0-3 Subject to amendment or discontinuance at any time, the County shall pay the premium for the basic term life and Accidental Death and Dismemberment (AD&D) coverage of eligible employees, the amount of which may change.  4.0-4 Optional coverages (e.g. supplemental life, dental, vision, etc.) may also be offered at the employee's expense, subject to the terms of the policies in force.
<b>DEPENDENT COVERAGE</b>	4.0-5 Subject to the limitations of policies in force, an employee eligible for optional coverages offered by the County may cover eligible family members by paying the full cost of their coverage.
<b>PAYMENT</b>	4.0-6 Any and all monthly charges for family members and optional coverages for the employee will be deducted from the employee's pay check.
<b>BENEFIT FORMS</b>	4.0-7 All paperwork pertaining to enrollment, changes, and cancellation of coverage for benefits offered through the County will be submitted to the Risk Management Department for processing.

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**4.1 RETIREMENT**

- PARTICIPATION** 4.1-1 Montgomery County is a member of the Texas County and District Retirement System (TCDRS). Enrollment is mandatory for all regular employees who work at least 900 hours per year and, effective January 1, 2006, begins on their date of employment.
- CONTRIBUTIONS** 4.1-2 Options regarding the amount of employee and employer contributions and other provisions of the Plan are determined by the Texas State Legislature and adopted by Commissioners Court.
- BENEFITS** 4.1-3 Covered employees are encouraged to read the "Member Information Guide" updated periodically by TCDRS and distributed by the Human Resources Department for complete details regarding benefits and provisions of the plan. Information is also available at the System's website, [www.tcdrs.org](http://www.tcdrs.org).
- CONTINUATION OF HEALTH BENEFITS** 4.1-4 Employees eligible to retire under the provisions of TCDRS as adopted by Commissioners Court who are covered by our health plan may continue their health benefits in compliance with Chapter 175 of the Texas Local Government Code.
- 4.1-5 Dependent eligibility is predicated on the retired employee. If the retired employee does not choose retiree coverage for himself/herself, covered dependents will not be allowed to continue coverage under this provision.
- 4.1-6 The retiree must notify the County in writing on or before the date of retirement that he wishes to enroll in retiree medical coverage. Any request to enroll after the date of retirement will be denied.
- 4.1-7 Rates will be adjusted as needed by Montgomery County Commissioners Court.
- 4.1-8 Payments are due monthly, payable on the first of the month. Any payments not received by the 10<sup>th</sup> of the month in which due will result in termination of benefits; no reinstatement will be allowed.
- RETURN TO SERVICE** 4.1-9 Employees who retire from Montgomery County and start receiving benefits from TCDRS may be rehired and continue receiving their annuity as long as a) the original termination was "bona fide" under the IRS guidelines, and b) there was a separation from employment of at least one calendar month. In order to be a bona fide termination, there can be no prior agreement between the County and the retiree that he/she will be rehired after retiring, and the retiree may not be given preferential status when applying for a vacant position.

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**4.2 SOCIAL SECURITY**

- PARTICIPATION** 4.2-1 All County employees participate in Social Security which provides certain retirement and disability income benefits, including Medicare. Participation in this federal program is required by law.
- DEDUCTIONS** 4.2-2 Deductions are made from each pay check in accordance with federal guidelines; this deduction is noted as "FICA" on employees' pay stubs.
- COUNTY CONTRIBUTION** 4.2-3 Montgomery County funds an amount equal to the employee's deduction to the Social Security Administration for the employee's benefit.
- ADDITIONAL INFORMATION** 4.2-4 Employees are encouraged to go to [www.ssa.gov](http://www.ssa.gov) for further information about their Social Security benefits.

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**4.3 WORKERS' COMPENSATION**

<b>APPLICABILITY</b>	4.3-1 All employees of Montgomery County are covered by the County's workers' compensation program while on duty for the County unless they have elected to retain their common law right of action.
<b>BENEFITS</b>	4.3-2 An employee who suffers a job-related illness or injury is eligible to have all medical expenses paid for such injury or illness and, if unable to work for more than seven calendar days, shall be eligible to receive partial salary continuation benefits which begin with the eighth day of disability; by law, certified peace officers receive full salary continuation.
<b>RESPONSIBILITY FOR REPORTING</b>	4.3-3 An employee who suffers an on-the-job illness or injury shall notify his supervisor as soon as is reasonably possible; he will fill out the appropriate reporting forms and forward them within 12 hours of notification by the employee to the Risk Management Department. Failure to report job-related illnesses or injuries in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or may delay benefit payments. The supervisor is required to notify Risk Management and Human Resources when the injured worker returns to work.
<b>FMLA</b>	4.3-4 Time off work due to a job-related illness or injury will run concurrent with time to which the employee is otherwise entitled under the Family and Medical Leave Act.
<b>MAXIMUM LENGTH OF LEAVE</b>	4.3-5 No employee is guaranteed that his job will be held open for any period of time unless he is entitled to and files for leave under the Family and Medical Leave Act, in which case he will be entitled to up to 12 weeks (480 work hours) of leave, after which time the employee will be terminated if he is still unable to perform the essential functions of the position or any other available position, with or without reasonable accommodation. The employee must provide the paperwork required under Sections 4.7-8 and 4.7-9 of our Family Leave policy. Based on the circumstances and the needs of the department, up to 14 weeks of additional leave may be granted at the discretion of the elected official or department head, however the only guaranteed leave under this policy is the up to 12 weeks mentioned above if the need is properly supported by medical documentation which satisfies the County's workers' compensation administrator.
<b>ACCRUAL OF BENEFITS</b>	4.3-6 Employees do not accrue vacation or sick leave while on workers' compensation salary benefits unless they are certified peace officers and are on full salary continuation as required by law. They also are not paid by Montgomery County for any holidays falling during their period of absence.

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**4.3 WORKERS' COMPENSATION**

**PROHIBITION** 4.3-7 An employee may not perform any outside work or engage in any extra duty employment on the same calendar day(s) that he fails to report to work due to illness or injury.

**PHYSICIAN'S  
RELEASE** 4.3-8 An employee who has been receiving workers' compensation salary benefits shall be required to provide a completed Workers' Compensation Status Report (TWCC-73) from the attending physician before being allowed to return to work. The release shall include whether or not the employee can return to full-time status with or without restrictions.

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**4.4 OPTIONAL BENEFITS**

- PURPOSE** 4.4-1 Montgomery County strives to offer a competitive salary and benefits package which will attract and retain qualified and dedicated individuals to fill the jobs necessary to serve the public. The County has negotiated contracts with various benefit providers to offer the following at group rates:
- A. Dental, vision, and optional life
  - B. An I.R.S. Section 457 deferred compensation plan
  - C. An I.R.S. Section 125 Cafeteria Plan
- COSTS** 4.4-2 All charges and administrative costs are the employee's responsibility and will be deducted from his/her pay checks. Should an employee not receive a pay check, benefit rates will be billed with a 30 day grace period and must be received by the Risk Management Department.
- DETAILS** 4.4-3 Employees should contact the Risk Management Department for further information regarding optional benefits and for enrollment forms.

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**4.5 VACATION**

**ELIGIBILITY** 4.5-1 All regular full-time employees of Montgomery County are eligible for paid vacation leave; part-time (less than 30 hours per week) and temporary employees are not eligible.

**ACCRUAL** 4.5-2 Eligible employees shall accrue vacation leave in accordance with the following schedule:

<u>Months of Service</u>	<u>Pay Period Accrual Rate</u>
0 – 59	3.08 hours (10 days/year)
60 – 119	4.62 hours (15days/year)
120 – 239	6.155 hours (20 days/year)
240+	7.695 hours (25 days/year)

Employees working 30 but less than 40 hours per week will accrue leave in direct proportion to the ratio of their regular hours of work per week to 40.

Example:  $32 \div 40$  per week = .8  
 $.8 \times 3.08 = 2.46$  hours per pay period

4.5.3 Employees must be on a paid status for at least half a pay period (normally 40 hours) in order to accrue vacation leave for that pay period.

**WAITING PERIOD** 4.5-4 An employee is required to work for a minimum of three months in a position eligible to accrue vacation before he/she may be paid for vacation.

**MINIMUM USAGE** 4.5-5 The minimum amount of vacation that may be used at any one time is at the discretion of the department head.

**REQUESTS AND APPROVAL** 4.5-6 An employee shall submit his/her request for vacation to the person designated by the elected official or department head.

4.5-7 Supervisors should schedule the vacation of their employees after considering seniority, the operating needs of the department, and employee requests.

**TRANSFERS** 4.5-8 Vacation balances will be honored in cases of employees transferring from one department to another. In these cases every effort should be made by the new department to honor previously scheduled vacation unless doing so unduly disrupts the operations of the department.

