

# Bastrop County Personnel Manual



## HUMAN RESOURCES

Bastrop County  
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# FOREWORD

The policies contained within this manual do not in any manner constitute terms of an employment agreement, expressed or implied, nor do they create any property right with Bastrop County. Employees of Bastrop County who do not have a written employment contract for a specific, fixed term of employment are employed at the will of Bastrop County. Employees may resign at any time or may be terminated at any time, with or without notice, and with or without cause.

Nothing in this manual should be construed as modifying the “at will” nature of the employment relationship and shall not constitute an employment contract between Bastrop County and employee, or alter that relationship in any way.

The use of progressive discipline, if any, by Bastrop County Departments, does not in any way grant an entitlement or right to any employee of such progressive disciplinary measures, nor does it in any way alter the “at will” status of any employee.

Bastrop County reserves the right to revise or modify this policy at any time without prior notice to the employee.

**All employees are responsible for knowing and following all policies contained in this manual. Elected officials, department heads and supervisors are responsible for ensuring their employees adhere to the policies outlined in this manual.**

# **BASTROP COUNTY PERSONNEL MANUAL**

## **ACKNOWLEDGMENT**

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Date of Review: \_\_\_\_\_

Department: \_\_\_\_\_

Employee Name: \_\_\_\_\_  
(Print Full Name)

I have reviewed the Bastrop County Employee Personnel Manual and acknowledge understanding and responsibilities for all policies contained within this manual. Furthermore, I understand that it is my responsibility to seek advice or clarification from my supervisor should I have questions regarding any policy within this manual.

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

I understand that this employee manual is intended to provide guidance in understanding Bastrop County's policies, practices and benefits. I understand that Bastrop County retains the right to change this manual at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

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

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

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

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

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

# BASTROP COUNTY COMMISSIONERS COURT ORDER

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

WHEREAS the Bastrop County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Bastrop County Commissioners Court and hereby approve, and adopt, the BASTROP COUNTY EMPLOYEE PERSONNEL MANUAL.

ADOPTED THIS 27th DAY OF May, 2025

DocuSigned by:

*Gregory Klaus*

21962DA448E44E4...

County Judge

Signed by:

*Butch Carmack*

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Commissioner Pct. 1

DocuSigned by:

*Clara Beckett*

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Commissioner Pct. 2

DocuSigned by:

*Mark Meuth*

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Commissioner Pct. 3

Signed by:

*David Glass*

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Commissioner Pct. 4

Witnessed and Attested By:

Signed by:

*Krista Bartsch*

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# 1.0 COUNTY EMPLOYMENT

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## 1.1 COMPREHENSION CLAUSE

I understand the Bastrop County Policy Manual is written in English. I also understand that I am responsible for understanding the contents of this manual.

It is my responsibility to have this manual translated by a co-worker or supervisor if necessary. If you have any questions, please see your supervisor or department head.

### **Manual De Politica.**

**Yo entiendo que el Manual de Politica esta escrito en Ingles. Tambien entiendo que soy responsable de entender el contenido de este manual. Es mi responsabilidad de traducir este manual por medio de una persona con quien trabajo o un miembro de mi familia.**

**Si tiene alguna pregunta, por favor preguntele a su supervisor o cabeza de departamento.**

## 1.2 EQUAL EMPLOYMENT OPPORTUNITY

1. Bastrop County is an Equal Opportunity Employer, seeking employees, regardless of race, color, religion, national origin, sex, sexual orientation, age, genetic information, pregnancy, veteran status, disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. Bastrop County is committed to the principles of Equal Employment Opportunity (EEO), and any employee who knowingly violates this EEO policy is subject to disciplinary action up to and including termination.
  - a. Bastrop County will make reasonable accommodations for qualified individuals, with known disabilities unless doing so would result in undue hardship. The scope of this policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.
  - b. Bastrop County will not retaliate against anyone who has opposed employment practices which may be illegal under the Acts or because they have testified or participated in any proceedings under the Acts.

2. Each department head will periodically review all employment actions and decisions to ensure compliance with this policy.
3. Employees who may have questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their Department Head or to Human Resources.
4. Bastrop County has developed this policy to guide its activities in the areas of recruitment, screening, hiring, and all areas of concern to employees, toward the goal of equal opportunity for all. Management will embrace this policy as a guide and, with the cooperation of all employees, will actively pursue the goal of equal opportunity throughout Bastrop County.

### 1.3 NO CONTRACT/ AT WILL EMPLOYMENT

1. **At Will Employment:** All employees of Bastrop County are "at-will employees". An "at-will employee" describes any employee whose employment is not governed by the terms of a written contract or an elected official.
  - a. An elected official, department head, supervisor or the employee may end the employment relationship with Bastrop County at any time, with or without cause. All Bastrop County employees are "at-will employees".
  - b. Elected officials, department heads, or supervisors and all other management must refrain from providing any assurance of continued employment to prospective or existing employees of the County. Supervisors must not make any promises or assurances of continued employment for satisfactory performance.
2. **No Contract:** This policy manual or any policy within this manual shall not be construed as creating an employment contract with any employee of Bastrop County. Furthermore, rules or policies published by Bastrop County do not modify the "at will" nature of an employee's employment with the County.

\*Only the Commissioner's Court or their designated representative is authorized to enter into an employment contract (written or oral) with any worker.
3. **Not All-Inclusive:** This Personnel Manual should not be considered all-inclusive. The absence of a specific policy covering any actions of a Bastrop County employee does not mean that the act is condoned, permissible, or would not call for disciplinary action.
4. **Amendments:** Bastrop County Commissioner's Court may amend or withdraw this manual at any time.

## **1.4 IMMIGRATION LAW COMPLIANCE**

1. Bastrop County will only employ those individuals who are authorized to work in the United States legally. Furthermore, Bastrop County will not unlawfully discriminate on the basis of citizenship or national origin while conducting its verifications.
2. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.
  - a. As required by law, Human Resources must determine identity and employment eligibility within three (3) business days of the date employment begins.
  - b. If an employee is authorized to work, but unable to present the required document(s) within three business days, they must present a receipt from the appropriate agency for the application of the document(s) within three (3) business days.
  - c. Employees who are provisionally authorized to work awaiting required documents, must present actual document(s) within ninety (90) days.
  - d. Any employee who possesses a temporary authorization to work in the United States, must present up-dated documentation to the Human Resources Department no later than two business days prior to the work authorization expiring. The up-dated documentation must have an approved authorization, showing continuing employment eligibility of the employee.
3. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department.

## **1.5 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT/ADAAA**

1. It is the policy of Bastrop County to prohibit any harassment of or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to your Elected Official, Appointed Official, Department Head or the County Attorney. All Elected Official, Appointed Official, Department Heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

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

## 1.6 ANIMALS IN THE WORKPLACE

1. **Purpose and Scope:** This policy establishes guidelines for animals in Bastrop County workplaces and facilities, ensuring compliance with federal and state laws including the Americans with Disabilities Act (ADA), while maintaining a safe and productive work environment. This policy applies to all county employees, officials, and contractors in county facilities.
2. **Policy Statement:** Bastrop County is committed to providing equal employment opportunities and reasonable accommodation for employees with disabilities, including consideration of service animals and other assistance animals in the workplace when appropriate and legally required.
3. **General Prohibition:** No animals of any kind are permitted in county facilities or workplaces except as specifically outlined in this policy. This includes but is not limited to pets, emotional support animals (except as reasonable accommodations), and other animals not covered by applicable law.
4. **Definitions:**
  - a. Service Animal - Any animal that may serve as a reasonable accommodation for an employee with a disability, including but not limited to dogs trained to perform disability-related tasks and emotional support animals when necessary for the employee to perform essential job functions.
  - b. Service Animal - A dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. In limited circumstances, a miniature horse may also qualify.
  - c. Disability - A physical or mental impairment that substantially limits one or more major life activities as defined by the ADA.

- d. Reasonable Accommodation - Any change to the work environment, job duties, or application of policies that enables a qualified individual with a disability to perform essential job functions.
- e. Handler - The individual with a disability who uses the service animal.

## 5. Employee Service Animals

- a. Formal Request Required: County employees must submit a formal reasonable accommodation request through the Human Resources Department to bring any animal to work.
- b. Interactive Process: Upon receiving a request, the county will engage in an interactive dialogue with the employee to:
  - Understand the employee's disability-related needs
  - Determine if the requested accommodation is reasonable
  - Identify possible alternative accommodation if necessary
- c. Timeframe: The County will respond to accommodation requests within 10 business days of receipt.

## 6. Documentation Requirements:

- a. The county may request reasonable medical documentation **ONLY** when:
  - The employee's disability is not obvious or apparent
  - The need for the animal accommodation is not clear
  - The relationship between the disability and requested animal is not evident
- b. The county **SHALL NOT** request documentation when:
  - The employee's disability is obvious (e.g., uses wheelchair, has apparent vision impairment)
  - The animal's function is apparent (e.g., guide dog for blind employee)
  - The accommodation need is self-evident
- c. Documentation Standards:
  - Job-related and consistent with business necessity
  - Limited to information necessary to verify disability and accommodation need
  - From qualified healthcare or rehabilitation professionals
  - Current and relevant to the requested accommodation
- d. Acceptable Documentation Sources:
  - Licensed physicians, psychiatrists, psychologists
  - Licensed mental health professionals

- Physical or occupational therapists
  - Service animal trainers (for professionally trained animals)
  - Training organizations that provided the animal
  - Employee demonstration of animal tasks (when appropriate)
- e. Document Content:
- Confirmation of ADA-qualifying disability
  - Explanation of why the animal is necessary for job performance
  - Description of tasks the animal performs related to the disability
  - Evidence of appropriate training and workplace suitability

## **7. Approval Criteria**

- a. Approval Factors:
- Employee has an ADA-qualifying disability
  - Animal is necessary for employee to perform essential job functions or access the workplace
  - Animal is trained and can function appropriately in the work environment
  - Accommodation does not create undue hardship for the county
  - Animal does not pose a direct threat to health or safety
- b. Undue Hardship Considerations:
- Significant disruption to county operations
  - Excessive cost relative to county resources
  - Fundamental alteration of county services
  - Safety concerns that cannot be mitigated

## **8. Employee Responsibilities**

- a. Handler Obligations:
- Maintain direct control of the animal at all times
  - Ensure animal is house-trained and well-behaved
  - Provide all care, feeding, and exercise for the animal
  - Clean up after the animal immediately
  - Pay for any damage caused by the animal
  - Comply with all local licensing, vaccination, and registration requirements
  - Keep animal current on all required veterinary care
- b. Training and Behavior Standards:
- Animal must be trained to perform disability-related tasks or provide necessary support
  - Animal must not disrupt county operations or pose safety risks

- Animal must respond to handler's commands and remain under control
- Animal cannot be aggressive toward people or other animals

## 9. County Responsibilities

- Make reasonable workplace modifications to accommodate service animals, including:
  - Providing appropriate relief areas
  - Adjusting "no animals" policies
  - Modifying workspace layouts if necessary
- Maintain confidentiality of all medical information related to accommodation requests
- Provide education to supervisors and employees about service animal policies and appropriate interactions
- If animal accommodation is not reasonable, work with employee to identify alternative effective accommodations

## 10. **Disciplinary Measures:** Violations of the following rules may result in progressive disciplinary action, up to and including termination:

- Bringing unauthorized animals to workplace
- Falsely claiming animal is service animal
- Failing to maintain animal control or cleanliness
- Interfering with or harassing individuals with service animals

## 11. **Grievances:** Any complaints, appeals, or grievances should follow the grievance resolution procedures outlined in Section 2.10 of this policy.

## 1.7 PHYSICAL STANDARDS

- Basic Standards:** Each current employee or job applicant of Bastrop County shall be required to meet the basic physical standards for the job in which employed or for which he/she is applying.
- Physical Examination:** Where it is deemed necessary, the County may require a current employee or job applicant to take a physical examination to determine if they meet the basic physical standards required for the job in which employed or for which the applicant is applying.

