

ORDINANCE NO. 2024 - 19

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BAXTER, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ADOPTING REVISIONS AND ADDITIONS TO THE BAXTER COUNTY PERSONNEL POLICY AND TO THE BAXTER COUNTY SHERIFF'S OFFICE POLICY; AND TO DECLARE AN EMERGENCY.

Article 1: Affirmation It has been determined by the Baxter County Personnel Committee that changes, additions and new upgrades in the Baxter County Personnel Policy and the Baxter County Sheriff's Office Policy manuals are necessary to improve the overall effectiveness and efficiency of Baxter County Government. The Baxter County Sheriff's Office has provided evidence authorized by the Courts of Baxter County to Time Liability Control, Holiday Leave, and FMLA Leave within the Baxter County Sheriff's Office Policy for Baxter County Sheriff's Office employees. Baxter County has provided evidence authorized by the Courts of Baxter County to Time Liability Control, Holiday Leave, FMLA Leave, Sick Leave, Vacation Leave, Personal Leave, Inclement Weather Policy, Termination of Employment Policy, and Employee Attendance within the Baxter County Personnel Policy for Baxter County employees.

Section 1. The Baxter County Quorum Court hereby approves the changes and additions, as shown by attached Exhibit "A", within the Baxter County Personnel Policy and Exhibit "B", within the Baxter County Sheriff's Office Policy are hereby approved and implemented.

Section 2. SERVERIBILITY CLAUSE. If any provision or section of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions and sections on the Ordinance and shall be severable.

Section 7. CODIFICATION. This Ordinance is to be codified in the Baxter County Code of Ordinances, §240.00, paragraph (1) and (2) and supersedes all previous Personnel Policies coded therein.

Article 2: Effective Date This Ordinance being necessary for the preservation of public peace, health, and safety, an emergency is hereby declared. This Ordinance shall be in full force and in effect from and after the date of its approval and passage.

Article 3: Emergency Clause An emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage and approval by the Baxter County Quorum Court.



F202400030

BAXTER CO, AR FEE \$0.00

PRESENTED: 04-03-2024 08:31:28 AM

RECORDED: 04-03-2024 08:31:28 AM

CANDA REESE

CIRCUIT CLERK

BY: CRYSTAL MEDINA
DEPUTY

ORDINANCE

21 Pages

APPROVED:

Kevin Litty

KEVIN LITTY, COUNTY JUDGE

Date Signed: 9-2-24

ATTEST:

Canda J. Reese

CANDA J. REESE, COUNTY CLERK

SPONSOR: Personnel Committee

Date Adopted: 04/02/2024

Votes: For: 11 Against: 0

Abstain: 0 Present: 0 Absent: 0

200.00 Employment Policies

PROPOSED

- 200.01 At-Will Employment
- 200.02 Claims of Property Interest in Employment
- 200.03 Equal Employment Opportunity
- 200.04 Anti-Harassment Policy
- 200.05 Disabilities Policy
- 200.06 Genetic Information Nondiscrimination Policy
- 200.07 Immigration Reform and Control Acts
- 200.08 Political Activity
- 200.09 Social Media Policy
- 200.10 Freedom of Information Act
- 200.11 County Property Policy
- 200.12 Technology Resources Policy
- 200.13 Constitutionally Protected Conduct
- 200.14 Drug-Free, Alcohol-Free and Tobacco-Free Workplace Policy
- 200.15 Outside Employment

- 200.01 At-Will Employment
- 200.02 Claims of Property Interest in Employment
- 200.03 Equal Employment Opportunity
- 200.04 Time Liability Control
- 200.05 Anti-Harassment Policy
- 200.06 Disabilities Policy
- 200.07 Genetic Information Nondiscrimination Policy
- 200.08 Immigration Reform and Control Acts
- 200.09 Political Activity
- 200.10 Social Media Policy
- 200.11 Freedom of Information Act
- 200.12 County Property Policy
- 200.13 Technology Resources Policy
- 200.14 Constitutionally Protected Conduct
- 200.15 Drug-Free, Alcohol-Free and Tobacco-Free Workplace Policy
- 200.16 Outside Employment

Commented [W1]: This policy existed under the 'Overtime' subject. I propose to move this policy under 'Employment Policies.' In doing so, the table of contents would require to be revised.