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**4.5 VACATION**

- HOLIDAYS** 4.5-9 Holidays falling during an employee's vacation should be charged to payroll code 023 (holiday) instead of the employee's vacation balance (payroll code 019).
- ILLNESS** 4.5-10 If an employee becomes ill while taking vacation leave, the period of illness may be charged against the employee's sick leave balance and not vacation, if:
- A. The employee promptly notifies his/her supervisor of the illness;
  - B. The employee provides the supervisor with acceptable proof of the illness; and
  - C. The supervisor gives permission to change the period of illness to sick leave.
- ADVANCES** 4.5-11 Employees are not allowed to charge time to accrued vacation hours until they are earned.
- BRIDGING TIME** 4.5-12 A person who was previously employed by Montgomery County for one year or more in a full-time position (30 hours per week or more) who is rehired after a break in service not exceeding five years is eligible to have his/her time bridged relative to his vacation leave accrual rate.
- 4.5-13 Only periods of full-time service of one year or longer may be considered when bridging time.
- PAPERWORK** 4.5-14 After the employee has been back at work in a full-time position for one year, the department head should submit to the Human Resources Department a completed Payroll Change Request Form requesting that time be bridged.
- EFFECTIVE DATE** 4.5-15 The new rate of vacation leave accrual, if any, will not be effective until approved by Commissioners Court.
- RECORD KEEPING** 4.5-16 All hours taken as vacation must be stated on the employee's time sheet and entered into the payroll/personnel software. These will become the official record; any changes to an employee's vacation leave balance other than through normal accrual must be approved by the department head or his/her designee.
- CARRY OVER** 4.5-17 All employees need time away from the office and are encouraged to schedule vacation. In no case will employees be allowed to carry over more than 25 days (200 hours) of vacation to the next calendar year or receive pay in lieu of taking time off for vacation unless requested by the department head and approved by Commissioners Court.



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**4.5 VACATION**

- FAMILY LEAVE** 4.5-18 Employees needing time off under the Family and Medical Leave Act may use accrued vacation for that purpose using payroll code 054.
- VACATION PAY AT TERMINATION** 4.5-19 Individuals employed less than three months will not receive pay for accrued vacation at the time of termination of employment
- 4.5-20 Individuals who are in positions accruing vacation who have been employed for three months or more shall be paid at their regular rate of pay for all unused vacation at the time of termination of employment.
- STATUS CHANGE** 4.5-21 Employees elected to office or changing from full time to part-time status will be paid for accrued vacation at the rate being earned on the day prior to the effective date of the change.

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**4.6 SICK LEAVE**

<b>PURPOSE</b>	4.6-1 This policy applies to employees who miss work due to illness.
<b>ADMINISTRATOR</b>	4.6-2 The Human Resources Director is the administrator of Montgomery County's sick leave program.
<b>ELIGIBILITY</b>	4.6-3 Regular full-time employees accrue paid sick leave; part-time (less than 30 hours per week) and temporary employees do not.
<b>ACCRUAL</b>	<p>4.6-4 Eligible employees accrue 3.08 hours of sick leave per pay period (10 days per year). Employees working in positions budgeted for at least 30 but less than 40 hours per week accrue leave in direct proportion to the ratio of their regular hours of work to 40.</p> <p>Example:      <math>32 / 40</math> per week = .8                     <math>.8 \times 3.08 = 2.46</math> hours per pay period</p> <p>4.6-5 Employees must be on a paid status for at least half a pay period (normally 40 hours) in order to accrue sick leave for that pay period.</p>
<b>WAITING PERIOD</b>	<p>4.6-6 An employee is required to work for a minimum of three months in a position eligible to accrue leave before he/she may be paid with sick leave.</p> <p>4.6-7 Employees changing from part-time to full-time status will receive credit for time worked as part-time toward satisfying the 90-day waiting period, but they will not be awarded sick leave for that time.</p>
<b>MINIMUM USAGE</b>	4.6-8 The minimum amount of sick leave that may be used at any one time is at the discretion of the department head.
<b>CODE 021 LEAVE</b>	4.6-9 With approval of the department head, payroll code 021, "sick leave," may be used for illnesses of three days or less and illnesses longer than three days if they do not qualify under the Family and Medical Leave Act (FMLA).
<b>LONGER LEAVES</b>	4.6-10 Once requested and approved, accrued sick leave may also be used for illnesses which fall under the Family and Medical Leave Act. Payroll code 050 should be used on time sheets after FMLA leave has been approved. (See Section 4.7, Family Leave.)

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**4.6 SICK LEAVE**

- TYPES OF USAGE** 4.6-11 If approved by the department head, eligible employees may use sick leave for:
- A. Personal illness or injury.
  - B. Doctors' appointments or treatment; an employee shall be required to secure prior approval from his supervisor for sick leave to be used for non-emergency doctors' appointments.
  - C. Medical quarantine resulting from exposure to a contagious disease.
  - D. Illness of a member of the employee's immediate household which requires the employee's personal care and attention; time off for care of other members of the employee's immediate family (parent, grandparent, child, stepchild, grandchild, step-grandchild, brother or sister) is at the discretion of the elected official or department head and may be limited.
- NOTIFICATION OF NEED FOR LEAVE** 4.6-12 An employee must notify his supervisor as early as possible on the first day of absence to request use of sick leave.
- 4.6-13 If more than one day of sick leave is needed, the employee must notify his supervisor of the expected length of absence on the first day of absence or notify his supervisor on a daily basis for each day he is unable to work.
- DOCUMENTATION** 4.6-14 An employee's supervisor may request documentation of illness or injury where it is deemed necessary for approval of a sick leave request, however, because of privacy provisions of the Health Insurance Portability & Accountability Act, the amount of medical information to which a departmental representative is entitled is limited.
- BORROWING** 4.6-15 Employees may not borrow accrued sick leave from other employees.
- PAYMENT AT RETIREMENT** 4.6-16 An employee having accrued sick leave on September 30, 1987 who has no break in service after that date is eligible to be paid for the hours to his credit as of (a) that date, (b) his/her date of retirement, or (c) his/her lowest sick leave balance after January 9, 2006, whichever is less, i.e., used hours may not be replenished. Upon retirement, hours paid under these circumstances are valued at the employee's January 9, 2006 pay rate. No employee will be paid for more than 480 hours of sick leave.
- 4.6-17 An employee meeting the conditions of 4.6-16, above, who becomes an elected official will be paid as above at his pay rate prior to taking over as an elected official.

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**4.6 SICK LEAVE**

- BRIDGING** 4.6-18 Previously accrued sick leave is not restored when an employee is rehired.
- DOUBLE PAYMENT** 4.6-19 Unless otherwise required by law, employees may not receive workers' compensation payments and paid sick leave for the same hours. An employee eligible for workers' compensation payments may elect to use paid leave until such paid sick leave is exhausted.
- TRANSFER** 4.6-20 Sick leave balances transfer with employees from one county department to another.
- CARRYOVER** 4.6-21 A maximum of 480 hours of sick leave may be carried over to a new calendar year; any excess hours will be forfeited.
- ATTENDANCE AWARD** 4.6-22 Individuals employed the full calendar year who do not use any hours of sick leave may receive an additional 12 hours of vacation accrual; individuals employed the full calendar year who use no more than 8 hours of sick leave may receive an additional 8 hours of vacation accrual.
- ABUSE OF BENEFIT** 4.6-23 Any employee found abusing this policy, e.g., reporting that he is sick when he is not, is subject to discipline, up to and including discharge. An employee may not perform any outside work or engage in any extra duty employment on the same calendar day(s) that he is paid with accrued sick leave.
- MAXIMUM LENGTH OF LEAVE** 4.6-24 No employee is guaranteed that his job will be held open for any period of time unless he is entitled to and files for leave under the Family and Medical Leave Act, in which case he will be entitled to up to 12 weeks (480 work hours) of leave, after which time the employee will be terminated if he is still unable to perform the essential functions of the position or any other available position, with or without reasonable accommodation. The employee must provide the paperwork required under Sections 4.7-8 and 4.7-9 of our Family Leave policy. Based on the circumstances and the needs of the department, up to 14 weeks of additional leave may be granted at the discretion of the elected official or department head, however the only guaranteed leave under this policy is the up to 12 weeks mentioned above if the need is properly supported by medical documentation. Employees who do not qualify for leave under the Family and Medical Leave Act are not guaranteed that their positions will be held open for any length of time beyond the number of accrued benefit hours to their credit. The need for leave must be documented on a completed "Certification of Health Care Provider" form and completed updates, signed by the treating physician, submitted to the Human Resources Director every 30 days.

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**4.7 FAMILY LEAVE**

**FAMILY AND  
MEDICAL LEAVE  
ACT**

4.7-1 All eligible employees of Montgomery County are entitled to the protection offered by the Family and Medical Leave Act of 1993 (FMLA). All employees with a possible FMLA event must contact Human Resources. Included in the Act is the requirement that during any 12-month period (specified by Montgomery County as a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave) employers provide eligible employees up to 12 weeks (480 work hours) of leave (paid or unpaid) for:

1. the birth, adoption or placement in foster care of a child;
2. to care for a son, daughter, spouse or parent with a serious health condition;
3. for the employee's own serious health condition;
4. for an exigency caused by a family member who belongs to the regular Armed Forces being called for deployment to a foreign country, or a member of the reserves or National Guard being called to active duty deployment to a foreign country; or
5. for Military caregiver leave to care for a spouse, child, parent or next of kin who is a service member and is injured or becomes seriously ill while on active duty or within five years of leaving the Armed Forces. This military caregiver leave may extend up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next-of-kin covered service member with a serious illness or injury incurred in the line of duty on active duty." Next-of-kin" is defined as the closest blood relative of the injured or recovering service member.