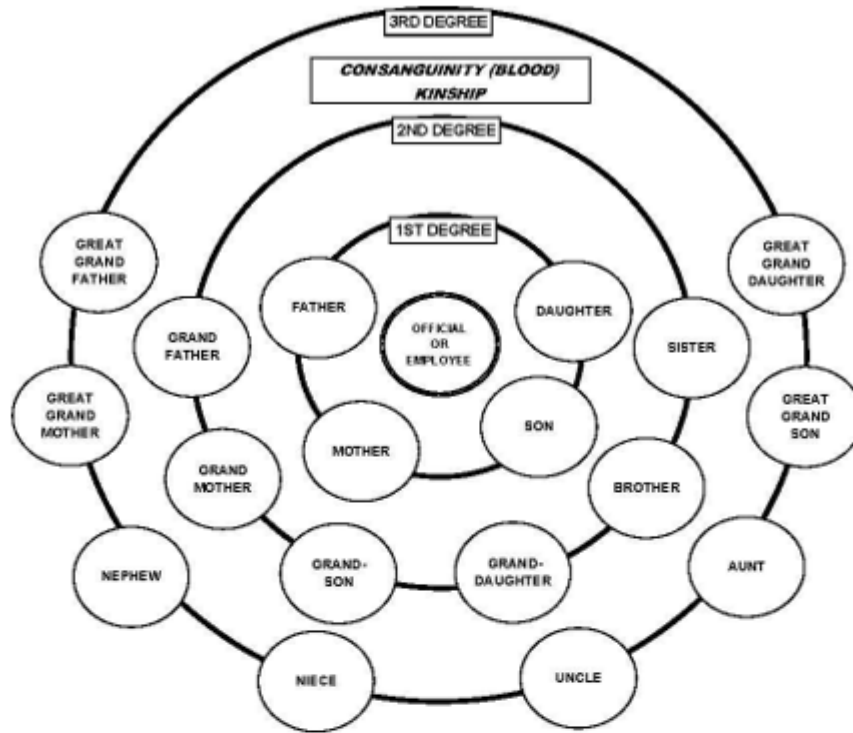
- a. The purpose of any physical examination conducted under the provisions of this policy, and the nature of any reports generated by such a physical examination, shall be to measure and show only physical standards and abilities that are specifically required for the job in which the individual is employed or for which he/she is applying.
  - b. If a physical is required by the County, it will be at the County's expense.
3. **Reasonable Accommodations:** Determination of reasonable accommodation for otherwise qualified disabled employees or applicants shall be made in accordance with the provisions of the POLICY ON EQUAL EMPLOYMENT OPPORTUNITY.

## 1.8 NEPOTISM

1. **Policy Statement:** It is the policy of Bastrop County that no employee may hire or cause to be hired, nor supervise, any relative of the employee otherwise employed by the county within the third degree of consanguinity or affinity. In enforcing this policy it is important to keep in mind that any appearance of impropriety should be avoided. All questions concerning the hiring of any individual who may be related to another County employee should be referred to the Human Resources Department.
2. **Elected Officials or Department Heads:** An elected official or department head of Bastrop County may not hire a person related within the third degree of consanguinity (blood) or the second degree of affinity (related by marriage) to work in a department which they supervise (See attached Nepotism charts).
3. **New Employees or Transfers:** No applicant shall be selected or appointed to a position that would involve supervising or being supervised by a member of the person's immediate family. Furthermore, no current employee may be transferred or promoted to a position that would involve supervising or being supervised by a member of the person's immediate family.
4. **Contract Employees:** A relative of an elected or appointed official of Bastrop County shall not be hired on a contract basis unless the following criteria are met, and the Commissioner's Court has provided prior approval:
  - a. All reasonable efforts were made to get contract bids from other qualified individuals or contractors in the area;
  - b. Cost/quality ration of the work expected from the individual is the most favorable of all bidders; and
  - c. The relationship created by the contract is not unfavorable to the interest of Bastrop County; and
  - d. Is, in fact, determined to be in the best interest of the County as determined by the Commissioner's Court.

5. **Avoiding Conflicts Involving Nepotism:** Department heads will consult with the Human Resources Department prior to initiating hiring decisions, transfers, or promotions when matters occur related to this nepotism policy. Human Resources will review and if necessary, obtain guidance from the Ethics Advisor.

## 6. Nepotism Chart Consanguinity (Blood Relatives):



## 7. Nepotism Chart Affinity (Marriage):



## 1.9 RECRUITMENT AND SELECTION

1. **Policy Statement:** Recruitment and selection decisions significantly affect Bastrop County's ability to meet its business operations and strategic objectives. Bastrop County is committed to a systematic approach to recruitment and selection in order to attract, select and appoint the best staff through a fair and systematic process. Bastrop County will not discriminate on the basis of race, age, national origin, gender/gender identity, religion, or disability, in any of its activities. Department Heads will screen and select the most qualified candidates to fill positions based on fair and objective selection criteria.

**The recruitment and selection procedures stated in this policy shall apply to all Bastrop County employees, including those hired for temporary positions\*.**

*\*Exceptions: Temporary employees hired for SEASONAL Road & Bridge work (such as mowing) and Election Workers hired to work during a single election. Temporary employees are not to be moved into non-temporary open positions without having gone through the recruitment and selection procedures set out in this policy.*

2. **Requesting a Job Posting:** In order to fill a new or vacant Bastrop County position, a "Request for Job Posting" form must be completed. The request must be signed by the Department Head and submitted to the County Auditor for approval. Upon approval by the Auditor's office, the request is forwarded back to Human Resources (HR) for processing. A current, ADA-compliant job description that describes the essential job functions must be attached to the request. (Note: All job postings, other than those for positions which continually accept applications such as Patrol, Correctional Officers and 911 Emergency Telecommunications Operators must remain up for 10 business days with closing date listed or state "Open until filled".)
  - a. Job Postings - Upon receipt of an approved job posting request, HR will complete a draft posting and forward it to the appropriate Department Head for approval prior to advertising the posting.
  3. **Job Posting Distribution:** HR will run all job postings concurrently as internal and external openings, unless the Department Head requests internal posting only.
  - a. Internal-Only Job Postings - All employees will be provided notice of open positions via County email. The HR Department will post all internal job postings on the county website and display screens throughout the County buildings.
  - b. Publication of Job Postings - All job postings will be posted for a minimum of ten (10) working days\*. At a minimum, all internal/external job postings are advertised on the Bastrop County website and display screens throughout the County buildings. Postings may also be published in area newspapers, trade and trade school publications, trade websites, social media sites, Indeed and/or other employment websites, as requested by the hiring Department Head.
- \* A working day is any day on which the position in question would normally be scheduled to work. For most County jobs, working days are Mondays through Fridays; however, for some Sheriff's Office and other positions, working days include every day of the week as well as holidays. Job Posting closing dates will be determined with this consideration in mind.*

4. **Applying for Open Positions:** All applicants, whether internal or external, are required to complete a Bastrop County job application to be considered for any position posted. Job applications will only be accepted for a current advertised opening. Job applications received for all open positions must be submitted to HR prior to the posting deadline; applications received after the closing date of the posting will not be considered.
5. **Closed Job Postings:** Immediately after a job posting closes, HR will consolidate all applications received and forward a copy (electronically when possible) of the original applications to the appropriate department (HR will retain the original application in accordance with the State of Texas Retention Schedule.) Department Heads will ensure all of the following:
  - a. Departments will keep detailed, legible, and dated notes outlining criteria used to select initial candidates for interviews.
  - b. Departments will forward all “employment selection records” to Human Resources after the hiring process is complete. (**Note:** Employment selection records include notes of interviews with candidates and questions asked of applicants).
6. **Recordkeeping:** HR will maintain an applicant summary tracking form to record application data for Equal Employment Opportunity (EEO) tracking. The EEO Data Sheet (Form HR-011) on file shall serve as the basis of any evaluation of Bastrop County’s record of minority hiring and recruitment. HR will maintain the following employment records in accordance with the Texas State Records Retention Schedule:
  - a. **Applications for employment, hired and not hired.** This includes applications, resumes, transcripts, letters of reference, and similar documents whose submission by candidates for vacant positions are required on the application form, by application procedures, or in the employment advertisement.
  - b. **Employment Selection Records.** Includes interview questions and notes and scoring sheets, screenings, tests, background checks, etc.
  - c. **Employment Advertisements/ Announcements.**
7. **Conducting Interviews:** The hiring department will screen job applications and schedule interviews with qualified applicants. Initial interviews are generally conducted by the Department Head or a designated representative. HR will provide screening and interviewing assistance upon request. All questions asked during the interview process must be job related. Each applicant should be asked the same questions. Listed below are examples of legal and illegal questions that may or may not be asked during an interview. These questions are only **examples** and should not be considered all inclusive. Specific questions regarding appropriate interview questions or topics should be directed to HR.

a. Examples of Legal questions:

- What education do you have?
- What experience qualifies you for this job?
- Do you have licenses and certifications for this job?
- Are you willing to travel?
- What name(s) are your work records under?
- Do you have the legal right to work in the United States?
- Are you available for overtime?

b. Examples of illegal questions:

- What is your age/date of birth/maiden name/marital status?
- What is your sexual orientation?
- What church do you attend?
- What is your national origin?
- What is or was your spouse's name and/or job?
- Have you ever filed a workers' compensation claim?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Is there any health-related reason that you may not be able to perform the job for which you are applying?
- How many days were you absent from work due to illness last year?
- Are you taking any prescribed drugs?
- Have you ever been treated for drug addiction or alcoholism?

\*Remember, when in doubt, ask yourself if the question is job-related; if not, don't ask it!

## 8. Team Interviews

- a. Team interviews may be conducted as needed for some positions. If a team interview is conducted, a structured interview process is recommended. A structured interview is generally defined as: A straightforward interview process where the interviewer has a standard set of questions that are asked of all candidates. This makes it easier for the interviewer to evaluate and compare candidates. The main purpose of a structured interview is to pinpoint job skills that are essential to the position.
- b. Interview questions should be compiled by the interviewing team and reviewed by HR. After the team completes the interview process, the results of the interview should be forwarded to the Department Head for review. The Department Head has ultimate responsibility for making a hiring decision and must notify HR of all interviews conducted and of the final hiring results.

- c. After the interview process has been completed, all selection files must be returned to HR for appropriate retention. The Department Head will notify applicants who are not selected through correspondence provided by the individual department or may request assistance with these notifications from the HR department.
9. **Candidate Selections:** It shall be the policy of Bastrop County to select the best qualified applicant to fill any open position. It is each Department Head's responsibility to thoroughly screen an applicant's overall suitability for employment. At a minimum, screening will include all of the following:
- a. A review of the application to determine basic qualifications;
  - b. A personal interview; and
  - c. Reference and other background checks.
10. **Pre-Employment Checks:** Once a decision has been made regarding interest in hiring an applicant, an employment offer will be made contingent upon satisfactory completion of various employment checks. Furthermore, applicants who start prior to the completion of any employment checks must be informed that continued employment is based on the satisfactory results of pending checks. At a minimum, all Bastrop County new hires and transferred employees will have the following checks completed:
- a. Driver's license check for anyone required to operate County vehicles, machinery, or drive their personal vehicle in the performance of their official duties; and
  - b. A criminal background check\*; and
  - c. Reference checks conducted by the hiring department.
- \* The HR department performs all criminal background checks.*
- (**Note:** New employees of the Bastrop County Sheriff's Office are selected based on different criteria and background verifications. Applicants applying for positions in these categories may be subject to extensive background checks, drug and alcohol testing, TCLEOSE inquiries, etc.)
11. **Extending Job Offers:** Upon receipt of satisfactory results from all assessments, tests, reference and background checks, the Human Resources Department or the Elected Official will notify the candidate and confirm the employment offer. A start date must be coordinated with HR prior to notifying the selected applicant. After a job offer has been made, HR must receive an approved Personnel Action Form (PAF), before the new employee's start date.
12. **Disqualification(s):** Recruiting highly qualified candidates is essential in the recruitment process. To ensure Bastrop County's recruitment efforts screen and select qualified candidates, any and all applicants shall be disqualified from consideration if they:

- a. Do not meet the minimum qualifications necessary for the performance of the duties of the position for which applying;
  - b. Have knowingly made a false statement on the application form or any other documents related to, or which have bearing on the selection process;
  - c. Have committed or attempted to commit a fraudulent act at any stage of the selection process; or
  - d. Are not legally permitted to hold the position.
13. **Internal Employee Transfers:** Employees may apply for internal/external job postings by completing an application and submitting it to HR within the posting deadline. All applicants applying for any posted vacancy will be considered on the basis of their qualifications and ability to perform the job successfully.
14. **New Employee Orientation:** On the first day of employment (or as soon thereafter as possible for employees who work outside of HR office hours), newly hired employees must attend an orientation conducted by the HR Department. New employees will be expected to provide documentation of their legal right to work and verification of identity at this time. Upon completion of orientation, employees will be released to their department. (Note: Department Heads will contact HR to schedule new employee orientation. The Department Head must submit an approved Personnel Action Form (PAF) to HR no later than two (2) working days prior to the new employee's start date.)