400.05 Overtime Work and Leave Time Liability Control Procedure

200.04 Time Liability Control

PROPOSED

- (1) Each exempt and non-exempt County employee is to utilize the timekeeping system and shall personally submit hours for approval. This certifies that the recorded hours worked, and leave taken are correct. In the event that circumstances prevent personal submission of time records, the County elected official or supervising department head are the only alternatives to complete the task. Furthermore, for the week(s) affected, the employee shall furnish a signed paper time sheet to the Payroll department for legal purposes.
- (2) The signed/certified employee time sheets shall be timely provided to the County Clerk's Office at the end of each pay period to be kept as a permanent record (*for at least five years*). Electronic time data will be stored indefinitely in the County Electronic Back-up Storage.
- (3) The County Clerk will calculate payroll for all employees, including overtime pay (*non-exempt employees*), vacation leave pay, sick leave pay, personal leave pay, and holiday pay, based on the submitted, approved, and certified time sheets and in reliance upon the employees' certification that the hours worked, and the leave time taken are correct.
- (4) The County Clerk shall keep a record of accumulated compensatory time, sick leave time, personal leave time, and vacation leave time, showing all such time earned and all such leave time taken by the employees who have earned such time.
- (5) The County Clerk shall provide a monthly report to the County Treasurer, the County Judge, and the Quorum Court, reporting the amount of the County's accrued leave liability.
- (6) The County Clerk shall issue an overtime check to an employee any time the employee's total hours of accrued compensatory time exceed the compensatory time limit set by the Quorum Court in the County's Personnel Policy. Any hours over 40 will be paid out as overtime on their next paycheck.
- (7) Accrued compensatory time accumulated by County employees throughout the year shall be paid in full at the end of the year in which it was earned.
- (8) The Quorum Court shall use its appropriation power (*including re-appropriation power*) to modify the County's budget throughout the year so that the County has the funds to pay the compensatory time debt.

Commented [VJ2]: Revising the verbiage to this policy to ensure the employee is aware that all comp time must be paid out/utilized in the year that it is earned.

300.05 Termination of Employment

PROPOSED

Termination of employment is an inevitable part of personnel activity within any organization, and many reasons for termination are routine. Below are some common circumstances under which employment is terminated:

Resignation – voluntary employment termination initiated by an employee.

Discharge – involuntary employment termination initiated by the County.

Layoff – involuntary employment termination initiated by the County for non-disciplinary reasons.

Retirement – voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria defined by APERS for retirement from the County.

Because employment with the County is based on mutual consent, both the employee and the County have the right to terminate employment at will, with or without cause at any time.

Employee benefits will be affected by employment termination in the following manner: Regular, full-time employees who have been employed by the County for one (1) year or more, who resign from the job in good standing, shall be compensated for vacation leave and ~~Personal Days~~ accrued up to the date of resignation, but not to exceed one (1) year's allowance of vacation leave and ~~Personal Days~~ as defined in policy.

Voluntary Resignation and Retirement

The County must plan its budgets and activities well in advance. Should you decide to resign please notify your supervisor in writing at least two (2) weeks in advance. Should you plan to retire or voluntarily resign please complete an ~~"Intent to Retire"~~ **Employee Separation Form** and schedule a time to meet with Human Resources and Payroll ~~at least three months in advance when possible~~ as soon as possible. This will allow sufficient time to complete APERS documentation and discuss benefit payouts and insurance options.

Final Pay Policy

Final paychecks will be issued in the form of a paper check, regardless of prior methods, which will be available from the Elected Official or Department Head on the next pay day following termination of employment. All County owned property including vehicles, uniforms, keys, badges, or other items issued by the County must be returned before final pay is released.

Commented [VJ3]: Addition of 'voluntary resign' to capture those providing a notice.

Commented [VJ4]: This form has been revised to 'Employee Separation Form' as some employees are not retiring but providing a notice.

400.03 Employee Attendance

PROPOSED

The Baxter County attendance policy applies to all exempt and non-exempt employees regardless of position or type of employment. As public servants, timely and consistent attendance is an essential job function of every employee of the County. It is expected that all employees will work during the stated office hours set by each Elected Official. Call-in procedures are set by individual executive office policies.

Employees are responsible for monitoring their hours through the Employee Portal and must be diligent in recording hours to not interrupt compensation.

County employees will be permitted absence without prior authorization under only the following conditions: (1) emergency, (2) **immediate** family sickness or funeral, ~~(3) County Business~~, (3) inclement weather conditions where the employee is unable to travel safely; (4) other, if subsequently approved by the employee's supervisor.

Excused absences with prior or contemporaneous authorization are governed by the leave policies set forth separately in this policy.