As allowed by law, Montgomery County requires employees to use accrued leave balances before going to an unpaid status; time spent on paid and unpaid leave is combined and counts toward the 12-week entitlement.

4.7-2 In all cases, persons who have been employed by Montgomery County (on a full or part time basis), for a total of 12 months (need not be continuous service – Sec 825.110b) (employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by the employer for at least 12 months) and physically worked at least 1,250 hours (not including vacation, sick, compensatory, personal time, etc.) for the County during the 12 month period immediately preceding the commencement of the leave, are eligible for FMLA benefits if they meet one of the five conditions listed in 4.7-1. If the leave is related to a serious health condition, the necessity of the leave must be certified as qualifying by a health care provider. Leave provisions apply equally to male and female employees.

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4.7 FAMILY LEAVE

4.7-3 Per Federal Regulation (29 CFR 825.301), it is the employer's responsibility to designate leave as FMLA qualifying and to give notice of this designation to the employee. In any circumstance where the employer does not have sufficient information about the reason for an employee's use of leave, the Human Resources Department should inquire further of the employee or his or her spokesperson to determine whether leave is potentially FMLA-qualifying.

4.7-4 Whether or not the benefits provided under this policy are extended to an employee not meeting the length of service requirements specified in 4.7-2 is at the discretion of the elected official or department head and will be based on the needs of the department. In no event will an employee be granted employee benefits to which he would not normally be entitled.

**DEFINITION**

4.7-5 Under the FMLA, a "**serious health condition**" is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. **Inpatient care** (i.e. an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (defined as an inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with such inpatient care; or
- B. **Continuing treatment** by a health care provider, which includes:
  - 1. A period of incapacity of **more than three consecutive calendar days**, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    - a. Treatment two or more times by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (such as a physical therapist) on referral by a health care provider; or
    - b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment.
  - 2. A period of incapacity due to **pregnancy**, or for prenatal care.
  - 3. A period of incapacity or treatment for a "**chronic**" serious health condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).

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**4.7 FAMILY LEAVE**

4. A period of incapacity which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member need not be receiving active treatment by a health care provider (e.g., Alzheimer's disease, severe stroke, terminal cancer).
5. A period of absence to receive **multiple treatments** for an injury or condition which would result in incapacity of more than three days if not treated (e.g., chemotherapy or radiation for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

FMLA regulations provide that "treatments" for serious health conditions include examinations to determine if a serious health condition exists but not routine physical, dental, or eye examinations. A "regimen of continuing treatment" includes a course of prescription medication such as antibiotics but not taking over-the-counter medications, getting bed rest, drinking fluids, exercising or other activities that could be initiated without visiting a health care provider. Voluntary or cosmetic treatments that are not medically necessary are not "serious health conditions" unless inpatient care is required or complications arise.

4.7-6 Under FMLA a "**son or daughter**" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. FMLA regulations provide separate definitions of "son and daughter" for Military Family Leave provisions that are not restricted by age.

4.7-7 Under the FMLA a "**spouse**" is defined as a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or in the case of a marriage entered into outside of the State, if the marriage is valid in the place where entered into (Place of celebration) and could have been entered into in at least one State. This definition includes an individual in a common law marriage that either: (1) was entered into in a State that recognizes such marriages; or (2) if entered into outside of the State, is valid in the place where entered into and could have been entered into in at least one State.

4.7-8 Under the FMLA a "**parent**" is defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents "in law".

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**4.7 FAMILY LEAVE**

<b>ADMINISTRATOR</b>	4.7-9 The Human Resources Director is the Administrator of the County's FMLA policy.
<b>BEGINNING DATE AND REQUEST FOR LEAVE</b>	4.7-10 Leave taken under this policy will begin on the first day of absence and must be requested by the employee on a Human Resources Request for Leave form at least 30 days in advance of the need for leave, if possible, or within 1 or 2 days after the need for leave is known. An employee requesting leave for planned medical treatment must consult with his department head to work out a treatment schedule that best meets the needs of both employer and employee, subject to the approval of the health care provider.
<b>POSSIBLE DELAY</b>	4.7-11 If an employee fails to give 30 days' notice of foreseeable leave and has no reasonable excuse, it may delay the start of FMLA leave until at least 30 days after the notice is given.
<b>REQUIRED PAPERWORK</b>	4.7-12 If the FMLA leave is related to a serious health condition, a completed "Certification of Health Care Provider" form must be sent to the Administrator before FMLA leave will be approved. Only when there is no advance notice of the need for leave (e.g., heart attack, stroke) may leave be approved prior to receipt of the completed certification. The County may require that a second opinion be obtained at the County's expense. In the event of conflicting opinions, the County may pay for a third and final provider to offer a binding decision.
<b>PERIODIC UPDATES</b>	4.7-13 Except for leaves due to the birth, adoption, or placement of a child, leaves under this policy that are longer than 30 days will require periodic updates from the employee's treating physician if (1) no definite date was indicated on the original Certification of Health Care Provider as the employee's date to return to work, or (2) the employee's health care provider recommends that the leave be extended for an additional length of time. Failure to submit required updates to the FMLA Administrator may result in the employee's discontinued entitlement to leave.
<b>PRIVACY</b>	4.7-14 Elected officials and department heads are not entitled to view or copy the completed "Certification of Health Care Provider" form but will be consulted about the need for and scheduling of time off. All FMLA related documentation should be submitted by the employee or doctor's office directly to the Human Resources Department and should be marked confidential due to HIPAA privacy rights (patient confidentiality). No medical files should be kept by any department other than Risk Management for the purposes of administering workers compensation claim files and/or those classes of users of Protected Health Information (P.H.I.) as allowable under the Montgomery County Employee Benefit Plan Health Insurance Portability and Accountability Act of 1996 (H.I.P.P.A.) Policy (see Section IX – Classes of Users of Protected Health Information).



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**4.7 FAMILY LEAVE**

<b>INTERMITTENT LEAVE</b>	4.7-15 Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child if the arrangement is agreed to by the department head. Leave for serious health conditions, either of a family member (as defined in this policy) or the employee may be taken intermittently or on a reduced schedule if medically necessary. The employee must attempt to schedule intermittent leave at a time that is least disruptive to the department, if possible. Employees must abide by their departmental call-in policy while on intermittent leave.
<b>REQUEST OF BOTH SPOUSES</b>	4.7-16 In cases where both spouses work in the same department for Montgomery County and both wish to take leave to care for a newly arrived child, their aggregate leave may be limited to 12 weeks of leave. Depending on the needs of the department, additional time may be allowed, at the department heads discretion, but the total leave under FMLA for each parent is not to exceed 12 weeks. If the leave is requested because of the illness of a child or the spouse, each spouse is entitled to up to 12 weeks of leave, if necessary.
<b>CHARGING ACCRUED TIME</b>	<p>4.7-17 Time off caused by events qualifying under the FMLA should be coded to FMLA payroll codes as follows:</p> <ul style="list-style-type: none"><li>A. Code 050 if using sick leave (should be used first.)</li><li>B. Code 051 if using personal leave</li><li>C. Code 052 if using comp time</li><li>D. Code 053 if using holiday leave</li><li>E. Code 054 if using vacation</li><li>F. Code 055 if employee is on an unpaid status</li><li>G. Code 028 if being paid with time from the sick leave pool</li></ul> <p><b>See Sick Leave Pool Policy 4.15 for requirements regarding withdrawing funds from the Sick Leave Pool.</b></p>
<b>PAYROLL CHANGE FORM</b>	4.7-18 Once an employee has used all accrued leave balances, the department head should submit a completed Payroll Change Request Form to the Auditor's Department requesting that the employee be placed on unpaid FMLA leave effective the day that leave accruals have been exhausted. When the employee is released to return to work, another payroll change request must be submitted returning the employee from unpaid FMLA, making it effective the date of return.

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**4.7 FAMILY LEAVE**

**RETURN TO  
WORK**

4.7-19 Employees whose leave was based on their own serious health condition must provide a doctor's release stating that they are able to return to work, and the FMLA requires the employee be returned to the same job or one that is nearly identical. If the employee is not returned to the exact same job, the new position must: 1) involve the same or substantially similar duties, responsibilities, and status; 2) include the same general level of skill, effort, responsibility, and authority; 3) offer identical pay, including equivalent premium pay, overtime, and bonus opportunities; 4) offer identical benefits (such as life insurance, health insurance, sick leave, vacation, etc.; and 5) offer the same general work schedule and be at the same (or a nearby) location. If an employee exhausts FMLA leave entitlement and is unable to return to work, the employer is not required to restore the employee to his or her position. If an employee is restricted in performing any of the essential functions of his or her job, those restrictions must be specifically stated; it will be the department head's decision as to whether or not the restrictions are so limiting that they prevent the employee from doing his or her job within the department. (If the illness or injury that caused the absence has resulted in a permanent disability please call the Human Resources Director for guidance.)