## 1.10 EMPLOYEE STATUS & EMPLOYMENT TERMS

### FLSA Status/Employment Status

1. **Overtime Exemption/Non-exemption Status:** Some employees, by nature of their job duties, are exempt from the overtime pay provisions of the Fair Labor Standards Act (FLSA). The FLSA identifies overtime exemptions for certain executive, administrative, or professional occupations, and certain occupations in the computer field. All Bastrop County jobs must be classified as either Exempt or Non-Exempt and must be noted on the Job Description.
  - a. Exempt Employees - Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and who are exempt from overtime pay provisions outlined in the FLSA.
  - b. Non-Exempt Employees – non-Law Enforcement - Employees whose positions meet the criteria outlined in the Fair Labor Standards Act as eligible for overtime compensation. Non-exempt, non-Law Enforcement employees earn overtime compensation for any hours worked\* in excess of forty (40) hours per workweek.

- c. Non-Exempt Employees – Law Enforcement - Pursuant to section 207(k) of the FLSA and 29 CFR Part 553, employees whose positions meet the criteria for “Law Enforcement” outlined in the Fair Labor Standards Act are eligible for overtime compensation for hours worked\* over 171 in a 28-day cycle.

\*Note: Unless approved by the Commissioners Court or outlined within another policy, all non-exempt employees are provided Compensatory Time in lieu of overtime payment. Compensatory Time hours are calculated by multiplying the number of overtime hours worked by one and one-half (1.5) and are available for use by the employee as personal time off, with advance request and supervisor’s approval. Compensatory Time hours are paid at the employee’s rate of pay at the time the hours are used.

*\*Leave hours (Vacation, Sick, Holiday etc.) are not a part of this calculation.*

2. **Bastrop County Employment Status:** Bastrop County employees may work varying hours and shifts during an established workweek.

- a. Regular - Any employee who is not a temporary employee, as defined in this policy, is considered to be a regular employee. A regular employee may fill either a full-time or part-time position.
- b. Temporary - Employees who are hired, usually during peak workloads or for vacation relief, with the intent and understanding that their positions are not “permanent”. Temporary employees may work a full-time or part-time schedule, and their pay will be processed through Payroll, subject to taxation as per IRS regulations. Temporary employees may not work continuously for more than twelve (12) months. Temporary employees are not eligible for County insurance\* or retirement benefits, paid leave (vacation, sick, personal), or holiday pay.

*\*except Workers’ Compensation*

- c. Full-Time - Any employee regularly scheduled to work at least forty (40) hours per workweek is defined as a full-time employee.
- d. Part-Time - Employees who are regularly scheduled to work less than forty (40) hours per workweek are defined as part-time employees. Part-Time schedules should be set at increments of twenty (20), twenty-two and one half (22.5) or thirty (30) hours per workweek.

3. **Employment Contracts:** All employment contracts must be approved in writing by the Commissioner’s Court. Care must be taken to ensure that any person performing work or services for Bastrop County are properly classified as an ‘employee’ or a ‘contractor’. IRS and Department of Labor regulations prohibit employment practices which result in failure to collect and pay employment taxes. See the Employment Status guide in this policy for assistance in making this determination.

Contractors - Any employment contract approved by the Commissioner’s Court must, at a minimum, state the following in writing:

- The specific work, project, assignment, etc., to be completed under the contract ;
- The term/duration of the contract period;
- Sum or rate of pay for the contract period;
- Information regarding grievance or contract amendment procedures;
- The names and number of persons working on the contract;
- Indemnity clause in the event of an accident/injury during the execution of the contract;
- Any requirements for a personal bond if deemed necessary by the Commissioner’s Court;
- Breach of contract clause that outlines consequences of non-fulfillment of contract terms; (Note that **not all** the terms of a contract are necessarily in writing. A breach may be of a verbally agreed term, a written term, or an implied term of a contract)
- Any other information deemed necessary in the execution of the contract.

## 1.11 INTRODUCTORY PERIOD

1. **New Employees:** Each new employee shall serve an introductory period of six months.
2. **Promoted/ Demoted Employees:** All promoted/demoted employees shall be required to complete an introductory period on the new position.

## 1.12 TRANSFERS & PROMOTIONS

1. **Policy Statement:** it shall be the policy of Bastrop County to provide career advancement opportunities for current employees whenever reasonably possible.
2. **Transfers:** Employees wishing to apply for a transfer into an available position shall apply for that position in accordance with the provisions of the policy on Recruitment and Selection.

While the County’s policy is to fill each position with a well-qualified applicant, preference shall be given to current County employees where all other qualifications are equal. Any active employee who transfers to another department with no interruption in service shall not be paid for the accrued vacation and/or sick leave the employee may be entitled to upon transfer but shall continue to accrue vacation and/or sick leave per Bastrop County policy.

3. **Promotions:** A promotion is an inner-departmental move, within the same general job classification. If an existing employee is qualified and available to be promoted, no posting is required. The move can be executed by a Personnel Action Form approved by the Department Head, the HR Director and the Auditor's Office.
4. **Pay:** When a County employee is promoted or transfers to another County position, the employee's salary shall be the base for the new position or higher by negotiation, within the budgeted salary for the new position.

## 1.13 PERFORMANCE REVIEW

1. **Overview:** In order to comply with Section 2.8 – Department Heads, Directors, and Supervisors General Responsibilities of the Bastrop County Personnel Manual, a performance review will be completed for all employees at least one time per year. All reviews must be finalized no later than June 30th of the current fiscal year.
  - a. A performance review is not necessarily linked with a salary increase; however, the Commissioner's Court may refuse to fund salary increases unless the Performance Review process is complete.
  - b. Supervisors may review performance more often than is required by this policy.
  - c. All original Performance Review forms are maintained in the employee's personnel file located in the Human Resources Department.
2. **Purpose:** Performance Reviews establish a performance history with the County and are used in performance, promotion, transfer, and merit increase decisions. In addition, they can be used as a guide for an employee's progress in their current position, to discuss ways in which their performance can be improved, and, when appropriate, explore their potential for advancement.
3. **Process:**
  - a. Annual Performance Reviews will be conducted each fiscal year. HR will distribute to Elected Officials, Department Heads, Directors and Supervisors the list of employees eligible for review. The Performance Review process should be completed by June 30th.
  - b. After receiving the Performance Review list from HR, the employee's Supervisor will forward the Performance Review form (or instructions how to access the form online) to the employee requesting they complete a self-evaluation. The Supervisor should also include a timeline with the document. The employee will forward the completed self-evaluation to their Supervisor for review.

- c. The Supervisor will review the Performance Review to ensure it is fair and consistent with the employee's current job description. The Supervisor will also grade the employee's performance, write comments supporting their evaluation, and set goals to enhance the employee's job performance. A full review period is for twelve (12) months from the date of the last appraisal received. Unless the employee has been employed less than twelve (12) months, then the full review period will be from the date of the last appraisal received, or hire date, whichever is most recent.
  - d. The Supervisor will forward the evaluation to their Department Head/Elected Official for review. Department Heads/Elected Officials should address any questions with the Supervisor prior to approval. Any ratings that are below average should be addressed during the review. The Department Head/Elected Official will forward the approved Performance Review to HR for legal compliance review.
  - e. HR will review the Performance Reviews, conduct a gap analysis to ensure that all employees have been accounted for and confirm the fairness and validity of the distribution of performance ratings. HR may request supporting information for reviews that fall below average. HR will return the reviewed forms to the employee's Supervisor, Department Head or Elected Official.
  - f. The employee's Supervisor will meet with them to discuss the Performance Review. The intent of the discussion is to ensure that the employee's Supervisor provides feedback regarding employee performance, at least once each year. Items to be discussed include, but are not limited to:
    - Results of the Performance Review just completed;
    - Level of performance expected and goals for the new reporting period; and
    - Career counseling relative to such topics as advancement, specialization or training appropriate for the employee's current position.
  - g. During this process, the employee may add any additional comments to the Performance Review. The employee and the Supervisor will sign the Performance Review. An employee's signature on his or her Performance Review only acknowledges that it has been reviewed with the employee. It does not indicate agreement or disagreement with the review. A copy of the Performance Review is to be provided to the employee for his or her records and the original should be sent to HR for filing.
  - h. All employees whose Performance Review overall average is two (2) or below will be put on a Performance Improvement Plan within two (2) weeks of completing the Performance Review cycle.
4. **Amendments:** The Bastrop County Commissioners Court may amend or withdraw this policy at any time.

## 2.0 EMPLOYEE CONDUCT

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### 2.1 DISCRIMINATION AND HARASSMENT

Bastrop County expects employees to display courtesy and maintain professionalism when interacting with customers, clients, vendors, and other County employees and is committed to a workplace free of discrimination and harassment in any form.

1. **Discrimination Defined:** Per Title VII of the Civil Rights Act of 1964, Bastrop County prohibits all forms of discrimination and harassment on the basis of race, color, religion, national origin, sex (including pregnancy), age (40 and over), disability, genetic information, military status, veteran status, or any other characteristic or status protected by law.

Every Elected Official, Department Head, and supervisor is expected to implement this policy through uniform and consistent employment practices. Management is also responsible for maintaining a professional work environment free of intimidation, sexual harassment, racial harassment, other forms of harassment, and discriminatory conduct.

2. **Harassment Defined:** Harassment is abusive, obscene or threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass or injure another in the workplace. Hereinafter the word Harassment includes Sexual Harassment as defined herein. Employees who engage in such conduct while on duty or on County premises will be subject to immediate discipline up to and including termination.

Employees shall not use obscene or abusive language or offensive gestures in their communication with coworkers or members of the public; employees shall not by oral, written, electronic or other means of communication threaten or intimidate coworkers or members of the public; employees shall not physically endanger, intimidate or injure coworkers or members of the public.

3. **Sexual Harassment Defined:** Sexual Harassment is defined by the Equal Employment Opportunity Commission Guidelines as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if:
  - a. Submission to such conduct is an explicit or implicit term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual; or
  - c. The conduct has the purpose or the effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

4. **Bastrop County's Position on Discrimination and Harassment:** Bastrop County will not tolerate discrimination or harassment of an employee by another employee, an Elected Official, a Department Head, a supervisor, member of the public, or other person with whom an employee may have contact with as part of the employees duties.
- a. No Retaliation - An employee commits unlawful employment practice if the employee **retaliates against a person** who:
- Opposes harassment or discriminatory practices;
  - makes or files a complaint alleging harassment or employment discrimination; or
  - testifies, assists or participates in any manner in an investigation, proceeding or hearing.
- Any employee who retaliates against another employee who opposed alleged harassment or employment discrimination, violates Bastrop County's policies and procedures and may be subject to disciplinary action up to and including termination.
- b. Training - All Bastrop County employees will receive training regarding policies and procedures relating to employment discrimination and harassment during new employee orientation. Human Resources will provide overview training of this policy and document attendance. In addition, HR will train on and document the following information every two (2) years with all County employees:
- Review the policy on discrimination and harassment;
  - communicate the gravity of such behavior; and
  - discuss the procedures to report a discrimination and/or harassment complaint.
5. **Elected Official/Department Head Responsibilities:** Each Elected Official, Department Head or supervisor has the responsibility to maintain a workplace free of discrimination and harassment. This responsibility includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitive treatment. Furthermore, employees must understand that false accusations will result in appropriate disciplinary action up to and including termination.
6. **Procedures for Reporting Discrimination and Harassment:** Bastrop County encourages employees who become aware of or who believe that they have been or may be subjected to discrimination, sexual harassment, to another form of harassment to report it to their supervisor (or the person to whom their supervisor reports if the most immediate supervisor is the alleged harasser), Human Resources, or the Criminal District Attorney so that corrective and preventative actions can be taken promptly. If an employee is aware of a threat of physical harm to themselves, another employee or member of the public, the employee should attempt to remove themselves from the dangerous situation and immediately notify their supervisor and the appropriate emergency personnel by calling "911."