Communication with a direct supervisor is required when arriving late or leaving early is unavoidable. Unexcused or unreported absences for three days will be considered job abandonment.

Excessive absenteeism (*with or without supplemental PTO*), sick leave abuse, or a willfully tardy trend may result in disciplinary action, up to and including termination.

Commented [W5]: Adding "immediate" in front of family sickness/funeral to allow the EO to make final decision.

Commented [W6]: Removing "County Business" from this policy as the EO/DH should be aware.

400.08 Inclement Weather Policy

PROPOSED

The general policy regarding inclement weather is that Baxter County government offices do not normally close because of hazardous driving conditions. However, the obligation to provide services to the citizens of Baxter County must be balanced with the risk of danger to the public and to County employees. It is, therefore, appropriate that guidelines which reflect the need for the safety of our citizens and employees be established. In the event of early morning severe inclement weather conditions, the Judge's Office will determine whether this inclement weather policy will be placed into effect and will announce its implementation before 6:30 am, if possible, to the local radio station. Employees should listen to radio broadcasts or access the website during periods of inclement weather for an announcement of a full day closing or late opening. Essential personnel (i.e., 911 Emergency Dispatchers and Road & Bridge Employees) required to be at work under inclement weather shall be compensated at their regular rate of pay.

(1) If the Judge's Office announces that Baxter County government offices will be closed due to inclement weather, employees will have the following options: shall be compensated for a full day equal to their regular shift length.

- Use an earned day of vacation.
- Use any other paid time off due to the employee that was earned prior to his/her absence due to inclement weather.
- Take time off without pay.
- Employees may choose to come in to work, if they believe they can do so safely, and with the approval of the Elected Official or Department Head
- Employees may work from home with the approval of their Elected Official.

(2) When severe inclement weather occurs during office hours, Elected Officials and Department Heads will have the discretion to allow employees to leave work early for safety reasons and employees shall be compensated for the remaining time equal to their regular shift length.

(3) Sick leave cannot be used to cover an absence caused by inclement weather.

(4) When severe inclement weather occurs during office hours, Elected Officials and Department Heads will have the discretion to allow employees to leave work early for safety reasons. Decisions to allow employees to leave work early, however, should recognize the requirement to maintain designated critical personnel and assure service delivery to the citizens for the full workday. Employees who report late on the job, or could leave early, will have the same options listed above for the number of hours not worked (in quarter-hour increments).

Commented [VJ7]: Adding the location of the determination involving closure/late open for the employee to access.

Commented [VJ8]: Revising this policy to reflect that if County offices are closed, open late, or close early that the employee will be compensated for missed hours.

500.00 Performance, Discipline, Layoff, and Termination

500.00 Administrative Leave and Other Benefits

Commented [V9]: Revising the table of contents for 500.00 to be cohesive and group like policies together.

- 500.01 Group Insurance Programs
- 500.02 Holiday Leave
- 500.03 Vacation Leave
- 500.04 Sick Leave
- 500.05 Personal Days
- 500.06 Donation of Paid Leave
- 500.07 FMLA Leave
- 500.08 Leave Without Pay
- 500.09 Military Leave
- 500.10 Jury/Witness Leave
- 500.11 Emergency Leave
- 500.12 Occupational/Accidental Injury Leave
- 500.13 Service Awards
- 500.14 Retiree Medical Benefits

- 500.01 Vacation Leave
- 500.02 Sick Leave
- 500.03 Personal Leave
- 500.04 Holiday Leave
- 500.05 FMLA Leave
- 500.06 Military Leave
- 500.07 Jury/Witness Leave
- 500.08 Emergency Leave
- 500.09 Occupational/Accidental Leave
- 500.10 Leave Without Pay
- 500.11 Donation of Paid Leave
- 500.12 Service Awards
- 500.13 Group Insurance Programs
- 500.14 Retiree Benefits

500.01 Vacation Leave

PROPOSED

Each full-time employee of Baxter County shall accrue vacation leave as follows:

1-4 Years: 15 Days

5-9 Years: 20 Days

10+ Years: 25 Days

Days will be converted to hours based upon the Employee's regular work schedule hours and applied prorated per month. Accrued vacation leave shall not exceed 240 hours for 8-hour employees, 290 hours for 10-hour employees, or 348 hours for 12-hour employees. This includes a maximum carryover of 48 hours for 12-hour shift employees and 40 hours for non-12-hour shift employees.