**RETURN TO  
WORK**

4.7-20 Employees returning from FMLA for a family member must submit written notice to the Human Resources Department stating the effective date they no longer need FMLA. This notice should be submitted by the employee on the employee's first day back at work, or as soon as possible thereafter.

**MAXIMUM  
LENGTH OF  
LEAVE**

4.7-21 No employee is guaranteed that his job will be held open for any period of time unless he is entitled to and files for leave under the Family and Medical Leave Act, in which case he will be entitled to up to 12 weeks (480 work hours) of leave, after which time the employee may be terminated if he is still unable to perform the essential functions of the same or nearly identical position, with or without reasonable accommodation. The employee must provide the paperwork required under Sections 4.7-10 and 4.7-12 (as applicable) of this policy. Based on the circumstances and the needs of the department, up to 14 weeks of additional leave may be granted at the discretion of the elected official or department head; however, additional leave is not guaranteed. This additional leave is not extended FMLA. It is Leave of Absence-Extended. Once regular accruals are exhausted, Leave of Absence-Extended (payroll code 097) will be used to code the employee's time off. Employees who do not qualify for leave under the Family and Medical Leave Act are not guaranteed that their positions will be held open for any length of time beyond the number of accrued benefit hours.

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**4.7 FAMILY LEAVE**

<b>WRITTEN REQUEST FOR EXTENSION</b>	4.7-22 Employees requiring leave over and above their 12-week FMLA entitlement (480 work hours) must make a specific written request to their elected official or department head for additional leave or leave may not be extended. Current documentation from the treating physician, certifying the continued need for leave, must be sent directly to the Human Resources Department (not to the employee's department or supervisor).
<b>CONTINUATION OF HEALTH/LIFE BENEFITS</b>	4.7-23 The County shall continue to pay the County paid/subsidized employee medical rate and basic group term life costs for the employee's coverage for an employee with benefits who is on FMLA. The employee must submit payment for any normal contributions to the cost of benefit elections that would have been deducted through payroll; failure to do so may result in loss of coverage. <b>Employees should contact Risk Management for details regarding any benefit payments due.</b>
<b>BENEFITS ACCRUAL</b>	4.7-24 Employees must be on a paid status for at least half a pay period (normally 40 hours) in order to accrue paid leave for that pay period.
<b>ABUSE OF BENEFIT</b>	4.7-25 Any employee found abusing this policy, e.g., falsely reporting that he has a situation that falls under the Family and Medical Leave Act when he does not, or not returning to work when he is able, is subject to discipline, up to and including discharge.
<b>NON-COUNTY EMPLOYMENT</b>	4.7-26 An employee on FMLA may not perform any outside employment or engage in any extra duty employment on the same calendar day(s) that they code time off work with any FMLA or Workers Compensation codes. This includes volunteer activities that would involve any restrictions that the employee's doctor may have placed on the employee as a result of his or her FMLA event. <b>Employees should contact Risk Management for details regarding Non-County Employment under a Workers Compensation claim.</b>
<b>WORKER COMPENSATION</b>	4.7-27 Time off work due to a job-related illness or injury will run concurrent with time to which the employee is otherwise entitled under the Family and Medical Leave Act. An approved leave of absence may be extended beyond the time to which the employee is otherwise entitled under FMLA for a County Law Enforcement Official who is injured and hospitalized or incapacitated in the course of their official duties under the provisions of the Texas Constitution Article 3, Sec 52 (e) and as approved by the Elected or Appointed Official in charge of the injured Law Enforcement Official but not exceed the provision of the Texas Constitution Article 3, Sec 52 (e).

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**4.7 FAMILY LEAVE**

**PREGNANCY  
DISCRIMINATION  
ACT**

4.7-28 As outlined above, Section 4.7-1 states an employee is entitled to the protection offered by the Family and Medical Leave Act of 1993 for the birth of their child if the employee qualifies for FMLA.

The Pregnancy Discrimination Act prohibits employers from terminating employees because they are pregnant or recently gave birth to a child. The Pregnancy Discrimination Act also requires employers to give pregnant employees the same kind of leave benefits as other employees who have short term health conditions that may require leave or limited work duties. That means if employers would offer leave for employees with injuries or surgeries then it must give pregnant employees the same leave privileges as those other employees. However, the PDA does not require employers to offer leave time and if the employer would not offer other employees leave time, then it does not have to offer pregnant employees leave time. If offered leave time, employees are required to return to work once they are released as "fit for duty" by their doctor.

**ADDITIONAL  
PROVISIONS**

4.7-29 Any areas of the Family and Medical Leave Act of 1993 not specifically addressed in this policy will be administered in accordance with the legal requirements of the Act, a copy of which is on file in the Human Resources Department.

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**4.8 PERSONAL LEAVE**

<b>PURPOSE</b>	4.8-1 Montgomery County recognizes that from time to time employees have personal business that must be conducted during normal working hours.
<b>ELIGIBILITY</b>	4.8-2 Only regular full-time employees scheduled to work a minimum of 80 hours per pay period are eligible for this benefit.
<b>WAITING PERIOD</b>	4.8-3 An employee may not use personal leave until he/she has been employed for three months or longer.
<b>ACCRUAL RATE</b>	4.8-4 All eligible employees accrue .6154 hours of personal leave each pay period.
<b>USE AND SCHEDULING</b>	4.8-5 Use of personal leave must be scheduled and approved in advance. In emergency situations, the department head may waive the requirement for advance notice.
<b>CARRY OVER</b>	4.8-6 Up to 8 hours of personal leave may be carried over to the next calendar year, however personal leave hours have no value upon termination of employment. Any accrued amount over 8 hours will be added to an employee's sick leave balance.

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**4.9 HOLIDAYS**

- ELIGIBILITY** 4.9-1 All regular full-time employees of Montgomery County shall be eligible to receive time off with pay for each official County holiday. The employee must be on the job their full, regularly scheduled hours the work days preceding and following the holiday unless taking approved paid leave time. The elected official or department head may require documentation from a doctor in order for holiday pay to be approved after an employee has called in sick the work day preceding or following the holiday.
- HOLIDAYS** 4.9-2 The County's official holidays are:
- New Year's Day - January 1
  - Martin Luther King Day – Third Monday in January
  - Presidents' Day – Third Monday in February
  - Good Friday - Friday before Easter
  - Memorial Day - Last Monday in May
  - Independence Day - July 4
  - Labor Day - First Monday in September
  - Veterans Day – November 11
  - Thanksgiving - 4<sup>th</sup> Thursday and Friday in November
  - Christmas Eve - December 24
  - Christmas Day - December 25
  - Others as Commissioners Court may designate
- WEEKEND HOLIDAYS** 4.9-3 Holidays falling on a weekend shall be observed on a day preceding or following the official day.
- TIME ACCRUAL** 4.9-4 The pay period prior to an official holiday, employees will be credited with eight hours holiday pay. During a week in which a designated holiday occurs, the employee shall deduct from his holiday bank the number of hours missed because of the holiday. An employee may not work on the holiday without being asked to do so by his/her elected official or department head.
- WORK ON A HOLIDAY** 4.9-5 An employee who is required to work on a holiday must use his/her holiday hours on another date approved by his/her supervisor.
- LIMITED CARRY OVER** 4.9-6 Employees required to work on a County holiday falling between November 20 and December 31 or whose regular day off is a County holiday falling between November 20 and December 31 may carry over those holiday hours (maximum 32) to the next calendar year.

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**4.9 HOLIDAYS**

<b>TERMINATION OF EMPLOYMENT</b>	4.9-7 Employees terminating from Montgomery County will be paid for any remaining unused holiday hours.
<b>HOLIDAYS DURING LEAVE OF ABSENCE</b>	4.9-8 An employee who is on an unpaid leave of absence will not be paid for any official holidays occurring during such leave; the appropriate number of hours will be deducted from his/her holiday bank for each day. It is the department's responsibility to notify the Human Resources Department in writing so that adjustments can be made.
<b>AMOUNT CHARGED</b>	4.9-9 Employees will receive 8 hours of holiday pay for each official holiday. Any hours over 8 that the employee is scheduled to work but takes off work for the holiday must be coded to the employee's other accrued time.
<b>MONITORING</b>	4.9-10 Elected officials and department heads are expected to monitor hours charged to holiday time to ensure that hours carried over from the previous year are used by June 30.

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**4.10 FUNERAL LEAVE**

**DEATH OF  
FAMILY  
MEMBER**

4.10-1 In the event of the death of a regular full-time employee's immediate family member, a maximum of three days' leave with pay (24 hours) may be granted to the employee at the discretion of the elected official or department head; those employees budgeted for, scheduled for, and working at least 30 but less than 40 hours per week shall be paid for a prorated number of hours (e.g., a 30-hour per week employee would be paid for 18 hours instead of 24, a 32-hour per week employee would be paid for 19.2 hours, etc.). The length of the leave should be dependent on the location of the funeral (whether out of state or in town), the familial relationship, and the responsibilities placed on the employee as a result of the death.