When a supervisor receives a discrimination or harassment complaint, the following steps will be taken immediately. (Note: claims by Sheriffs' Office employees are to be handled according to the Sheriffs' Office Personnel Manual):

**Step 1:** The individual alleging discrimination or harassment, or their supervisor, will report the incident to their Department Head/Elected Official who will conduct an interview to discuss the nature of the allegation(s). The individual alleging discrimination or harassment will be informed that in order to pursue the complaint, they must submit the allegation in writing specifically outlining the nature of the complaint. If the complainant refuses to do this, the matter cannot be further investigated by Bastrop County unless circumstances clearly indicate otherwise. Upon receipt of a written complaint, the Department Head/Elected Official will notify Human Resources or the Criminal District Attorney.

**Step 2:** Within two (2) business days after receiving the written allegation, the alleged harasser will meet with his or her Department Head/Elected Official and Human Resources. The Department Head/Elected Official will inform the alleged harasser that a charge of discrimination or harassment has been alleged and provide a copy of the written complaint for review. The Department Head/Elected Official will review the Discrimination and Harassment Policy and the allegation with the employee.

**Step 3:** Within three (3) business days the alleged harasser will have the opportunity to refute the allegations by responding in writing to their Department Head/Elected Official. All information relating to the complainant's allegations will be reviewed with Human Resources and corroborated to the greatest extent possible. If evidence warrants, the alleged harasser may be suspended with or without pay for a period of two (2) weeks, pending a complete investigation.

**Step 4:** If the investigation proves that the allegations do not constitute discrimination or harassment, the alleged harasser (if suspended) will be returned to work with pay retroactive to the date of the suspension.

7. **False Allegations:** If it is determined during the course of an investigation of alleged discrimination and/or harassment that the accusations are false, appropriate disciplinary action will be taken against the complainant up to and including termination.
8. **Final Disposition:** Employees found in violation of this Discrimination & Harassment Policy may be subject to the following action:
  - First Occurrence: (Depending on the circumstances, each of the following may be appropriate up to and including termination)
    - Written Reprimand
    - Two weeks suspension without pay
    - Termination
  - Second Occurrence: Immediate termination.

## 2.2 ETHICS

1. **Ethics Advisor:** Bastrop County's Ethics Advisor has been designated as the County Judge. The Ethics Advisor is available to answer or research questions about standards of conduct. The Ethics Advisor may also hear concerns about another employee's behavior or a county policy. At the discretion of the Ethics Advisor, information communicated to the Ethics Advisor may or may not be confidential.
  - a. The Ethics Advisor may assign a designated representative to answer or research questions, investigate ethics violations, resolve complaints and conflicts of interest, or any matter(s) in relation to this policy.
2. **Reporting Misconduct:** Bastrop County will not penalize employees who, in good faith, report to their elected official, department head, supervisor, or the Ethics Advisor incidents of questionable behavior such as, alleged misconduct, fraud, or embezzlement.
  - a. Current law prohibits retaliation against public employees who report wrongdoing. Additionally, the law applies to the reporting of a violation of a law to an appropriate law enforcement authority. Employees who believe they are the subject of retaliation for this reason should contact the Ethics Advisor.
  - b. If an employee suspects a violation of this Ethics policy the employee must report the violation. If the employee is not satisfied with the initial response, it is mandatory that it be reported to a higher level of management.
3. **Employee Misconduct:** Employees must report misconduct promptly, orally or in writing, to management in the employee's chain of command or to the Ethics Advisor.
4. **Conflicts of Interest:** Bastrop County prohibits an employee from engaging in conduct which conflicts with the proper performance of the employee's duties. A conflict of interest exists when an employee's private interest conflicts or raises a reasonable question of conflict (i.e., appearance of conflict) with the employee's public duties and responsibilities. Examples of conflicts of interest include, but are not limited to:
  - a. Accepting or soliciting a gift, a favor, money, property, a service, a job, or professional activity that could appear to influence job performance or to disclose confidential information.
  - b. Use of official position, uniform or badge to secure special advantage in business, personal gain or other benefit derived from such relationship.
  - c. Use of any County owned facility, building, equipment, materials or vehicle for their personal use or benefit, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession of county property.

- d. Invest or hold a financial interest, directly or indirectly, in any business entity, transaction or business endeavor that would create a conflict between the county employee's duty to uphold the public trust and the individual's private interest.
- e. Receiving improper/favorable consideration for procuring a contract with Bastrop County.
- f. Engaging in County activities where family members or other closely related individuals are involved.
- g. Accepting any benefit, including off-duty employment fees, unless the employment is unrelated to County duties, from a member of the public subject to regulation, inspection, or investigation by the County.
- h. Using or attempting to use a County position for advantage in a personal matter.

## 2.3 FRAUD DETECTION & PREVENTION

1. **Policy:** The potential for, or occurrence of, fraud and other illegal acts is a significant and sensitive management concern in any organization. Within Bastrop County's operations, this concern is heightened by the public expectation of honesty and integrity in their local government. Although the process and responsibilities for determining, detecting, investigating and reporting known, alleged or suspected fraud or other illegal acts within Bastrop County has been in place, this policy formalizes the process, and assigns the responsibility of coordinating all efforts of compliance with this policy with each elected official, department head, and supervisors of the county.
2. **Purpose:** The purpose of this policy is to minimize the impact of all potential or actual fraudulent or illegal acts by deterring such activity or detecting it as early as possible; to alert all Bastrop County employees that there is a mechanism by which such activities can be reported and investigated; and to ensure the fair, objective and thorough investigation and reporting of all such activities while safeguarding individual rights and maintaining confidentiality in accordance with applicable law. This policy relates to all potential or actual fraudulent and other illegal activities:
  - a. Within Bastrop County involving its employees in the performance of their responsibilities, which includes, but is not limited to theft, malfeasance, abuse of power or authority, kickbacks and embezzlement.
  - b. That involve cheating, forging or willfully falsifying County reports, documents, misappropriation or theft of any assets belonging to Bastrop County or for which Bastrop County is responsible, including, but not limited to cash, checks, securities, intellectual property, equipment, information and other data.
  - c. Employee misuse of paid leave of absences, falsifying origin of a personal injury to collect workers' compensation, falsifying timecards or making false statement(s) in the performance of their official duties.

- d. This policy does not relate to such activities involving any individual, group, organization, government or other entity which is not a part of Bastrop County, unless such activity may have involved an employee of Bastrop County in the performance of their official duties, or unless such activity involved the loss, embezzlement, misappropriation or theft of any assets belonging to Bastrop County or for which Bastrop County is responsible.
3. **Process:** Any allegation(s) of fraud will be handled by the County Auditor's office. When the Auditor receives an allegation of fraud, the following steps should be taken immediately:
  - a. Always take the person making the complaint or comment seriously.
  - b. The Auditor's office conducts a preliminary interview with the complainant to determine if the allegation(s) warrants investigation. If the source of the allegation is anonymous, then a preliminary review of the allegation will be conducted to determine the necessity for further investigation. Any further investigation after the preliminary interview or review is conducted at the will of the local, state and or federal authority.
    - If an investigation is warranted, the local, state and or federal authority will assign responsibilities for an investigation.
    - When all information relating to the allegation(s) has been reviewed and corroborated to the greatest extent possible, the employee who has been alleged to have committed the fraud is interviewed. The subject of the investigation is cautioned that any attempts to retaliate or influence the statements of complainant(s) or witnesses may result in his or her immediate termination.
  - c. Once a thorough and impartial investigation has been completed, the individual conducting the investigation will report their findings and conclusions to the local, state and or federal authority pending outcome of allegations.
4. **Not all Inclusive:** This policy should not be considered all-inclusive and any act or action not specifically covered within this policy does not mean that the act or action is condoned, permissible, or would not call for disciplinary action.

## 2.4 CONFLICT OF INTEREST

1. **Conflict of Interest:** An employee shall not engage in any employment, relationship, or activity which would affect their job efficiency or which would reduce their ability to make objective decisions in regard to their work and responsibility as a County employee.
2. **Prohibited Activities:** Activities which constitute a conflict of interest under this policy shall include, but not be limited to:

- a. Soliciting, accepting or agreeing to accept a financial benefit, gift or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employees' performance;
- b. Accepting employment, compensation, gifts or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- c. Accepting outside employment, compensation, gifts or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- d. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County; or
- e. Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as County employee in favor of that person.
- f. Using or attempting to use a County position for advantage in a personal matter.

## 2.5 OUTSIDE EMPLOYMENT & ACTIVITIES

1. **Policy Objective:** This policy provides guidelines and procedures for all regular full-time employees of Bastrop County related to other employment and work activity, whether paid or volunteer. The guidelines herein are intended to assist employees and the County in balancing the need to deliver County services ethically and efficiently, and the ability of County employees to engage in outside employment & activities which do not impede the County's mission or operations.
2. **General Discussion:** Bastrop County employees are cautioned to consider carefully the demands that additional employment activities will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to work overtime or altered schedules, or refusal to travel within the course of their Bastrop County job duties.

If Bastrop County determines that an employee's outside employment activities are interfering with the employee's job performance or their ability to meet the requirements of their position, the employee may be asked to terminate their outside employment in order to continue employment with the County.

If outside employment activity causes or contributes to an employee's job performance issues, disciplinary measures up to and including termination will be taken, pursuant to the policies stated in this Policy Manual.

Bastrop County reserves the right to periodically require all employees to disclose any outside employment activities.

Bastrop County may, at any time, require re-authorization or withdraw approval for any outside employment situation that has been determined to present a perceived, potential, or actual conflict of interest.

### 3. Definitions:

- a. Outside Employment - Additional employment or the providing of services, paid or volunteer, performed by a County employee apart from their official assigned duties and required duty time. Regardless of hours worked, outside employment includes but is not limited to: employment by another unit of government; private sector employment; owning or operating a private business; and/or work as a consultant or advisor.

For Law Enforcement personnel, the following definitions also apply:

- ***Non-Law Enforcement Outside Employment*** - Any employment relationship (paid or volunteer) that does not require the use of the employee's peace officer commission to carry a firearm.
  - ***Law Enforcement Related Outside Employment*** - Any employment relationship (paid or volunteer) requiring use of the employee's peace officer commission to carry a firearm.
- b. Law Enforcement Personnel - Any peace officer holding a commission through the Bastrop County Sheriff's Office, regardless of which County department the employee works for, or which budget their salary is paid out of. Includes any TCLEOSE certified position within the Sheriff's Office.
- c. Non-Law Enforcement County Personnel ("Other County Personnel") - All regular full-time employees who do not meet the definition of "Law Enforcement Personnel" as defined in this policy.
- d. Conflict of Interest - A conflict of interest exists if outside employment/activities:
- Conflict with an employee's official duties, or;
  - Result in an employee's failure to meet the minimum standards of their County job productivity or quality, or;
  - A situation is created where the outside employer or the work to be done could in any way compromise the independent judgment or integrity of the employee, or;
  - The employment or activity adversely affects the County's operations, or;
  - The employment relationship compromises Bastrop County in any way.