In the event an employee changes their shift length, vacation hours available as of the effective date reflected on the Notification of Personnel Action Form will be converted to their new shift length.

Vacation leave for employees may be taken in increments as low as .25 hours (15 minutes). Vacation leave shall not be taken unless earned, therefore, employees are not permitted to borrow against leave days to be accrued in the future. Vacation accrual occurs on the date of the employee's anniversary. Therefore, all vacation leave above 40 hours (48 for 12-hour shift employees) on the employee's anniversary date will be automatically forfeited. Employees will be paid for accrued but unused vacation leave, unless employed for less than 12 consecutive months, at his/her most current hourly rate of pay, following termination of employment unless terminated for cause.

Commented [VJ10]: Revising this policy to reflect the conversion of vacation leave when a change in shift length is processed.

500.02 Sick Leave

PROPOSED

Sick leave is paid time off work for an employee or their immediate family who is sick or injured.

A non-exempt full-time employee of Baxter County shall accrue 20 working days per year of paid sick leave, accruing at the beginning of the month following 30 days of continuous full-time employment. Days will be converted to hours based upon the employee's regular work schedule and applied prorated per month. Non-Exempt employees shall accumulate a maximum of ninety (90) working days of sick leave. Accrued sick leave shall not exceed 720 hours for 8-hour employees, 900 hours for 10-hour employees, and 1080 hours for 12-hour civilian employees.

In the event an employee changes their shift length, sick hours available as of the effective date reflected on the Notification of Personnel Action Form will be converted to their new scheduled length.

If, at the end of his or her term of service, upon retirement or death, whichever occurs first, any non-exempt employee who works for the County for five (5) consecutive years or longer and leaves for any purpose other than termination for cause, shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death.

In the event of three consecutive absences where sick leave is utilized, a doctor's note may be required by the supervising elected official or department head.

Effective January 1, 2024

Any non-exempt employee hired on or after January 1, 2024, shall be compensated for their remaining sick leave at the below percentages at termination, unless terminated for cause.

1-4 Years: 0%

5-9 Years: 50%

10+ Years: 100%

Exempt employees do not accrue sick leave.

Commented [VJ11]: Revising this policy to reflect the conversion of sick leave when a change in shift length is processed.

500.03 Personal Leave

PROPOSED

All regular full-time employees will receive two (2) paid personal days the first of the month following thirty (30) days of continuous employment. ~~These two Personal Days will be converted to hours based on shift length~~ and shall be awarded annually on the anniversary date of the employee. Eligible employees should submit their request for time off for these days within a reasonable period of time, for approval given by the immediate supervisor. Personal days off not used within one year may not be carried over past the employee's anniversary hire date.

~~In the event an employee changes their shift length, personal hours available as of the effective date reflected on the Notification of Personnel Action Form will be converted to their new scheduled hours.~~

Commented [VJ12]: No longer "days," therefore, revising the header to "Personal Leave."

Commented [VJ13]: Indicating that personal leave is converted to hours based on shift length.

Commented [VJ14]: Revising this policy to reflect the conversion of personal leave when a change in shift length is processed.

500.04 Holiday Leave

PROPOSED

The County will be closed, and all County employees will be granted paid leave to observe the holidays listed below. Additional holidays may be proclaimed by the County Judge.

New Year's Day

Martin Luther King Jr. Day

Presidents Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Friday following Thanksgiving Day Christmas Eve

Christmas Day

(1) When a holiday falls on a Sunday, the following workday will be observed as a holiday. When a holiday falls on a Saturday, the preceding workday will be observed as a holiday.

(2) For non-emergency service personnel, when a holiday falls on a regularly scheduled day off, the employee shall be compensated.

(3) To receive holiday pay, employees must work the regularly scheduled workday before and the regularly scheduled workday following said holiday unless the time off before or after the holiday is an approved leave as detailed in the guidelines of this policy.

(4) Sick Leave utilized before or after a holiday will require a supporting doctor's note for the affected date(s) OR Vacation Leave or Personal Time may be utilized without the requirement of a doctor's note. In order to be compensated for the holiday pay, this documentation shall be delivered to the Elected Official of the department the day the employee returns to work. A copy will be sent to Human Resources to be retained in the employee's personnel file.

(5) An employee on an unpaid leave of absence will not receive holiday pay.

(6) Permanent full-time employees are due paid leave for holidays at a rate equal to their normal workday.

(7) Seasonal or part-time employees are not eligible to receive paid holidays.