4.10-2 The term "immediate family" is defined as:

- Spouse of employee
- Parent of employee or spouse
- Grandparent of employee or spouse
- Child of employee or spouse
- Grandchild of employee or spouse
- Brother or sister of employee or spouse
- Step-parent or step-child of employee or spouse
- Ward of employee or spouse
- Any other relative of employee or spouse living in the same household with the employee and spouse

4.10-3 Special consideration may also be given to any other person whose association with the employee was similar to the above relationships.

**DEATH  
OTHER THAN  
FAMILY**

4.10-4 In the event of the death of a County employee or someone closely associated with Montgomery County, a department head may approve representation at the funeral. Those who attend at the direction of their elected official or department head are representing Montgomery County, and therefore their hours will be considered worked hours.



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**4.11 JURY/WITNESS LEAVE**

- JURY LEAVE** 4.11-1 The County considers jury duty an important aspect of our democracy. Employees are encouraged to serve when called. An employee summoned for jury duty will be excused from work and will receive his regular rate of pay, in addition to jury pay, for time he is required to serve. An employee must notify his supervisor as soon as possible if a summons is received. If not selected for a jury or if released from duty prior to the end of the normal work day (8 a.m. to 5 p.m.) the employee must report to work at that time. Employees whose work shifts normally conclude after 6 p.m. are not expected to report to work after serving as a juror for at least seven hours during the same day.
- WITNESS LEAVE** 4.11-2 Employees who are served a subpoena to appear in court during their normal work hours as a witness for Montgomery County will receive their regular rate of pay for time spent in court. Employees will not be paid for time spent in non-county job-related court appearances which are not compelled by subpoena unless accrued leave hours, other than sick leave, are used.
- PRIVATE LAWSUITS** 4.11-3 An employee involved in private litigation in which he/she is the principal party must use accrued leave hours, other than sick leave, in order to be paid for hours of work missed.
- SHIFT WORKERS** 4.11-4 Employees whose normal work hours are not the standard 8 a.m. to 5 p.m. but instead are in the late evening and early morning are encouraged to meet with their elected official or department head to determine a work schedule that is appropriate; said work schedule may include a reduced number of hours or no hours for the period of time summoned.

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**4.12 MILITARY LEAVE**

- PURPOSE** 4.12-1 Montgomery County has certain obligations to employees called to serve in the uniformed services of the U.S. under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended. Employees who perform and return from military service or certain types of service in the National Disaster Medical System retain certain rights with respect to reemployment, retention in employment, promotion, or any benefit of employment.
- 4.12-2 Protection is extended to applicants for employment who may not be denied initial employment because of military application or status as well as current employees who apply for membership in the uniformed services.
- BENEFITS** 4.12-3 The maximum period of continuation of employee medical benefits and basic term life insurance for an employee who is on leave under the provisions of this policy shall be as stated in Section 4317 of USERRA.
- PAY** 4.12-4 An employee who is a member of the state military forces or a reserve component of the armed forces is entitled to a leave of absence from his/her duties on days in which the person is engaged in authorized training or duty ordered or authorized by proper authority. During a leave of absence, the person may not be subjected to loss of time, vacation time, or salary, however the leave of absence may not exceed 15 days in a federal fiscal year.
- 4.12-5 Any military leaves of absence in excess of 15 work days will be unpaid unless an employee chooses to use available accrued leave hours, other than sick leave, in order to be paid.
- RESPONSE DURING DISASTER** 4.12-6 An 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 authorize 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 approved training or duty otherwise authorize 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.
- NOTICE OF INTENT** 4.12-7 It is the employee's responsibility to provide verbal or written notice to his/her supervisor as soon as possible after learning that he/she has been called to active duty; likewise, it is the employee's responsibility to notify his/her supervisor once he/she has been released from service and/or decided not to return to employment with Montgomery County.
- FULL COMPLIANCE** 4.12-8 The County intends to comply fully with the provisions of USERRA and expects employees called to duty to do the same. It is not the County's intent to

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**4.12 MILITARY LEAVE**

grant employees rights that exceed those required under the law. It is illegal for the County to retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

**LIABILITY**

4.12-9 Elected officials, department heads, and supervisors are personally liable for violating the provisions of USERRA.

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**4.13 UNPAID LEAVE**

- PURPOSE** 4.13-1 An unpaid leave of absence for personal reasons may be granted under certain conditions. The amount of time granted for such leave shall be determined by the individual circumstances requiring the absence, the employee's length of service, the demands of the department, and any other factors the elected official or department head feels are relevant. In all cases, the department must consent to the leave, or it will not be granted.
- RESTRICTIONS** 4.13-2 Any employee who requests and obtains leave under false pretenses or uses said leave for any purpose other than that stated is subject to disciplinary action, up to and including discharge. Additionally, before an employee takes an unpaid leave, all eligible accrued leave balances must have been used.
- NECESSARY PAPERWORK** 4.13-3 An unpaid leave of absence longer than one pay period (14 calendar days) must be approved by Commissioners Court: The elected official or department head will submit a Payroll Change Request Form to the Budget Office for processing. Once the leave has been approved, the employee's absence should be reflected on the payroll authorization sheet submitted to the County Treasurer's Office using payroll code 097. Absences of 14 days or less must be reflected on the payroll authorization sheet with payroll code 099, however they do not require the submission of a Payroll Change Request Form or the approval of Commissioners Court.
- BENEFITS ACCRUAL** 4.13-4 Employees do not accrue vacation, sick leave, or personal leave unless they are on a paid status for at least 40 hours during a pay period.
- CONTINUATION OF MEDICAL BENEFITS** 4.13-5 An employee on an unpaid leave of absence of 15 days or more, unless the absence is covered under the Family and Medical Leave Act, is responsible for payment for medical and life insurance benefits as well as any additional premiums for dependents and/or supplemental coverage. Failure to submit payment in a timely manner may result in loss of coverage.
- EXCLUSIONS** 4.13-6 This policy does not apply to unpaid leave required by the Family and Medical Leave Act, additional disability leave granted under the County's Family Leave Policy, military leave, or qualified workers' compensation leave.
- MAXIMUM LENGTH OF LEAVE** 4.13-7 The maximum length of time a position will be held open under this policy is 12 weeks. After that period of time employment will be terminated.

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4.14 DISASTER POLICY

- PURPOSE** 4.14-1 The County recognizes that from time to time adverse weather conditions or similar situations will prevent employees from working their regularly scheduled hours.
- PROCEDURE** 4.14-2 When employees are instructed to stay home due to adverse weather conditions or natural disasters, the hours that would have been worked shall be charged to payroll code 032 (Authorized Time Off), and the employees will be paid for said time.
- EMPLOYEES REQUIRED TO WORK** 4.14-3 In situations where employees in certain positions (essential personnel) are instructed to report to work due to a county wide disaster being issued, the employee shall charge the actual time worked with their regular payroll code and an additional leave code 331 (Disaster PTO), in an amount of leave equal to the actual hours worked.
- ACCRUED LEAVE** 4.14-4 Employees who received prior approval to take vacation, sick leave, family medical leave, personal time or holiday leave during periods of closure are **not** eligible to claim Disaster PTO hours.
- PART-TIME EMPLOYEES** 4.14-5 Part-time employees are eligible for Disaster PTO **only** if they are scheduled to work the days the disaster is declared and **only** for the amount of hours they are scheduled to work.
- EMPLOYEES REQUIRED TO WORK PARTIAL DAYS** 4.14-6 If employees actually work part of the day but are instructed to leave due to the disaster, employees should charge the time they actually work to their regular work code and the remaining hours of the day to code 032 ( Authorized Time Off). Employees should also use code 331 in the amount of leave equal to the actual hours worked.
- USE OF DISASTER PAID TIME OFF** 4.14-7 The time charged to code 331 leave (Disaster PTO) must be used within 90 (ninety) days from the date it is earned and must be scheduled in advance and approved by the Elected Official or Department Head. When an employee uses time banked due to a disaster, this time must be coded to code 332 (Disaster PTO used). Disaster PTO hours are not paid upon termination.
- AUTHORITY** 4.14-8 The County Official who instructs an employee(s) to stay home, must be an official vested with such authority.