#### 4. Policy Guidelines:

- a. All Bastrop County employees are prohibited from engaging in any outside employment which creates a conflict of interest with their County employment, or that creates a justifiable impression that a conflict of interest may exist. The following are examples of outside employment activities that represent a conflict of interest:
  - require the employee to obtain a license (other than a Driver's License) from any agency governing an industry subject to enforcement by the Sheriff's Office. Examples are certain jobs within the transportation industry, jobs within the bail bonds industry, and jobs within the private investigations industry;
  - could reasonably be expected to impair an employee's independence of judgment in the performance of their official County duties;
  - includes activities conducted for the employee's personal profit that could reasonably be believed to be contrary to the best interest of Bastrop County.
- b. Bastrop County employees are prohibited from engaging in outside employment activities where the employer or organization:
  - Is a sexually oriented business, or
  - Advocates hatred, prejudice, or oppression of any racial, ethnic, gender, or religious group, or which disseminates defamatory materials.
- c. Acceptance of employment with Bastrop County obligates an employee to give County job duties and scheduled duty hours priority over outside employment duties and hours. Each full-time Bastrop County employee's position must be the employee's primary employment, and the employee's County duties must take precedence over all outside employment.
- d. Bastrop County resources shall not be used for outside employment activities without the express, written approval of the employee's Department Head. Such resources include, but are not limited to, County equipment, facilities, computers, data, telephones, copiers, services, vehicles, staff or inmate labor and time.
- e. Combining outside employment business activities with assigned Bastrop County duties during assigned County work hours is prohibited. \*

*\* EXCEPTION: Employees who serve as active Volunteer Firefighters within a Bastrop County volunteer fire department (VFD) may respond to emergencies for which their VFD is called into service. The employee will not be charged leave for the time necessary to respond to the VFD call.*

- f. Employees who take time off from their regular County schedule in order to engage in outside employment activities may, subject to the Leave policies in this manual, utilize their accrued Vacation, Compensatory Time, or Personal Holiday leave. No other paid leave or compensation may be used to compensate employees who engage in outside employment.

*Note: An employee's accrual of Compensatory Time for the specific purpose of later using it to be compensated for time spent on outside employment activity is prohibited. Employees are expected to perform the duties of their jobs within their regularly scheduled hours. In the absence of clear and demonstrable necessity for the purposes of County business and operations, the accrual of Compensatory Time should not occur.*

- g. The publication and distribution of Bastrop County office locations, telephone numbers, or employee database(s) for the purposes of furthering outside employment activities is prohibited.
- h. Bastrop County employees may not use sensitive or confidential information obtained through their position as a county employee to benefit from their outside employment activities, or for any other reason or purpose except as required by their regularly assigned duties as a county employee.
- i. Bastrop County employees who engage in outside employment are prohibited from using the Bastrop County name in such a manner that it suggests the County's endorsement.
- j. Bastrop County employees engaging in outside employment shall be ineligible to receive Worker's Compensation benefits under the County's Worker's Compensation plan when illness or injury results from the employee's outside employment activities.
- k. Bastrop County Law Enforcement personnel are subject to additional policies and provisions, per Bastrop County Sheriff's Office Policies and Procedures. All Law Enforcement personnel are required to read, review, and understand the BCSO policies in addition to those in this manual.

## **5. Obtaining Outside Employment Approval:**

- a. Law Enforcement Personnel: Outside employment related to law enforcement is a privilege granted at the sole discretion of the Bastrop County Sheriff. As such, no employee shall be permitted to engage in outside employment, which in the Sheriff's opinion constitutes a conflict of interest with the employee's primary responsibility as a Law Enforcement Officer. Policies and procedures regarding outside employment for Law Enforcement Personnel, in addition to those documented in this policy, are addressed in the Bastrop County Sheriff's Office General Orders & Rules.

- b. **Other County Personnel:** Regular full-time employees who do not meet the definition of “Law Enforcement Personnel” are not required to obtain prior approval for outside employment, provided that such employment does not conflict with this policy, except when one or more of the following relevant factors apply:
- The outside employment activity gives rise to an appearance that the employee is using Bastrop County resources – such as time, facilities, supplies, equipment, information, personnel, or other resources – in the performance of employee’s work for the outside employer;
  - The outside employer has interests that could be significantly affected by the performance or non-performance of the Bastrop County employee’s official County duties;
  - The outside employment gives rise to an appearance that the outside employer could be influencing the judgment of the Bastrop County employee on matters that affect the employee’s department or the County;
  - There is the potential that the outside employment could actually, or appear to, conflict or interfere with the duties, objectives, or interests of Bastrop County in any manner not otherwise indicated in this policy.

Employees are encouraged to seek the advice and approval of their supervisors when considering any paid work, volunteered time, or other work activity which is potentially questionable under the terms of this policy.

6. **Maintaining Outside Employment Records:** All records relating to any outside employment will be maintained as follows:

- a. Department Heads will maintain all requests for outside employment, including notes, requests, approvals, disapprovals, disciplinary actions, etc., for two (2) years after the outside employment is terminated or request is disapproved.
- b. Department Heads will forward any outside employment records to the Human Resources Department when an employee separates or is terminated from Bastrop County. Human Resources will retain the outside employment records within the official employee personnel file.

7. **Disciplinary Procedures:**

- a. An employee’s failure to abide by this policy may result in disciplinary action up to and including termination of employment.
- b. Employees on disciplinary probation, or who have been relieved of duty or suspended for any reason, shall not be allowed to engage in Law Enforcement related outside employment.

8. **Not all Inclusive:** This policy is not to be considered all-inclusive or construed as referencing all outside employment relationships that could possibly exist. It is the sole responsibility of each Bastrop County employee to seek and maintain approval for any outside employment relationship that they may engage in. Bastrop County holds no liability for criminal or civil actions, or responsibility in relationship to incidents that may occur, while a Bastrop County employee is engaged in an outside employment relationship.

## 2.6 POLITICAL ACTIVITY

### 1. Prohibited Activities:

- a. Employees of Bastrop County shall not use their office, authority, or official position to influence, interfere with or affect the result of any election or nomination for office; or
  - b. Employees of Bastrop County shall not directly or indirectly coerce, attempt to coerce, command or advise a state or local official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political reason.
  - c. The use County-owned vehicles to support the candidacy of a person running for public office is prohibited.
2. **Employee Activities:** If an employee of Bastrop County should desire to run for a political office, that employee shall refrain from participating in any political activity while on duty or county business.
  3. **Conflicts of Interest:** Employees who may have questions regarding political activities in the workplace should contact the Ethics Advisor. (Please refer to Bastrop County Policy 2.2, Ethics Policy.)

## 2.7 DEPARTMENT HEADS, DIRECTORS AND SUPERVISOR'S GENERAL RESPONSIBILITIES

### 1. Responsibilities:

- a. Bastrop County employees who are assigned supervisory responsibilities are responsible for ensuring that all employees under their supervision are provided at a minimum the following:
  - An updated job description that outlines the essential functions of their current position. Additionally, supervisors will have employees acknowledge receipt of a job description. A current copy of each job description will be forwarded to Human Resources for inclusion into each employee's personnel record.

- Document and provide to each employee they supervise, feedback on the employee's job performance, supervisor expectations, unacceptable performance issues, and performance improvement areas required. Feedback will be conducted at least every six (6) months.
  - An annual performance evaluation.
- b. Department heads, directors and supervisors are responsible for employees and County resources under their control. With this broad scope of responsibility, it is imperative that all employees are briefed periodically on current County policies, department rules, and other information considered critical to a department's operations. At a minimum, each department head, director, or supervisor should at least every twelve (12) months:
- Review County and department policies and have employees acknowledge understanding.
  - Provide or request training on sexual harassment, equal employment opportunity, and safety.

## **2. Human Resources:**

- a. The Human Resources Department will make available standardized employee performance evaluation forms for departments to use that have been approved by the Commissioner's Court. Department heads and supervisors are encouraged to use these standardized forms to document their feedback sessions and annual employee evaluations.
- b. The Human Resources Department will provide technical assistance in writing job descriptions, documenting feedback, and assisting departments with the adoption of standardized forms.
- c. The Human Resources Department will provide general training to departments on such areas as sexual harassment, equal employment opportunity, and other training area needs if possible. If Human Resources cannot provide training, or time and availability is not feasible, Human Resources will assist in locating resources for the training.

## **3. Record Keeping:**

- a. Bastrop County employees who are assigned the responsibility of overseeing a department or function within Bastrop County, are responsible for ensuring all records created as part of their normal County operations, are maintained in accordance with established federal, state, and local government disposition laws, rules and policies. Department heads are responsible for knowing current record retention for all County records in their custody.
- b. Department heads will ensure all County records are controlled at all times, and the release of any records within the County must be for "Official Use Only". Release of County records or documents outside the normal business operation must be coordinated through the County Judge's office prior to release as an "Open Records Request".

4. **County Property:** Bastrop County employees who are assigned the responsibility of overseeing a department or function within Bastrop County are responsible for ensuring all County property within their department/control is properly controlled and accounted for at all times. Any and all property of Bastrop County is used for official County business only. Any use of County property outside normal business operations must have prior approval of the Commissioner's Court. Bastrop County property includes, but is not limited to, facilities, furniture, phones, copiers, computers, vehicles, equipment, supplies, electricity, etc. This property listing should not be considered all inclusive, and property that may not be listed in this policy is also for official County business only.
5. **Not All-Inclusive:** The Department Heads/Directors and Supervisor Responsibilities policy should not be considered all-inclusive. The absence of a specific responsibility or duty does not mean that it does not exist. This policy is only a basic guide to help with the responsibilities of overseeing or managing a department or supervising personnel of a department.

## 2.8 CODE OF PERSONAL CONDUCT/SERVICE TO THE PUBLIC

1. Remember that we are here to serve the people of Bastrop County.
2. It is your responsibility to provide fair, efficient service in a courteous manner.
3. Strive to learn and stay informed about the activities of the County.
4. Be a good and sincere listener. Our visitors and callers want us to understand and care about their problems.
5. Help others solve their problems in the most efficient manner, even if the problem must be referred to another employee or department.
6. Write down all the information you will need to complete a task for a citizen, including their name, date and time of a call or request, and a telephone number or address where the person can be contacted.
7. Fulfill all promises you make. If you cannot complete a promised task as anticipated, get back in touch and explain the circumstances.
8. Respect the dignity of every individual. Try honestly and sincerely to see the other person's point of view. Speak kindly to and about others. Avoid arguments and be friendly.
9. Be punctual in your work and appointments.
10. Make suggestions to your supervisor about ways we can improve our services to the citizens of Bastrop County or can get our work done in a more efficient manner.

11. Dress and appearance must be appropriate for your job. Expensive clothes are not necessary, but a clean, neat and orderly appearance is important.
12. County employees are trustees of public funds. Please conserve county money, time and equipment as if it were your own.

Public service not only requires that we obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.

## 2.9 CONDUCT/ATTITUDE

1. Bastrop County employees have a vital role in maintaining and strengthening the public's trust in our work. Employees must act with fairness, propriety, and competence in performing their job.
2. Employees should conscientiously perform their duties to the highest standards for the County and the public. Bastrop County requires employees to respond readily to the direction of their supervisors and to do their work promptly and accurately.
3. Employees should conduct all relations with fellow employees and others in a manner that does not cause dissension among employees or cause a disruption in the County's business. Differences or disagreements with fellow employees or supervisors need not go unexpressed. These situations may be handled properly utilizing the chain of command or the grievance resolution procedures outlined in this policy.
4. The standards of conduct for Bastrop County employees outlined within this policy establish minimal requirements; however, they **are not to be considered all-inclusive**. The absence of a specific rule covering any act discrediting an employee or the County does not mean that the act is condoned, permissible, or would not call for disciplinary action including dismissal. Disciplinary action is based on the assumption that employees are aware of their obligations. In addition to certain acts listed elsewhere, the following actions may result in immediate discharge.
  - a. Inefficient or careless performance of duties.
  - b. Failure to respect the confidential nature of business records and information.
  - c. Altering, removing, or destroying business records and/or property.
  - d. Deliberate or careless damage to materials or other County property.
  - e. Malicious gossip or derogatory remarks concerning any employee, business representative, or customers.
  - f. Falsifying personal or County records, timesheets, employment application or other required employment information.