Commented [VJ15]: Indicating that the employee will be compensated if their day off falls on the day that the County is observing the holiday. This can be in the form of compensatory time, a floating holiday, etc... It will be up to the EO's discretion to determine.

Commented [VJ16]: Adding more detail to this policy to highlight the options available when a sick day is unavoidable before or after a holiday.

500.05 FMLA Leave

PROPOSED

The County complies with the Family and Medical Leave Act (FMLA). The eligibility criteria and general guidelines used in administering this policy are set forth below. Interpretation of circumstances not specifically covered in this policy will be made in accordance with applicable law. The FMLA was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers. The FMLA seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available for both women and men.

(1) Employee Eligibility Criteria. To be eligible for FMLA leave, exempt or non-exempt employees must have been employed by the County for at least 12 months, whether consecutive or intermittent, and worked at least 1,250 hours during the 12-month period. All absence from work for covered military service is counted in determining an exempt or non-exempt employee's eligibility for FMLA leave. The County will grant up to 12 weeks of unpaid FMLA leave per year to eligible employees.

(2) Qualifying Events for FMLA Leave. FMLA leave may be taken for anyone, or combination of, the following reasons:

- Care of the exempt or non-exempt employee's child (birth or placement for adoption or foster care);

- Care of the exempt or non-exempt employee's spouse, dependent child, or parent with serious health condition;

- Serious health condition that makes the exempt or non-exempt employee unable to perform the essential functions of his/her job;

- A "qualifying exigency" resulting from the covered active duty or the call or order to covered active duty of the exempt or non-exempt employee's spouse, son, daughter, or parent who is a military member of the National Guard and Reserves or the Regular Armed Forces; and

- Care of the exempt or non-exempt employee's spouse, son, daughter, parent, or next of kin, who is a covered service member with a serious illness or injury incurred or aggravated by service in the line of duty. (*Exempt or Non-Exempt employees eligible for this type of leave may be eligible for up to 26 workweeks of leave, rather than the usual 12.*)

(3) A "serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care at a medical facility, including any period of incapacity, or any subsequent treatment regarding such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a regimen of continuing treatment to resolve or alleviate the condition or treatment two or more times by a health care provider within 30 days of the incapacity. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

(4) Non-Exempt Employees. FMLA leave is unpaid leave. However, any non-exempt employee's available paid time off, including qualifying workers' compensation leave, sick, vacation, personal or compensatory time, will run concurrently with FMLA leave, until such leave is exhausted. Non-Exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once a non-exempt employee's paid benefits are exhausted, he/she will be in an unpaid status during the remainder of his/her FMLA leave.

(5) Exempt Employees. After FMLA requirements are established, exempt employees will be eligible for FMLA-qualifying leave without losing FLSA exemption status and 12 weeks of employer paid leave will be allowed per rolling FMLA year. Subject to Elected Official approval, additional leave may be granted after 12 weeks, and

exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once an exempt employee's paid benefits are exhausted, he/she will be in an unpaid status. All other FMLA restrictions apply.

(6) All holiday hours encompassed during consecutive or intermittent FMLA will be counted against the rolling calendar year allotment.

Commented [VJ17]: Adding holidays to be counted against allotted FMLA hours.

(7) An eligible exempt or non-exempt employee taking FMLA leave is entitled to up to 12 work weeks of unpaid leave during a 12-month period for any FMLA qualifying event(s) as listed above. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Leave to care for a seriously injured or ill active-duty military member, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12-month period. When both spouses are employed by the County, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child with the employees, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to more FMLA leave for other FMLA qualifying reasons.

(8) FMLA leave may be taken intermittently or on a reduced work schedule when medically necessary due to the employee's or family member's illness. Leave to care for a newborn or newly placed child may not be taken intermittently or on a reduced work schedule. If an employee takes leave intermittently on a reduced work schedule basis, the employee must, when asked, try to schedule the leave so as to not unduly disrupt County operations. When an exempt or non-exempt employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternate position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

(9) An exempt or non-exempt employee shall request FMLA leave by completing required paperwork and submitting it to the employee's supervisor as soon as practicable. When leave is foreseeable, the employee must provide the County with at least 30 days' notice.

(10) Before the exempt or non-exempt employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a return-to-work designation form located in the FMLA Notice of Eligibility and Right & Responsibilities paperwork. FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Failure to provide requested documentation may result in termination of employment.