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**4.15 SICK LEAVE POOL**

<b>PURPOSE</b>	4.15-1 Montgomery County values its employees and realizes that from time to time they may experience catastrophic illnesses or injuries which necessitate their being absent from work longer than the time for which they have accrued benefit hours. With this in mind, employees are able to donate hours to the County's sick leave pool for use by those employees who fall into this category.
<b>ELIGIBILITY</b>	4.15-2 In order for an employee to be eligible to receive benefit hours from the sick leave pool, he must (1) have worked continuously for Montgomery County on a full-time basis for one year or more, (2) contribute at least eight hours to the sick leave pool <u>by January 31</u> of the same calendar year and before his leave begins, and (3) have a personal illness which is catastrophic.  4.15-3 Only employees who have exhausted all accrued leave and compensatory time to which they are entitled are eligible to use hours from the sick leave pool.
<b>DEFINITION</b>	4.15-4 A "catastrophic illness or injury" is a severe condition or combination of conditions that most likely would result in death if not treated as documented by the treating physician.
<b>PRIOR FMLA APPROVAL NECESSARY</b>	4.15-5 An employee must have submitted completed paperwork as allowed under the Family Medical Leave Act and required under Montgomery County's Family Leave Policy and been on approved FMLA leave for 20 work days or more due to the medical condition before he/she may use hours from the sick leave pool. All medical information obtained will remain confidential.
<b>ADMINISTRATOR</b>	4.15-6 The Human Resources Director is the Administrator of this program and will deny in writing contributions to and withdrawals from the pool when appropriate. She may require an employee to provide additional or updated information or documentation in order to determine whether to approve or continue a request for sick pool leave. The employee and department head will be notified of the approval or denial of the request.
<b>APPEALS</b>	4.15-7 Employees wishing to appeal the Administrator's denial of a request may submit a request for appeal to the Human Resources Department. The appeal will then be considered by a committee composed of the Director of Risk Management, the Auditor, a Commissioner, and the current Chairperson of the Employees' Committee.
<b>CONTRIBUTIONS</b>	4.15-8 Contributing to the sick leave pool is strictly voluntary; no less than 8 nor more than 16 hours per year may be contributed by any one employee. The hours will be deducted from the contributing employee's sick leave balance as if he/she had used them. Those wishing to contribute hours must complete a Montgomery County Sick Leave Pool Contribution Form and forward it to the Administrator.

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**4.15 SICK LEAVE POOL**

- WITHDRAWALS** 4.15-9 To apply for hours from the sick leave pool, an eligible employee must complete a Montgomery County Request for Donated Sick Leave Form and submit it to the Administrator.
- 4.15-10 Eligible employees will receive their rate of pay being earned just prior to the leave and may be paid for time equal to one-third (1/3) of the total amount of time available in the pool or up to 90 days (720 hours), whichever is less. Leave will be distributed on a first-come, first-served, basis and will be approved on a per-pay-period basis; the need must be supported by a completed Certification of Health Care Provider, and updates from the treating physician submitted at least every 30 days. In no case will a continuous leave be granted that exceeds 14 weeks, not including time to which the employee may be entitled under the Family and Medical Leave Act (up to 12 weeks or 480 hours).
- 4.15-11 The maximum number of days an employee may draw from the sick leave pool during his/her employment with Montgomery County is 135 days (1,080 hours).
- ADMINISTRATION** 4.15-12 When an employee is being paid from the sick leave pool, the department head (or his/her designee) shall complete a time sheet for the employee, charging the employee's time to payroll code 028.
- 4.15-13 In no case will the estate of a deceased employee be entitled to payments for unused sick leave acquired by the employee from the sick leave pool.
- BENEFITS** 4.15-14 The County shall continue to pay for the employee's medical and basic term life insurance coverage while he/she is on leave.
- ABUSE OF BENEFIT** 4.15-15 Any employee found abusing this policy, e.g., reporting that he is sick when he is not, or not returning to work when he is able, is subject to discipline, up to and including discharge.
- 4.15-16 An employee may not perform any outside work or engage in any extra duty employment on the same calendar day(s) that he is paid with hours from the sick leave pool.

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**4.16 NURSING MOTHER BREAKS**

<b>PURPOSE</b>	4.16-1 This policy is intended to provide guidance for managers and employees of Montgomery County to support breastfeeding employees. Lactating mothers must be afforded flexibility in their work schedules, such that the use of leave without pay is not required to cover time used for milk expression.
<b>NOTIFICATION</b>	4.16-2 Employees must notify their supervisor of their intention to express breastmilk so accommodations can be scheduled.
<b>SCHEDULING</b>	<p>4.16-3 Work schedules and work pattern flexibility will be provided to accommodate a reasonable break time for an employee to express breastmilk for her nursing child each time such employee has need to express the milk for up to one year after the child's birth.</p> <p>4.16-4 A breastfeeding employee is allowed to express milk during work hours, using her normal meal and break times. For time needed beyond these usual breaks, the employee may work alternate hours authorized by their supervisor.</p>
<b>FACILITIES</b>	4.16-5 Each Montgomery County department is required to designate a location at each facility with private space, other than a bathroom, shielded from view and free from intrusion for lactating employees to express milk. Where feasible, that space will be dedicated for the specific use of expressing milk. Where dedicated space is not feasible, a mixed-use space may be designated and lactating mothers will have priority over all other uses of the space.
<b>SANITATION</b>	<p>4.16-6 Designated locations will include a safe, clean water source within reasonable distance from the lactation space. Employees may store their expressed milk in their own personal coolers with ice packs or in a labeled, closed container in a nearby refrigerated space.</p> <p>4.16-7 Special accommodations will be made for mobile employees.</p>
<b>BREASTFEEDING</b>	4.16-8 In accordance with Texas Health and Safety Code Section 165.002, Montgomery County recognizes that a mother is entitled to breastfeed her baby in any location in which she is authorized to be.
<b>EDUCATION</b>	4.16-9 Prenatal and postpartum breastfeeding education and information is available for interested mothers and fathers from the Human Resources Department.



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**4.17 QUARANTINE LEAVE**

**PURPOSE** 4.17-1 The purpose of this policy is to provide guidance in accordance with Chapter 180.008 of the Local Government Code regarding paid quarantine leave for peace officers, emergency medical technicians and detention officers who are ordered to quarantine by a supervisor or the local health authority due to a possible or known exposure to a communicable disease while on duty.

**DEFINITIONS** 4.17-2 This policy only applies to Peace Officers, Emergency Medical Technicians and Detention Officers employed by Montgomery County.

A. "Health Authority" has the meaning assigned by Section 121.021, Health and Safety Code.

B. "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.

C. "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.

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

**WAITING PERIOD** 4.17-3 There is no waiting period following employment to be eligible for quarantine leave. Supervisors, in coordination with the Human Resources department, will order the use of quarantine leave based on the Health Authority's protocol for appropriately dealing with the disease and/or its prevention of community spread.

**RELEASE AND RETURN TO WORK** 4.17-4 Employees will be released from quarantine leave and able to return to work based on guidance from the local Health Authority and/or medical physician.

**WORKERS COMPENATION** 4.17-5 Employees on paid quarantine leave will be treated consistently with other worker's compensation claims and continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, retirement benefits and eligibility of health and medical plan benefits for the duration of the leave.

4.17-6 While on quarantine leave, the employee may not use any other paid leave type (vacation, sick, holiday), with the exception of salary continuation under worker's compensation, when applicable.

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**4.17 QUARANTINE LEAVE**

**REIMBURSEMENT** 4.17-7 Employees who must be quarantined may be eligible for reimbursement for reasonable costs related to quarantine, including lodging, medical, and transportation. Employees must receive approval from their supervisor prior to incurring quarantine expenses. Receipts and requests for reimbursement must be submitted to the Auditor's office for reimbursement.

**ABUSE OF LEAVE** 4.17-8 Quarantine is not vacation leave and the employee is expected to follow call in procedures and quarantine protocol. Any employee found abusing this policy by not following the protocol for being in quarantine is subject to discipline, up to and including discharge.

4.17-9 An employee may not perform any outside work or engage in any extra duty employment during the same calendar day(s) they are paid with hours from quarantine leave.

**BENEFITS AND ACCRUALS** 4.17-10 All employees on quarantine leave shall continue to be eligible and receive all employment benefits and compensation, including leave accrual, retirement contributions, and medical plan benefits.

**LEAVE BALANCES** 4.17-11 For days that employees are out on approved quarantine leave, time out will not be charged to their sick leave, vacation, holiday, or other paid leave balances. If it is determined any employee failed to follow this policy, or if their absence is found to not qualify under the quarantine leave policy, the employee will have to identify an appropriate leave category for their absence to be charged to.

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**4.18 MENTAL HEALTH LEAVE**

**PURPOSE**

4.18-1 The purpose of this policy is to provide guidance in accordance with Chapter 614.015 of the Texas Government Code, as amended by H.B. 1486 (88<sup>th</sup> Legislature 2023-2024, and made effective September 1, 2023) regarding Mental Health Leave for sworn peace officers and full-time telecommunicators, as described under Section 1701.405, Texas Occupations Code, who experience a “traumatic event” in the scope of their employment.

**DEFINITIONS**

4.18-2 “Traumatic event”- an event which occurs in the peace officers(s)’ or telecommunicator(s)’ scope of employment when the peace officer or telecommunicator is involved in the response to, or investigation of, an event that causes the officer or telecommunicator to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident. The events may include, but are not limited to the following:

A. Major disasters which may include response to weather related events involving one or more casualties; or explosions with one or more casualties; or search and recovery missions involving one or more casualties;

B. Incidents involving one or more casualties which may include shootings, violence or accident;

C. Line of duty death or suicide of a department member;

D. Officer(s) involved shooting of a person.

4.18-3 Mental Health Leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer’s or telecommunicator’s employment.