- g. Repeated tardiness, unexcused absence, or abuse of medical leave.
- h. Thefts of any kind from fellow employees, the County, or persons served by the County.
- i. Possessing, drinking, or being under the influence of alcohol or drugs on County premises.
- j. Conduct endangering life, safety, or health of employees or others.
- k. Sleeping during scheduled work hours.
- l. Failure to cooperate and/or communicate with vendors, clients or fellow employees regarding the effective execution of business procedures.
- m. Failure to comply with County rules, regulations, and policies or procedures.
- n. Failure to comply with law enforcement officers when an altercation has occurred on County premises.
- o. Personal advances and/or physical contact with other employees, or persons served, of a nature not in keeping with your job duties and/or outside the bounds of acceptable behavior in a business setting.
- p. Intimidating or coercing fellow employees or customers in any manner.
- q. Gambling and/or encouraging participation of such by other employees during working hours and on County time.
- r. Bringing any illegal weapons, as determined by federal or state law, on County premises or carrying an illegal weapon on County business at any time.
- s. Fighting or threatening violence in the workplace.
- t. Dishonesty or any other unethical conduct.
- u. Boisterous or disruptive activity in the workplace.
- v. Insubordination or other disrespectful conduct.

**Employee Attitude:** Your most valuable personal qualities are patience, efficiency, loyalty, courtesy, cheerfulness, and compassion. They are necessary components of your work. Caring for the work you perform and for your fellow employees is the central reason you are here. Bastrop County employees should do everything possible to contribute towards a work atmosphere of politeness, consideration, diligence, and harmonious relations.

## 2.10 GRIEVANCE RESOLUTION PROCEDURE

1. **Philosophy:** Bastrop County is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from County department heads, directors or supervisors. Bastrop County strives to ensure fair and honest treatment of all employees. Elected officials, department heads, and supervisors are expected to treat each other and subordinates with mutual respect. Employees are encouraged to offer positive and constructive criticism.
  - a. If employees disagree with established rules, standards of conduct, policies, or practices, they can express their concerns through the grievance resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the County in a reasonable, business-like manner, or for using the grievance resolution procedure.
2. **Definition:** A grievance is a complaint, dispute, or disagreement on the part of any regular County employee that arises from working relationships, working conditions, or employment practices between such employee and the County. An employee presenting a grievance in good faith need not fear retaliation for filing a grievance.
3. **Exclusions:** Excluded from this policy are: (1) complaints regarding wages and salaries, as these are not negotiable issues, and (2) complaints of harassment, sexual harassment and discrimination based on race, color, national origin, sex, age, religion, disability or status as a veteran, for which a specific policy and complaint procedure exists.
4. **Grievance Process:** The specifics of a grievance and the date it occurred must be submitted on a Bastrop County Grievance Report, HR-122, Appendix A and presented to the employee's immediate supervisor within five (5) working days from the date of the occurrence giving rise to the dispute. The supervisor shall meet with the employee within ten working days of receiving the complaint and shall attempt to resolve the grievance and provide a written answer within ten (10) working days from the date of the meeting. If the supervisor is also the department head, the process ends with the determination of the department head. If the immediate supervisor is not the department head and is a party to the dispute and/or prior verbal discussion regarding the complaint has yielded no resolution, the written complaint may be submitted to the Department Head for a final determination/resolution.
  - a. After a final determination/resolution has been made by the Department Head, and the employee still believes the problem remains unresolved, the employee may present the problem to the County Judge's office for review. Submission to the Judge's office must be made within five calendar days. Upon receipt by the Judge's office, a thorough review will be made of the grievance through the Commissioner's Court.

After a thorough review has been conducted, the Court will notify the employee in writing of the review. The written outcome will be provided to the employee within ten business days of receipt by the County Judge's office. The decision of the Court ends the grievance process, and the decision is final.

- b. Not every problem can be resolved to everyone's total satisfaction, but through understanding and discussion of mutual problems employees and management can develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment and helps to ensure everyone's job success.

## 2.11 PROGRESSIVE DISCIPLINE

1. **Application:** This discipline policy applies to all Bastrop County employees. All elected officials, temporary, and contract employees are excluded from this policy.
2. **Introduction:** Bastrop County's philosophy is that Department Heads and supervisors should use progressive discipline as a corrective tool. Disciplinary action of a corrective nature generally precedes discharge, except in the case of a major act of misconduct or unacceptable work performance. A series of progressive disciplinary actions will usually be taken so that discharge, if it occurs, will come with due notice to the employee. When disciplining employees, Department Heads will consider the nature and gravity of the offense, and the past record of the employee.
  - a. For violation of any rules, policies or failure to meet performance expectations, Department Heads may employ any of the following disciplinary actions: verbal warning, written reprimand, suspension, or discharge. The following are examples of actions which may result in progressive disciplinary steps; however, these examples should not be considered all inclusive:
    - Unsatisfactory job performance
    - Misuse or abuse of work time
    - Misuse or abuse of Bastrop County property or equipment
    - Unfit for work
    - Use of profane or abusive language
    - Absenteeism or tardiness
    - Inattention to safety
3. **Determining Appropriate Discipline Measures:** Any or a combination of the counseling/disciplinary measures outlined in paragraph 4 of this policy may be taken depending on the:
  - a. severity or degree of the problem with work performance; or
  - b. type and severity of the misconduct offense; or
  - c. employee's work record; or

d. circumstances surrounding these situations.

4. **Progressive Disciplinary Procedures:** In implementing the steps of the discipline policy, the Department Head may consult Human Resources for advice and counsel.

a. Bastrop County encourages department heads or supervisors to use the following outline of the progressive disciplinary process for improving an employee's performance, for correcting inappropriate behavior in the workplace and for addressing policy infractions:

- Formal Counseling - If an employee fails to perform satisfactorily or to comply with Bastrop County policies or departmental rules, the Department Head has the responsibility to discuss the matter with the employee privately to remedy the situation. The facts of the case should be determined, including consideration of any special circumstances. The Department Head should review the requirements of the job to make sure that they are understood or point out the rule or policy violated. Recommendations should be made on how the employee is expected to handle similar incidents in the future. All verbal warnings should include a written record of the date and content of the discussion. A copy should be maintained by the supervisor and the employee.
- Written Reprimand - For continued problems requiring further action beyond a verbal warning or for more serious infractions, a formal notice will be issued by the Department Head. The notice involves both discussion with the employee and an official written document. The written notice, which should be issued within 48 hours after the discussion, should include the facts of the situation, the expectations for future performance or conduct, and the possible effect on the employee should their performance or conduct fail to improve. The written notice should include the signature and date of the employee, indicating that he/she has received the warning. The employee is permitted and encouraged to submit in writing any mitigating facts in response to this action. A copy is then sent to Human Resources for filing in the individual's personnel file.
- Suspension - If the problem continues and further action is necessary, it may (but need not) take the form of a disciplinary suspension. A suspension may vary from one to five days, depending upon the circumstances. Before such action is taken, the Department Head should discuss the situation with the Human Resources Department. As in the prior official written notice, the facts of the case, expectations, and the probable effect on the employee's employment should be included. The employee is again asked to sign and date an acknowledgment. The employee is permitted and encouraged to submit in writing any mitigating facts in response to this action. A copy is then sent to Human Resources for filing in the individual's personnel file.
- Suspension without prior disciplinary warnings may take place in the case of major acts of misconduct.

- Suspension without pay may also be used during the investigative period when discharge or disciplinary suspension would be the alternative, or when reasons for discharge are being reviewed. In this case, the employee is interviewed regarding the infraction, then released without pay for a "suspension pending investigation." (NOTE: An exempt employee's loss of pay is only in full-day increments.)
- The supervisor should confirm with the employee when a disciplinary decision will be finalized and should secure the employee's ID, departmental keys, equipment, or documents before sending him/her home. It is expected that within the next three to five working days the investigation should be complete, and a written decision rendered. In the event a decision is made not to impose a suspension or discharge, appropriate action will be taken immediately to compensate the employee for any work time lost.

## 3.0 COUNTY PROPERTY

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### 3.1 TELEPHONE SYSTEMS & VOICE MAIL

#### 1. Telecommunications Systems:

- a. The Bastrop County Telecommunications System is for official business only. This policy also applies to the use of FAX equipment. Bastrop County recognizes that from time-to-time employees may need to make personal telephone calls during working hours. Such use will not result in disciplinary action provided the calls are local, do not disrupt or interfere with County business, are kept to a minimum duration and frequency, and are not political in nature.
- b. Bastrop County employees are prohibited from listing their work number in classified ads or in any publication likely to generate a number of incoming calls, unless it is for official County business.
- c. Long Distance calls made on County telephones will only be made by employees authorized to make long distance calls in the performance of their official duties. All tolled long distance telephone calls initiated on a County phone must be for "Official Business."

#### 2. **Voice Mail:** The voice mail system is intended for Bastrop County business only. Use of the voice mail by an employee grants consent to management to monitor any voice mail messages. The following guidelines govern the use of voice mail:

- a. Voice mail messages are property of Bastrop County and are subject to search and review at any time, with or without notice.

- b. Employees should use voice mail communications for County related communications only.
- c. Bastrop County prohibits employees from using foul, inappropriate, or offensive messages, such as those including racial or sexual slurs.

## 3.2 CELLULAR DEVICES

1. **Policy Statement:** This policy sets forth guidelines and procedures that govern cellular telephones and hand-held electronic device use for Bastrop County Officials and employees. Cellular telephones and hand-held electronic devices (hereafter referred to as "cellular devices") may be important tools for some Bastrop County officials and employees in the course of carrying out their job responsibilities. County business done on cellular devices, whether personal or County owned cellular devices, are subject to the Open Records Act in accordance with SB944. It is the user's responsibility to comply. The user shall surrender or return the information to the County within 2 business days after the date of a public information request for which it is responsive. Users may take snapshots of text messages or call durations and forward them to their County email for preservation.
2. **Determining the need for a Cell Phone Allowance:** Department Heads should review the job functions of each position in their department to determine the need for a cellular device for County business purposes, and to justify establishment of cell phone allowances. Employees who are approved for a Cell Phone Allowance must meet at least one of these criteria:
  - a. The employee is a critical decision maker (Department Head or Elected Official), or;
  - b. Departmental requirements indicate that having a cellular device is an integral part of performing the duties of the employee's position, or;
  - c. The employee is required to be contacted on a regular basis and whose work requires him/her to be out in the field a significant portion of the workday, or;
  - d. The employee is required to be on call outside of normal work hours.

Employees who meet one or more of the above criteria will be eligible to receive a Cell Phone Allowance to be used toward the cost of business usage of a cellular device. The following restrictions will apply:

- Employee cellular devices will not be purchased by, licensed to, or directly or indirectly billed to Bastrop County.
- All costs related to the purchase and usage of the cellular device will be the responsibility of the employee.