(11) The County will notify the exempt or non-exempt employee whether leave has been designated as FMLA leave and how much leave will be counted against the employee's leave entitlement. The County may request additional medical certification at the discretion of the elected County official. In addition, the County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the exempt or non-exempt employee has not notified the County of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the County within two business days of the employee's return to work that the leave was for an FMLA reason.

(12) During FMLA leave, the County will continue an exempt or non-exempt employee's group insurance coverage under the same conditions as if the employee were working. An employee on FMLA leave will continue to be responsible for his/her portion(s) of group insurance premiums. FMLA leave is not a "qualifying" event under COBRA. If the exempt or non-exempt employee does not return to work for 30 days, the employee shall be liable to the County for repayment of insurance premiums paid by the County during the exempt or non-exempt employee's FMLA leave.

(13) Upon return from FMLA leave, the County will place the exempt or non-exempt employee in the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee is entitled to reinstatement only if he/she has continued to be employed had FMLA leave not been taken. Thus, an exempt or non-exempt employee is not entitled to reinstatement if, because of layoff, reduction in force, or

other reasons, the employee would not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to exempt, eligible employees, who are among the highest paid ten percent of the County's employees ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations. An exempt or non-exempt employee returning to work must be able to perform the essential functions, with or without reasonable accommodation, of the position the employee held before the leave or an equivalent position with equivalent pay, benefits, and employment terms. The County may require a fitness for duty report before allowing an employee to return to work. (29 C.F.R. 825.213(c)) An exempt or non-exempt employee who returns to work for at least 30 days is considered to have returned to work. An exempt or non-exempt employee who transfers directly from taking FMLA leave to retirement or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(14) The County will not: (1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement of any proceeding under or relating to FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law providing greater family or medical leave rights.

An eligible exempt or non-exempt employee shall be required to provide the County with periodic reports regarding the employee's status and intent to return to work when requested. If the employee gives the County notice of his/her intent not to return to work, the employee will be considered to have voluntarily resigned.

BXSO

Exhibit "B"

200.00 Employment Policies
PROPOSED

- 200.01 At-Will Employment
- 200.02 Claims of Property Interest in Employment
- 200.03 Equal Employment Opportunity
- 200.04 Anti-Harassment Policy
- 200.05 Disabilities Policy
- 200.06 Genetic Information Nondiscrimination Policy
- 200.07 Immigration Reform and Control Acts
- 200.08 Political Activity
- 200.09 Social Media Policy
- 200.10 Freedom of Information Act
- 200.11 County Property Policy
- 200.12 Technology Resources Policy
- 200.13 Constitutionally Protected Conduct
- 200.14 Drug-Free, Alcohol-Free and Tobacco-Free Workplace Policy
- 200.15 Outside Employment

- 200.01 At-Will Employment
- 200.02 Claims of Property Interest in Employment
- 200.03 Equal Employment Opportunity
- 200.04 Time Liability Control
- 200.05 Anti-Harassment Policy
- 200.06 Disabilities Policy
- 200.07 Genetic Information Nondiscrimination Policy
- 200.08 Immigration Reform and Control Acts
- 200.09 Political Activity
- 200.10 Social Media Policy
- 200.11 Freedom of Information Act
- 200.12 County Property Policy
- 200.13 Technology Resources Policy
- 200.14 Constitutionally Protected Conduct
- 200.15 Drug-Free, Alcohol-Free and Tobacco-Free Workplace Policy
- 200.16 Outside Employment
- 200.17 Arrest or Conviction

Commented [V1]: This policy existed under the 'Overtime' subject. I propose to move this policy under 'Employment Policies.' In doing so, the table of contents would require to be revised.