4.18-4 Mental Health Professional - a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

4.18-5 Sworn peace officer – as defined under the Code of Criminal Procedure 2.12, and employed by Montgomery County agencies.

4.18-6 Telecommunicator – as defined under the Texas Occupations Code, Section 107.405, and employed by Montgomery County agencies, as a full-time employee.

**ELIGIBILITY**

4.18-7 Sworn peace officers or telecommunicator involved in a traumatic event causing a need for mental health leave are not required to wait the usual 90-

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**4.18 MENTAL HEALTH LEAVE**

day waiting period in order to be eligible to request the use of leave.

**AMOUNT OF  
LEAVE**

4.18-8 A sworn peace officer or telecommunicator may be allowed up to forty-eight (48) hours or six (6) days of paid mental health leave per event. This will not reduce the employee's sick leave, vacation leave, holiday or other paid leave balances.

**REQUEST  
PROCESS**

4.18-9 The request shall be made, in writing, by the employee or their supervisor through the chain of command, or ordered by a mental health professional, to the Montgomery County Human Resources Department.

**PRIORITY**

4.18-10 The request shall be treated as a high priority matter and a decision on granting the leave shall be made no later than 24 hours following the submission of the request. Unless the chain of command can provide specific compelling reasons to deny granting the leave, the leave will be granted.

**CONFIDENTIALITY  
OF REQUEST**

4.18-11 Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the sworn peace officers' or telecommunicators' chain of command and only as necessary to facilitate the use of the leave. Any breach of this confidentiality shall be grounds for discipline.

4.18-12 Confidentiality may be waived by the sworn officer or telecommunicator seeking mental health leave or in the event circumstances indicate the officer or telecommunicator is a danger to himself/herself or others. The employee's office should coordinate with Human Resources to ensure this policy is implemented, as applicable.

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5.0 WAGE AND SALARY ADMINISTRATION**

**5.0 PAY PRACTICES AND WORK HOURS**

<b>PAY PERIODS</b>	5.0-1 All Montgomery County employees will be paid on Fridays on a bi-weekly basis. There is a seven day lag between the close of the pay period and the issuance of the pay check (i.e., the check covers the two-week period ending at midnight on the Friday before the check is issued).
<b>HOLIDAYS</b>	5.0-2 When a County holiday falls on a Friday or, in the case of Thanksgiving Thursday and Friday, every effort will be made to issue pay checks the day prior to the holiday, however there may be situations that delay issuance of checks until the first normal working day following the holiday.
<b>WORK HOURS</b>	<p>5.0-3 Most Montgomery County employees work Monday through Friday from 8 a.m. to 5 p.m. In an effort to allow employees to work schedules which meet their personal needs while at the same time ensuring that County government will operate as efficiently as possible, elected officials and department heads are encouraged to allow their employees to adopt alternative work schedules: A suggested option is four 10-hour days each week or some other modified work schedule which is mutually beneficial.</p> <p>5.0-4 The need for or desirability of schedules which vary from the normal 8 a.m. to 5 p.m. workday will be determined by each elected official or department head. Employees within the same department may adopt different work schedules with the approval of the elected official or department head.</p>
<b>EXCEPTIONS</b>	5.0-5 In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from any described in Section 5.0-1, e.g., those departments that are staffed 24 hours per day. In addition, all employees are subject to being called in to work in case of emergency or special need.
<b>WORKDAY</b>	5.0-6 A workday for the County shall be defined as the period beginning at midnight and ending exactly 24 consecutive hours later.
<b>WORKWEEK</b>	5.0-7 For purposes of record keeping and compliance with the Fair Labor Standards Act (FLSA), a workweek for all employees of Montgomery County shall be defined as beginning on Friday at midnight and ending the following Friday at midnight. For certified peace officers the work period begins Friday at midnight and ends Friday at midnight 14 days later.
<b>MEAL PERIODS</b>	5.0-8 Employee meal periods will be scheduled by the elected official or department head or his/her designee, depending on the needs of the department. Most County departments are open to the public during the noon hour which requires that meal periods be staggered.

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5.0 WAGE AND SALARY ADMINISTRATION**

**5.0 PAY PRACTICES AND WORK HOURS**

5.0-9 The normal length of the meal period will be one hour, however some departments schedule 30-minute meal periods. Unless instructed otherwise, the employee is to perform no work during this time and, as specified in the Fair Labor Standards Act, the time does not count as hours worked.

**BREAKS**

5.0-10 Some departments have scheduled breaks, one in the morning and another in the afternoon. Like meal periods, these too may be scheduled by the elected official or department head or his/her designee, depending on the needs of the department. Other departments may prefer to take a more informal approach to an employee's short time away from his/her station.

5.0-11 The number of breaks or periods of time away from the work station should be reasonable (as defined by the employee's supervisor), and each should last no longer than 15 minutes: Total break time during an 8-hour work day should not exceed 30 minutes. Time spent "on break" qualifies as time worked as specified in the Fair Labor Standards Act, and it should be recorded as such on employees' time sheets.

**TIME SHEETS**

5.0-12 All employees, both exempt and non-exempt under the FLSA, shall complete time sheets documenting hours worked. On the last day of the pay period that is physically worked, the employee will complete his time sheet to reflect hours worked and accrued benefit hours used through the end of the pay period. The time sheet should reflect the date it is actually completed.

5.0-13 There are occasions when time sheets must be turned in prior to the end of the pay period (e.g., in the case of holidays). Because of the number of employees in the Sheriff's Department it is usually necessary for those employees to submit their time sheets to supervisors on Wednesday of the second week of the pay period so that paychecks will be available on scheduled pay dates.

**BENEFITS**

5.0-14 No matter what schedule the employee is working, each full-time employee (40 hours per week) must account for 40 hours each workweek (or in the case of law enforcement, 80 hours each two-week period), i.e., an employee working four ten-hour days who takes a day of vacation after working 30 hours that week would deduct ten hours from his accrued vacation leave.

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5. WAGE AND SALARY ADMINISTRATION**

**5.1 MINIMUM WAGE, OVERTIME, AND COMPENSATORY TIME**

<b>FLSA COMPLIANCE</b>	5.1-1 In administering its wage and salary program, the minimum standards of the County will be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as they apply to County government. This includes the requirement that all employees be paid equal to or higher than the minimum wage established by the U.S. Government and administered by the Department of Labor. Pay deductions that are not consistent with the minimum wage provisions of the FLSA, the principles of public accountability as specified in 29 C.F.R. §541.710, and this policy are prohibited and will be corrected as soon after discovery as possible.
<b>APPLICABILITY</b>	5.1-2 This policy applies to all employees of Montgomery County, both exempt and non-exempt; it does not apply to elected officials.
<b>CLASSIFICATION</b>	5.1-3 The Human Resources Department, with input from the elected official or department head, shall be responsible for classifying positions as exempt or non-exempt under the FLSA.
<b>OVERTIME</b>	5.1-4 Overtime for non-exempt non-law enforcement employees shall be all hours physically worked in excess of 40 during the workweek which is defined in Section 5.0 of this manual.  5.1-5 Overtime for non-exempt certified peace officers shall be all hours actually worked in excess of 80 during the pay period which is defined in Section 5.0 of this manual.
<b>OVERTIME COMPENSATION</b>	5.1-6 In most cases, a non-exempt employee who works overtime during a workweek or pay period will be given compensatory time at a rate of one and one-half hours of the employee's regular rate of pay for each hour of overtime worked.  5.1-7 If a department has budgeted funds to pay overtime, a non-exempt employee who works overtime during a workweek or pay period may be compensated at a rate of one and one-half times his/her regular rate of pay for overtime hours worked.
<b>CALCULATION</b>	5.1-8 In calculating "hours worked" for purposes of overtime computation, hours worked shall include only hours spent in the service of the County (as defined in the FLSA) and shall exclude all time spent on paid leave.  5.1-9 A full-time regular 40-hour per week non-exempt employee who physically works more than the number of hours required for the workweek shall be awarded overtime or compensatory time for those extra hours worked based on the employee's regular rate of pay. For example, an 8-hour per day, 40-hour per week non-exempt employee who works 34 hours during a week in which he takes a day of vacation would use 6 hours of accrued vacation and show 34 hours worked. The employee would not use 8 hours of vacation to accumulate 42 hours of work in order to receive 2 hours of compensatory time for that workweek. On the other hand, a non-exempt employee who actually works 42 hours during a single week would be awarded 2 hours of compensatory time.