- Cellular devices which are intended to be used for business purposes and require connectivity to the County's computer network(s) must be compatible with Bastrop County's IT (information technology) infrastructure. Employees should verify that the device they plan to use is compatible by contacting the County IT Department prior to purchasing the device.
3. **Cell Phone Allowance:** At the request of Elected Officials or Department Heads, employees may be provided with a Cell Phone Allowance, the amount of which will be determined based on current allowance rates as approved by the Commissioners Court, and budgetary constraints. Within those guidelines, allowance amounts will be set by the Elected Official or Department Head who is requesting the allowance.
- a. Cell Phone Allowance amounts as of 10/1/2024
- The minimum allowance amount is \$50.00 per month (\$25 per paycheck – 24 pay periods).
  - The maximum allowance amount is \$125.00 per month (\$62.50 per paycheck – 24 pay periods).
- \*Cell Phone allowance totals for each fiscal year should not exceed a Department's annual budgeted amount for "Communications Expense".
- b. All requests for Cell Phone Allowances (additions, changes, or deletions) must be approved by the Auditor's Office and accompanied by a PAF (Personnel Action Form) and provided to HR for payroll input and processing. Cell Phone Allowances must be reviewed annually and adjusted as necessary as a part of the annual budget process. HR will provide and maintain a list of approved Cell Phone Allowance recipients, and when appropriate, the type of device, to Elected Officials and Department Heads (regarding their department only), and to the IT Department.
- c. Approved Cell Phone Allowances will be paid as a separate earnings type on employee paychecks. The allowance will be included on the first two paychecks of each month, or 24 times per year. The allowance is included in taxable income and will be taxed according to IRS guidelines. Employees who are receiving a Cell Phone Allowance will be expected to provide and maintain a working phone number for their device to their supervisor and will be expected to respond in a timely manner to calls, text messages, and/or emails related to their job duties. They will be expected to maintain a device in working order and to keep it on their person at all times while on duty or on call. By accepting the Cell Phone Allowance, the employee understands and agrees that no further payment will be provided by the County for business usage of the employee's cellular device. The County will not be responsible for loss, replacement, excess usage charges, cost of accessories, or any other cost associated with the use of a cellular device.
- d. The Cell Phone Allowance may be cancelled, and Bastrop County shall have no liability for unexpired cellular service agreements or equipment costs in circumstances which include, but are not limited to:

- At the discretion of the appropriate Elected Official, Department Head, or the Commissioner's Court, for any reason;
  - If a change in the employee's position or job responsibility eliminates the employee's need for a cellular device in the performance of their job duties;
  - The employee is on paid or unpaid leave for a period exceeding 30 days, except for on-the-job injury (Worker's Compensation) related leave, in which case the allowance will be continued for a maximum of 90 days or the end of FMLA eligibility, whichever occurs first.
4. **Cellular Device usage and regulations:** For the purpose of this Policy, the term Cellular Device is defined as any hand held electronic device with the ability to receive and/or transmit voice, text, email, data messages or provide GPS directions without a cable connection (including, but not limited to, cellular phones, digital wireless phones, telephone pagers, tablets, iPads, etc.), Personal digital assistants with wireless communications capabilities (PDAs), or Research in Motion (RIM) wireless devices. Bastrop County reserves the right to modify or update these policies at any time.
5. **Employees are required to:**
- a. General Use at Work - While at work, employees are expected to use discretion when using company or personal cell phones. Excessive personal calls during the workday, regardless of phone used, can interfere with employee productivity and be distracting for other employees. Employees should restrict personal calls during work time and should use personal cell phones only during scheduled break or lunch periods in non-working areas. Bastrop County is not liable for the loss of personal cell phones brought into the workplace.
  - b. Unsafe Work Situation - Bastrop County prohibits employee use of cell phones or similar devices while at any work site. When required at a work site the use of the device must be in a location where the employee is out of harms way and the employee is in a secure location.
  - c. Use While Driving - An employee who is using a company supplied vehicle or other equipment is prohibited from using a cell phone, hands on or hands off, or similar device while driving (unless one-touch or hands-free function is operating), whether business conducted is personal or company related. This prohibition includes but is not limited to receiving or placing calls, receiving or placing text messages, surfing the Internet, receiving or responding to email, checking for phone messages, playing music or any other purpose while driving. Employees are encouraged to use a blue tooth device.
  - d. Personal Cell Phones at Work - Bastrop County allows the employees to bring their personal cell phones to work. We expect employees to keep personal conversations to a minimum. While occasional, brief personal calls are acceptable when not performing a safety sensitive function.

- e. Cellular devices that are connected to the County's IT network must be compatible with County computer technology and adhere strictly to County and Departmental policies regarding cellular usage. Such devices and their usage will be subject to the County's policies with regard to protection of the network as well as the security, integrity, and availability of data stored on these devices. Users who experience the theft or loss of a device that has been authorized to access Bastrop County systems must immediately report the incident to the County's Information Technology Department.
- f. Elected Officials, Department Heads and employees who receive the cell phone allowance as a condition of their elected position, appointed position or employment will download and use any multifactor authentication application or mobile device management software/application the Information Technology Department deems appropriate to secure access to or information stored on/transmitted through or processed on Bastrop County Information systems.
- g. Use of a cellular device in any manner contrary to local, state, or federal laws will constitute misuse and may result in immediate termination of the Cell Phone Allowance, and potentially other disciplinary action.
- h. Violations of the foregoing rules will be considered a serious offense and may result in the imposition of disciplinary action up to and including termination.

*\*Authorizations of a cell phone allowance are subject to audit by the Bastrop County Auditor's Office. All personnel receiving a cell phone allowance should be aware that they may be asked to provide verification of their cellular account, if requested by their supervisor or the Auditor's office.*

### **3.3 COMPUTER USE AND NETWORK SECURITY**

#### **1. Purpose:**

- a. The intent and purpose of the Bastrop County computer network is to support the mission of the County by the automation and enhancement of the administrative work of the County. All users of the County's network and computers have the responsibility to use these systems in a considerate, ethical, and lawful manner. The ethical and legal standards that users should adhere to originate directly from those standards of common sense and consideration that apply to public resources.
- b. The principles below govern the use of Bastrop County's network and computers. Violations of any of the principles are considered unethical and possibly unlawful, and may result in disciplinary action ranging from reprimand to termination from the County, to legal action. Any and all contractors or temporary employees, including those hired from temp agencies are subject to this Security Policy, its rights, privileges, responsibilities and disciplinary actions.

c. Bastrop County computer and network users agree to abide by the following principles:

- To respect the intended use of computers and network login accounts.
  - The County considers network computer accounts to be the property of Bastrop County. The County authorizes the use of the accounts for specific County business purposes. Since accounts have real value, attempts to sidestep the account system, to use the accounts of others without authorization, or to use accounts for other than their intended purposes, are all forms of attempted theft. A user who has been authorized to use an account may not disclose its password or otherwise make the account available to others who have not been authorized to use the account.
  - Accounts are the property of Bastrop County and are to be used for County business or administrative purposes only. Users, when requested, are expected to cooperate with system administrators in investigations of system abuse. Failure to cooperate may be grounds for disciplinary action.
- To respect the integrity of the network and operating systems.
  - Users shall not intentionally develop or use programs that harass other users of the County or infiltrate the system and/or damage the software or hardware components of the network.

## 2. **Computer Hacking:**

- a. Hacking is the intentional attempt to gain access to computer data, programs, or systems. Hacking of any type will not be tolerated and will be dealt with very seriously. Should Information Technology become suspicious of any user's activities, their accounts may be disabled until a thorough investigation is completed. Violations may result in disciplinary action by the County.
- b. Experimentation with any of the County's operating systems and/or established systems procedures by unauthorized personnel, including, but not limited to, "faking" or "spoofing" email messages, manipulation of files and/or directories, is considered "hacking" and is strictly prohibited.

## 3. **Account Security and Responsibility:** County operations could be vulnerable to hackers from inside or outside the network. Most computer crime and damage take place internally, so it is important for us to have internal security measures.

- a. The most important and effective method of keeping your computer account safe is to keep your password private. You may never share your account with anyone else. Doing so is strictly prohibited and puts you at risk for a wide variety of computer abuses. Sharing your account could also violate the County's software license agreements, which are special arrangements the County makes with software vendors. If someone other than you has access to your account,

there is no way to protect your files, email, or personal reputation. If someone else uses your account, there is usually no way to find out who did so. Your account should be considered a valuable asset that is to be protected and used in a responsible manner.

- b. You are solely responsible for all activity that goes on within your computer account. You should never leave your workstation unattended while still logged on to your account. Doing so leaves your account open for anyone to use. This could result in the loss of your files or other action meant as a "practical joke".
4. **Workstation Use:** All workstations are property of Bastrop County and under the direct supervision of the Information Technology Department. Misuse of any computer equipment or peripherals will not be tolerated and may lead to disciplinary action.
5. **Network and Non-Network Software:** All software whether it resides on a server (network) or on individual workstations has been licensed to the County and is for the sole use of County business and under no circumstances is a user to alter, modify or copy it. Any violation of this will result in disciplinary action.
6. **Software Licensing Compliance:**
  - a. As a matter of policy, the IT Department will not make unauthorized copies of software for individual use, nor will the computer support staff assist you in configuring, installing or copying bootlegged software. The IT Department will not support any software which has not been purchased or otherwise legally acquired by the County.
  - b. It is the job of the IT Department to monitor software licensing compliance; therefore, the IT Department has the right and responsibility to monitor software installed on County computer equipment. (This may be done by scanning the machine remotely or physically inspecting the computer.) If any unauthorized software is found, it is subject to removal without incurring liability for the data generated by that software. The IT Department will not get involved in any activities that could leave the department vulnerable to copyright violation.
7. **Software Copyright Laws:** Title 17, section 106 of the U.S. Code states that "it is illegal to make or distribute copies of copyrighted material without authorization". Unauthorized duplication of software is a crime. Penalties include fines of as much as \$50,000, and jail terms of up to five years.
  - a. Bastrop County employees may not make copies of any software provided for their official use. Therefore, employees may not load or unload software on County owned computers without the permission of the Information Technology Manager.
8. **Internet and E-mail Service:** The Information Technology Department provides access to the Internet, as well as e-mail service from within the County's network and via the Internet. These services are provided to support your work with the County and although they may be used for occasional personal use with the permission of your immediate supervisor, they are not to be abused for such things as mass mailings, chain letters, etc. They should be used in a professional manner at all times.

9. **E-Mail:** This policy applies to e-mail used within the County and e-mail used conjointly with the Internet, and does not supersede any state or federal laws, or any other County policies regarding confidentiality, information dissemination, or standards of conduct.
- a. E-mail usage is to be used only for official County business.
    - Employees have no right to privacy with regard to e-mail.
    - Management has the ability and right to view employees' e-mail with or without notice.
    - Recorded e-mail messages are the property of the County and therefore the taxpayers of the County. Thus, they are subject to the requirements of the Texas Public Information Act and the laws applicable to State and Federal records retention.
  - b. The following is prohibited when utilizing e-mail for County business:
    - Racist, discriminatory, harassing, sexist, threatening, or otherwise objectionable language is strictly prohibited.
    - Obscene, sexually explicit or pornographic material.
    - E-mail should not be used for any personal monetary interests or gain.
    - Employees will not subscribe to mailing lists or mail services strictly for personal use.
    - E-mails should not contain personal or confidential information unless proper authorization for release has been obtained.
    - Personal e-mail boxes loaded on County computers.
10. **Internet Usage:** This policy applies to any and all forms of use of the Internet and does not supersede or limit any state or federal laws, nor any other County policies regarding confidentiality, information dissemination, or standards of conduct. Generally, Internet use should be for official County business only.
- a. Employees need to keep in mind that all Internet usage can be recorded and stored along with the source and destination.
  - b. Employees have no right to privacy with regard to Internet use. Management has the ability and right to view employees' usage patterns and take action to ensure that the County's internet resources are devoted to maintaining the highest levels of productivity.
  - c. The Internet path record is the property of the County and therefore the taxpayers of Bastrop County. Such information is subject to the Texas Public Information Act and the laws applicable to State and Federal records retention.
  - d. The following is prohibited when utilizing the access of the internet on County computer systems:

- Personal use of the Internet is prohibited without permission of immediate supervisor.
  - Accessing, posting or sharing any racist, sexist, threatening, obscene or otherwise objectionable material (i.e., visual, textual, or auditory entity) is strictly prohibited.
  - Employees will not subscribe to mailing lists or mail services strictly for personal use and should not participate in electronic discussion groups (i.e., list server, Usenet, news groups, chat rooms) for personal purposes.
  - Employees must not intentionally use the Internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
11. **Not all Inclusive:** This Computer Use and Network Security Policy should not be considered all-inclusive. The absence of a specific policy or rule covering the use of networks, electronic media or system by employees of Bastrop County does not mean that the act is condoned, permissible, or would not call for disciplinary action.