~~400.05 Overtime Work and Leave Time Liability Control Procedure~~

~~200.04 Time Liability Control~~

PROPOSED

- (1) Each exempt and non-exempt County employee is to utilize the timekeeping system and shall personally submit hours for approval. This certifies that the recorded hours worked, and leave taken are correct. In the event that circumstances prevent personal submission of time records, the County elected official or supervising department head are the only alternatives to complete the task. Furthermore, for the week(s) affected, the employee shall furnish a signed paper time sheet to the Payroll department for legal purposes.
- (2) The signed/certified employee time sheets shall be timely provided to the County Clerk's Office at the end of each pay period to be kept as a permanent record (*for at least five years*). Electronic time data will be stored indefinitely in the County Electronic Back-up Storage.
- (3) The County Clerk will calculate payroll for all employees, including overtime pay (*non-exempt employees*), vacation leave pay, sick leave pay, personal leave pay, and holiday pay, based on the submitted, approved, and certified time sheets and in reliance upon the employees' certification that the hours worked, and the leave time taken are correct.
- (4) The County Clerk shall keep a record of accumulated compensatory time, sick leave time, personal leave time, and vacation leave time, showing all such time earned and all such leave time taken by the employees who have earned such time.
- (5) The County Clerk shall provide a monthly report to the County Treasurer, the County Judge, and the Quorum Court, reporting the amount of the County's accrued leave liability.
- (6) The County Clerk shall issue an overtime check to an employee any time the employee's total hours of accrued compensatory time exceed the compensatory time limit set by the Quorum Court in the County's Personnel Policy. Any hours over 40 will be paid out as overtime on their next paycheck.
- (7) ~~Accrued compensatory time accumulated by County employees throughout the year shall be paid in full at the end of the year in which it was earned.~~
- (8) The Quorum Court shall use its appropriation power (*including re-appropriation power*) to modify the County's budget throughout the year so that the County has the funds to pay the compensatory time debt.

Commented [VJ2]: Revising the verblage to this policy to ensure the employee is aware that all comp time must be paid out/utilized in the year that it is earned.

500.02 Holiday Leave

PROPOSED

The County will be closed, and all County employees will be granted paid leave to observe the holidays listed below. Additional holidays may be proclaimed by the County Judge.

New Year's Day

Martin Luther King Jr. Day

Presidents Day

Memorial Day I

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Friday following Thanksgiving Day Christmas Eve

Christmas Day

(1) When a holiday falls on a Sunday, the following workday will be observed as a holiday. When a holiday falls on a Saturday, the preceding workday will be observed as a holiday.

(2) To receive holiday pay, employees must work the regularly scheduled workday before and the regularly scheduled workday following said holiday unless the time off before or after the holiday is an approved leave as detailed in the guidelines of this policy.

(3) Sick Leave utilized the last scheduled day before or after a holiday will require a supporting doctor's note for the affected date(s) OR Vacation Leave or Personal Time may be utilized without the requirement of a doctor's note. In order to be compensated for the holiday pay, this documentation shall be delivered to the Elected Official of the department the day the employee returns to work. A copy will be sent to Human Resources to be retained in the employee's personnel file.

(5) An employee on an unpaid leave of absence will not receive holiday pay.

(6) Permanent full-time employees are due paid leave for holidays at a rate equal to their normal workday.

(7) Seasonal or part-time employees are not eligible to receive paid holidays.

Commented [VJ3]: Adding more detail to this policy to highlight the options available when a sick day is unavoidable before or after a holiday.

500.07 FMLA Leave

PROPOSED

The County complies with the Family and Medical Leave Act (FMLA). The eligibility criteria and general guidelines used in administering this policy are set forth below. Interpretation of circumstances not specifically covered in this policy will be made in accordance with applicable law. The FMLA was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers. The FMLA seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available for both women and men.

(1) Employee Eligibility Criteria. To be eligible for FMLA leave, exempt or non-exempt employees must have been employed by the County for at least 12 months, whether consecutive or intermittent, and worked at least 1,250 hours during the 12-month period. All absence from work for covered military service is counted in determining an exempt or non-exempt employee's eligibility for FMLA leave. The County will grant up to 12 weeks of unpaid FMLA leave per year to eligible employees.

(2) Qualifying Events for FMLA Leave. FMLA leave may be taken for anyone, or combination of, the following reasons:

- Care of the exempt or non-exempt employee's child (birth or placement for adoption or foster care);

- Care of the exempt or non-exempt employee's spouse, dependent child, or parent with serious health condition;

- Serious health condition that makes the exempt or non-exempt employee unable to perform the essential functions of his/her job;

- A "qualifying exigency" resulting from the covered active duty or the call or order to covered active duty of the exempt or non-exempt employee's spouse, son, daughter, or parent who is a military member of the National Guard and Reserves or the Regular Armed Forces; and

- Care of the exempt or non-exempt employee's spouse, son, daughter, parent, or next of kin, who is a covered service member with a serious illness or injury incurred or aggravated by service in the line of duty. (*Exempt or Non-Exempt employees eligible for this type of leave may be eligible for up to 26 workweeks of leave, rather than the usual 12.*)

(3) A "serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care at a medical facility, including any period of incapacity, or any subsequent treatment regarding such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a regimen of continuing treatment to resolve or alleviate the condition or treatment two or more times by a health care provider within 30 days of the incapacity. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