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5. WAGE AND SALARY ADMINISTRATION

5.1 MINIMUM WAGE, OVERTIME, AND COMPENSATORY TIME

<b>MAXIMUM ACCRUAL</b>	<p>5.1-10 The maximum compensatory time accrual for any non-exempt employee shall be the maximum allowed under the provisions of the FLSA, i.e., 240 hours for non-law enforcement employees and 480 hours for certified peace officers.</p> <p>5.1-11 When an employee has reached the maximum compensatory time accrual, he/she must be paid at a rate of one and one-half times his/her regular rate for any additional overtime hours worked.</p>
<b>PRE-AUTHORIZATION REQUIRED</b>	<p>5.1-12 An employee may not work overtime unless it has been authorized by his supervisor.</p> <p>5.1-13 An employee may not work at home or anywhere outside his assigned work location unless it has been authorized by his supervisor.</p>
<b>COMPENSATORY TIME USE</b>	<p>5.1-14 Use of compensatory time shall be subject to approval by the employee's supervisor. Elected officials and department heads are encouraged to allow compensatory time to be taken as soon as possible after it is earned.</p> <p>5.1-15 Compensatory time may be used as vacation, sick leave, or for any other reasons as leave with pay.</p> <p>5.1-16 In order to reduce the County's liability for paid time, elected officials and department heads may require that accrued compensatory time be scheduled.</p>
<b>PAYMENT AT TIME OF TERMINATION</b>	<p>5.1-17 An individual whose employment terminates before all compensatory time is used will be paid for said time on his/her final pay check in compliance with the FLSA. Employees elected to office or changing from full time to part-time status will be paid for accrued comp time at the rate being earned on the day prior to the effective date of the change.</p>
<b>EXEMPT EMPLOYEES</b>	<p>5.1-18 An employee who is exempt from the overtime requirements of the FLSA is expected to work the appropriate number of hours required to adequately perform the job for which he was hired without compensation over and above his salary; this means he would normally be required to account for at least 80 hours each two-week pay period. This provision shall be suspended upon declaration of a state of emergency by the appropriate authority. Overtime payments may be made to otherwise exempt employees at a rate equal to their regular hourly rate if approved by Commissioners Court within sixty (60) days of the declaration.</p>
<b>RECORD KEEPING</b>	<p>5.1-19 In accordance with the principles of public accountability, Montgomery County requires that a Montgomery County time sheet be completed by each employee whether exempt or non-exempt. <b>Employees and supervisors who do not truthfully record the time for which they and/or their employees should be paid in compliance with this policy are subject to termination of employment and prosecution.</b></p>



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5. WAGE AND SALARY ADMINISTRATION**

**5.1 MINIMUM WAGE, OVERTIME, AND COMPENSATORY TIME**

- A. **Non-exempt employees** are to record actual time worked calculating from the nearest 15 minutes, e.g. a person with an 8:00 a.m. to 5:00 p.m. schedule who reported in at 7:58 a.m. or 8:06 a.m. would be indicated as beginning work at 8:00 a.m. whereas 8:08 a.m. would be indicated as beginning work at 8:15 a.m. Someone working a schedule other than 8:00 a.m. to 5:00 p.m. would not necessarily calculate worked time based on the quarter clock hour but rather in 15-minute increments.
  
- B. **Exempt employees** are to record vacation, sick leave, personal, and all other types of leave taken.

**CONCERNS  
REGARDING  
FLSA STATUS  
OR PAY  
DEDUCTIONS**

5.1-20 An employee who has concerns regarding either of the following is required to bring them to the attention of first, departmental supervisors and then, if unresolved, the Human Resources Director who will promptly investigate said concerns. If an investigation reveals noncompliance with the FLSA and County policy, any action deemed necessary to “make the employee whole” will be taken.

- A. **Exempt vs. non-exempt classification:** An employee who feels he has been misclassified as either exempt or non-exempt;
  
- B. **Improper pay:** An employee who feels he has been (1) improperly paid or (2) required to use accrued time contrary to the FLSA and this policy.

**CANINE  
PAY**

5.1-21 Montgomery County recognizes that employees assigned to work with canines may be required to perform additional tasks related to assigned canines – such as feeding, grooming, training, and exercising with the canine; transporting the canine to and from veterinarian appointments; and cleaning vehicles in which the canine rides – and that these tasks are often performed outside of the employees’ regularly scheduled work hours. In recognition of the additional tasks required by the employees’ assignment, employees assigned to work with one or more canines will receive additional compensation of \$250 per biweekly pay period. Beginning October 1, 2014, Commissioners Court must approve each additional canine the County acquires, and each such additional canine shall be assigned to an employee as determined by the elected official or department head for which the additional canine was approved.

This policy applies to part-time employees and FLSA-exempt employees as well as to full-time non-FLSA-exempt employees; therefore, all county employees assigned to work with a law enforcement canine shall receive the additional compensation of \$250 per biweekly pay period as provided in this section.

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**5.2 JOB CLASSIFICATION SYSTEM**

- PURPOSE** 5.2-1 Montgomery County is committed to attracting and retaining the best work force possible. For that reason, Commissioners Court strives to offer salaries that are internally equitable and externally competitive.
- JOB CLASSES** 5.2-2 Each Montgomery County position is assigned a job class; like jobs are assigned to the same job class.
- PAY GRADES** 5.2-3 Each Montgomery County job class is assigned a salary grade based on the duties of the position. The greater the level of responsibility and difficulty of the position, the higher the job grade. Salary grades range from grade 1 to grade 20.
- PAY RANGES** 5.2-4 Each salary grade has a corresponding pay range, with a minimum, midpoint, and maximum level. Normally the salary of a new employee will not be approved above the midpoint of the salary range.
- 5.2-5 Pay ranges will be monitored and adjusted from time to time, based on the local job market and the Consumer Price Index.
- 5.2-6 An employee receiving a pay rate above the maximum for his/her pay grade will not receive any further salary increases until his/her salary no longer exceeds the maximum for the pay grade.

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5. WAGE AND SALARY ADMINISTRATION  
5.3 PERFORMANCE EVALUATIONS**

**PERFORMANCE  
EVALUATIONS  
FOR  
DEPARTMENT  
HEADS  
(APPOINTED BY  
COMMISSIONERS  
COURT)**

5.3-1 The purpose of performance evaluations for department heads appointed by Commissioners Court is to assess performance in the context of Montgomery County's mission and goals. These evaluations are a tool to establish Commissioners Court's expectations for the overall department and to create a positive atmosphere for growth in professional competence and leadership.

The goals of performance evaluations for department heads appointed by Commissioners Court are to promote accountability, judge performance, strengthen and promote effective leadership, and focus on successes.

Commissioners Court should evaluate department heads appointed by Commissioners Court no less than once a year. The Performance Evaluation form for department heads is posted on Montgomery County's Intranet website.

**PERFORMANCE  
EVALUATIONS  
FOR EMPLOYEES**

5.3-2 The purpose of performance evaluations for Montgomery County employees is to discuss the employee's performance in relation to his or her job duties and responsibilities. A written performance evaluation and an evaluation interview must be conducted at least once a year in January to reflect the employee's performance during the preceding year. The Human Resources Department must maintain original Performance Evaluation forms in each personnel file. The Performance Evaluation form for employees is posted on Montgomery County's Intranet website. Some departments choose to develop and use their own standardized evaluation form.

Written performance evaluations should be discussed with the employee in a face-to-face meeting with his or her supervisor(s). The evaluator and the employee should sign the evaluation at the end of the interview. An employee's signature does not indicate that he or she concurs with the evaluation, only that he or she received the evaluation.

**5.4 POSITION DESCRIPTION QUESTIONNAIRE (PDQ)**

**POSITION  
DESCRIPTION  
QUESTIONNAIRE  
(PDQ)**

5.4-1 Position Description Questionnaires (PDQ) are vital in conveying to the employee his or her duties and job responsibilities so that he or she may successfully perform his or her job. These descriptions should be up-to-date, and whenever a job changes, a new PDQ (signed by the elected official or department head) should be completed and sent to Human Resources. Job descriptions should be completed for each position in the department of each elected official or department head. Human Resources utilizes job descriptions for new positions and upgraded positions to determine job grade, salary, etc. to slot positions falling under the Salary Administration Plan. The Position Description Questionnaire is posted on Montgomery County's Intranet website.

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6. SAFETY**

**6.0 SAFETY POLICY**

- PURPOSE** 6.0-1 Montgomery County is committed to protecting the safety and health of its employees. Utilizing safe work practices is an integral part of every job in the County, and supervisors are encouraged to include safety as a factor in all performance evaluations.
- RESPONSIBILITY** 6.0-2 The safety program, although administered by the Risk Management Department, is a shared responsibility between elected officials/department heads, supervisors and employees.
- A. Management shall:
1. Constantly be on the alert to observe and correct safety deficiencies quickly;
  2. Ensure that all employees are properly trained to safely perform their duties;
  3. Ensure that all employees properly use the equipment necessary to perform their duties;
  4. Enforce all safety rules and policies;
  5. Counsel employees and take appropriate action related to unsafe work practices;
  6. Report all on-the-job injuries and illnesses to Risk Management; and
  7. Investigate or facilitate the investigation of all accidents or near accidents in their work areas.
- B. Employees shall:
1. Abide by all safety rules established by Montgomery County;
  2. Immediately report on-the-job injuries and illnesses to their supervisor;
  3. Stop any operation or deactivate any equipment in case of imminent danger to life or health;
  4. Report any unsafe acts or unsafe conditions observed to their supervisor for appropriate action; and
  5. If an unsafe condition or practice is allowed to continue, report the condition or practice to the Director of Risk Management.
- RETALIATION** 6.0-3 Unsafe acts and conditions can be reported to Risk Management without fear of retaliation.