~~(4) Non-Exempt Employees. FMLA leave is unpaid leave. However, any non-exempt employee's available paid time off, including qualifying workers' compensation leave, sick, vacation, personal or compensatory time, will run concurrently with FMLA leave, until such leave is exhausted. Non-Exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once a non-exempt employee's paid benefits are exhausted, he/she will be in an unpaid status during the remainder of his/her FMLA leave.~~

(5) Exempt Employees. After FMLA requirements are established, exempt employees will be eligible for FMLA-qualifying leave without losing FLSA exemption status and 12 weeks of employer paid leave will be allowed per rolling FMLA year. Subject to Elected Official approval, additional leave may be granted after 12 weeks, and

exempt employees shall take available PTO equivalent to full time status as defined in this policy. Once an exempt employee's paid benefits are exhausted, he/she will be in an unpaid status. All other FMLA restrictions apply.

(6) All holiday hours encompassed during consecutive or intermittent FMLA will be counted against the rolling calendar year allotment.

Commented [VJ4]: Adding holidays to be counted against allotted FMLA hours.

(7) An eligible exempt or non-exempt employee taking FMLA leave is entitled to up to 12 work weeks of unpaid leave during a 12-month period for any FMLA qualifying event(s) as listed above. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Leave to care for a seriously injured or ill active-duty military member, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12-month period. When both spouses are employed by the County, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption, or foster care placement of a child with the employees, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to more FMLA leave for other FMLA qualifying reasons.

(8) FMLA leave may be taken intermittently or on a reduced work schedule when medically necessary due to the employee's or family member's illness. Leave to care for a newborn or newly placed child may not be taken intermittently or on a reduced work schedule. If an employee takes leave intermittently on a reduced work schedule basis, the employee must, when asked, try to schedule the leave so as to not unduly disrupt County operations. When an exempt or non-exempt employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternate position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

(9) An exempt or non-exempt employee shall request FMLA leave by completing required paperwork and submitting it to the employee's supervisor as soon as practicable. When leave is foreseeable, the employee must provide the County with at least 30 days' notice.

(10) Before the exempt or non-exempt employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a return-to-work designation form located in the FMLA Notice of Eligibility and Right & Responsibilities paperwork. FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Failure to provide requested documentation may result in termination of employment.

(11) The County will notify the exempt or non-exempt employee whether leave has been designated as FMLA leave and how much leave will be counted against the employee's leave entitlement. The County may request additional medical certification at the discretion of the elected County official. In addition, the County may provisionally designate the employee's leave as FMLA leave if the County has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the exempt or non-exempt employee has not notified the County of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the County within two business days of the employee's return to work that the leave was for an FMLA reason.

(12) During FMLA leave, the County will continue an exempt or non-exempt employee's group insurance coverage under the same conditions as if the employee were working. An employee on FMLA leave will continue to be responsible for his/her portion(s) of group insurance premiums. FMLA leave is not a "qualifying" event under COBRA. If the exempt or non-exempt employee does not return to work for 30 days, the employee shall be liable to the County for repayment of insurance premiums paid by the County during the exempt or non-exempt employee's FMLA leave.

(13) Upon return from FMLA leave, the County will place the exempt or non-exempt employee in the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee is entitled to reinstatement only if he/she has continued to be employed had FMLA leave not been taken. Thus, an exempt or non-exempt employee is not entitled to reinstatement if, because of layoff, reduction in force, or

other reasons, the employee would not be employed at the time job restoration is sought. The County reserves the right to deny reinstatement to exempt, eligible employees, who are among the highest paid ten percent of the County's employees ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the County's operations. An exempt or non-exempt employee returning to work must be able to perform the essential functions, with or without reasonable accommodation, of the position the employee held before the leave or an equivalent position with equivalent pay, benefits, and employment terms. The County may require a fitness for duty report before allowing an employee to return to work. (29 C.F.R. 825.213(c)) An exempt or non-exempt employee who returns to work for at least 30 days is considered to have returned to work. An exempt or non-exempt employee who transfers directly from taking FMLA leave to retirement or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(14) The County will not: (1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement of any proceeding under or relating to FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law providing greater family or medical leave rights.

An eligible exempt or non-exempt employee shall be required to provide the County with periodic reports regarding the employee's status and intent to return to work when requested. If the employee gives the County notice of his/her intent not to return to work, the employee will be considered to have voluntarily resigned.