## 3.4 SOCIAL MEDIA

1. **Policy Statement:** Bastrop County recognizes the importance of social media in today's culture. However, use of social media by employees may become a problem if it interferes with the employee's work, is used to harass co-workers or customers, creates a hostile work environment, or harms the goodwill and reputation of the County among its customers or the community at large. The County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.
2. **Guidelines:**
  - a. Off-duty use of social media. Employees may maintain personal websites or web logs on their own time using their own facilities and equipment. Employees must ensure that social media activity does not interfere with their work. In general, the County considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas as long as they do not conflict with County policies or business. All County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to harassment, code of conduct, and protecting confidential information.
  - b. On-duty use of social media. Employees may engage in social media activity during work time provided it is directly related to their work, approved by their manager, and does not identify or reference County employees, customers, or vendors without express permission. The County monitors employee use of County computers and the Internet, including employee blogging and social networking activity.

- c. **County Identification and E-mail Accounts.** Employees are prohibited from using a county e-mail address to register on social networks, blogs or other online promotions or tools utilized for personal use. Unless given written consent, employees are not permitted to use the County's logo or individual Department logos on their posts. Employees may not link to the County's website or post County material on a social media site without written permission obtained from their Department Head or Elected Official.
- d. **Representation.** Under no circumstances should an employee represent themselves as an official spokesperson or representative of Bastrop County or any County department or office without the express written approval of Commissioners' Court or the subject office's Elected Official. If posts on social media mention the County, its services, employees, vendors, or customers, employees are required to make clear that they are an employee of the County, and that the views posted are the employee's alone, and do not represent the views of the County.
- e. **Confidentiality.** Employees may not identify or reference County clients, customers, or vendors without express permission, and may not post pictures or videos of County property or co-workers on the Internet without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. Employees are prohibited from disclosing any information obtained in the course of their employment that is confidential, personal or private. Violations of copyright laws and privacy policies are prohibited.
- f. **Respect.** Employees are expected to demonstrate respect for the dignity of the County as well as its customers, vendors, and employees. A social media site is a public place, and employees should avoid embarrassing readers, County employees, customers, or vendors. Ethnic slurs, personal insults, obscenity, or language that may be considered inflammatory should be avoided. Even if a message is posted anonymously, it may be possible to trace it back to the sender.
- g. **Accountability.** Ultimately, employees are responsible for their own social networking media activity and are solely responsible for any liability created by posting any defamatory or untruthful information about another individual or organization. As such, employees will be held accountable for the information they share in online activities and must exercise caution with regard to what they share, publish, post, or otherwise disclose. Remember that anything that is posted may be publicly available for an indefinite period of time (even if attempts are made to modify or delete it). Employees can be sued by other employees and any individual that views their social media posts as defamatory, pornographic, proprietary, harassing, libelous, or creating a hostile work environment.

- h. Disciplinary Action. Any violation of this policy, including activity which occurs outside the workplace, is subject to discipline up to and including termination of employment. Employees who have any questions about this policy or are unsure about the content of a social networking media activity, should discuss their concerns with their supervisor or Department Head.

**\*Note:** As used in this policy, "social media" refers to all means of communicating or posting information or content of any type on the Intranet or Internet, including to an employee's own or someone else's Web log or blog, journal or diary, personal website, forum, Web bulletin board, on-line chat room, or social networking or affinity web site such as Twitter/X, Facebook, LinkedIn, YouTube, and Instagram, Tik Tok among others.

Bastrop County prohibits the installation or use of the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or a social media application or service specified by proclamation of the Governor on any device owned or leased by Bastrop County and requires the removal of covered applications from those devices.

The installation and use of a covered application may be acceptable to the extent necessary for providing law enforcement; or developing or implementing information security measures. In order for the installation to be approved Bastrop County must require the use of measures to mitigate risks posed to this state during the use of the covered application, and the documentation of those measures.

Where no specific guideline exists, employees are expected to use their professional judgment and take the most prudent action possible. If uncertain about the appropriateness of a social media posting, employees should discuss the matter with their supervisor or Department Head/Elected Official.

## 3.5 SMOKE FREE WORKPLACE

The Commissioners Court of Bastrop County recognizes the increasing evidence that smoke creates a danger to the health of some citizens, and is the cause of annoyance and discomfort to those who are in confined spaces where smoke is present; and whereas, in order to protect the health and welfare of those citizens, as well as to protect the rights of non-smokers, it is necessary to restrict smoking on or in property owned or maintained by Bastrop County.

Therefore, be it ordered by the Commissioners Court of the County of Bastrop that henceforth, the carrying, or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment device, and the lighting of, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind (including, but not limited to, e-cigarettes or vaping devices) shall be prohibited in all public buildings and vehicles owned, leased or maintained by Bastrop County. It is further ordered that smoking at entrances to County buildings shall be no closer than 15 feet from any such entrance.

### 3.6 RESPONSIBILITY FOR COUNTY PROPERTY

1. **Assigned Property:** All County employees shall be responsible for the proper use and maintenance of all tools, equipment or vehicles assigned to them by the County.
2. **Driver's License:**
  - a. All County employees who operate County vehicles or equipment shall have a valid State of Texas driver's license necessary for that vehicle or equipment.
  - b. Each County employee who is required to have a driver's license to operate County vehicles or equipment shall immediately notify their department head of any change in the status of that license.
  - c. Suspension or revocation of the driver's license of an employee who is required to operate a vehicle or equipment as a normal part of their job may result in a job change, demotion, or discharge.
3. **Personal Use:** Personal use of any County property, materials, supplies, tools, equipment, or vehicles shall not be permitted.
4. **Accident Reporting:**
  - a. Any employee operating County equipment or vehicles shall report all accidents and property damage to their department head and to the proper law enforcement or other authority immediately.
  - b. The employee shall fill out a County incident form for all accidents in which involved.
  - c. A copy of all accidents and incident reports completed by any employee of the County or a law enforcement official shall be sent to the department head of the employee involved and to the County Judge.
5. **Safety Policy Approved in Commissioner's Court**
  - a. Prior to hiring an individual, the department head in charge should obtain a motor vehicle record. Motor vehicle records should be reviewed on current employees on a yearly basis. Specific criteria should be applied to determine driver's eligibility. Applicants should not be considered for employment if convicted of driving while intoxicated, aggravated assault with a motor vehicle, driving under the influence of drugs, murder without malice with a motor vehicle, homicide by vehicle or failure to stop and render aid. Current employees convicted of any of the above violations could receive severe reprimand or dismissal. An assessment should be made on applicants or employees with convictions of failure to yield right of way

contributing to an accident, failure to control speed contributing to an accident, and failure to signal resulting in an accident or speeding, running a red light or a stop sign, following too close, failure to yield right of way, reckless driving, etc. with regard to the severity of or a number of traffic violations. Employees of Bastrop County should be assessed on an annual basis. Any employee who has been convicted of or has received a large number of violations should be immediately removed from the vehicle and should be provided with written reprimand with possible dismissal.

b. General safe operating rules include, but are not limited to:

- No alcoholic beverages allowed in County vehicles
  - No excessive speed limits.
  - Never leave a motor vehicle with ignition on.
  - Never leave keys in a county vehicle.
  - Never transport unauthorized personnel in a county vehicle.
- Drivers of Bastrop County vehicles should follow above general safe driving rules, to be courteous, drive within the speed limits and observe all the laws at all times.

c. In case you are involved in a traffic accident you should be aware of the following:

- Stop at once and investigate.
- Protect the scene, use warning devices, get help from other motorists, turn off all engines, and guard against fires.
- Assist injured persons, be careful not to move an injured person unless absolutely necessary, summon an ambulance.
- Get assistance, use a nearby phone, and notify police or sheriff's office giving locations, nature and severity of the accident.
- Identify yourself and state you are a Bastrop County employee. Show your license and registrations, and insurance card if requested.
- Be courteous. Make no statement about the accident except to a law officer, Bastrop County official or Bastrop County insurance representative.

## 3.7 OPERATING COUNTY VEHICLES

### 1. General Requirements:

- a. All County employees who operate County-owned vehicles or equipment must possess a valid State of Texas driver's license. An employee's driver's license must be the appropriate "class" of license, and have all necessary endorsements required for the type of vehicle or equipment to be operated.
- b. Each County employee who is required to have a driver's license to operate county vehicles or equipment shall immediately notify their Elected Official, Department Head, or Supervisor of any change in the status of that license.
- c. Suspension or revocation of the driver's license of an employee who is required to operate County vehicles or equipment as a normal part of their job may result in a job change, demotion or discharge.
- d. Employees who drive County-owned vehicles and/or operate County-owned motorized equipment will be expected to comply with all local, state, and federal laws and regulations related to such usage. It will be the responsibility of the driver to pay any fines imposed for not complying with such laws.
- e. The restrictions outlined within this policy are intended to establish general usage guidelines and are not to be considered all-inclusive.

### 2. Authorized Drivers of County Vehicles: Bastrop County vehicles will only be operated by authorized drivers in the performance of their official duties. At no time will riders, consultants, or any individual operate a County vehicle without proper authorization from the Department Head of the assigned vehicle.

### 3. Restrictions on County Vehicle Usage: Any motorized vehicle/equipment belonging to Bastrop County will be utilized for County business use only.

- a. Only Bastrop County employees on official duty may ride or operate a County vehicle. Law enforcement personnel may transport personnel in custody or transport non-County personnel as required in the performance of their official duties. (NOTE: Any passengers riding in a County vehicle may do so in an official capacity only, i.e., prisoner, consultant, etc.)
- b. Family members are prohibited from riding in County vehicles.
- c. Hitchhikers are prohibited from riding in County vehicles.
- d. County vehicles may not be used for personal use and are for "official use only".

4. **Seat Belts and Safety Equipment:** This rule applies to all County employees operating County-owned vehicles/equipment, passengers in County-owned vehicles, employees operating personal vehicles while engaged in County business, and employees riding as a passenger in a vehicle while on County business.
- a. All County-owned vehicles will be equipped with seat belts. This includes the vehicle cab or operator's compartment, passenger seating area and jump seats.
  - b. Seat belts shall be used by all employees riding in a vehicle while the vehicle is in motion.
  - c. Operators of tractors or other off-road vehicles equipped with "Roll-Over Protection Structures" (ROPS) will use seat belts.
  - d. Safety Equipment and/or restraint devices provided for use while operating County-owned motorized equipment must be worn/utilized at all times while the equipment is in operation.
  - e. Vehicle passengers will be permitted to ride only in areas of the vehicle designed for that purpose.
  - f. There are no vehicle exemptions to this policy.

\*Violation of this policy will result in disciplinary action. Employees who have a medical condition which may preclude wearing a seat belt must carry a physician's note indicating a waiver for medical reasons.

5. **Motor Vehicle Record Checks:** After an offer of employment in a position which requires operation of a motorized vehicle or piece of equipment, HR will obtain a Motor Vehicle Records (MVR) report on prospective new Bastrop County employees to ensure that their driver license record meets the job and insurance carrier requirements. Additionally, Bastrop County will obtain an MVR report annually for each employee operating motorized vehicles and equipment for the County. The MVR report for each employee will be reviewed by HR and/or the County's insurance carrier to determine criteria for rates, coverage, and eligibility to operate County vehicles.
- a. Bastrop County employees whose MVR report documents any of the following situations are not eligible to operate county vehicles:
    - A DWI/DUI within the past three (3) years;
    - 8 points assessed within one (1) year;
    - 12 points assessed within two (2) years;
    - 13 or more points assessed within three (3) years;

b. Employees who are deemed ineligible to operate County-owned vehicles pursuant to the criteria listed in paragraph 2a, above must be:

- Moved to a non-driving position; or
- Terminated

6. **Taxable Benefit for Take-Home Vehicles:** Bastrop County employees who are allowed to utilize a County-owned vehicle to commute between home and work (“take-home” vehicle) will be assessed payroll taxes on the commuting value of this benefit, per IRS regulations and at the current IRS commuting rate, \$3.00 per day (\$1.50 each way). EXCEPTION: County vehicles which are permanently marked and have been modified for special use, such as Sheriff’s Patrol vehicles, are not subject to this rule. Employees driving designated County vehicles are allowed minimal personal use of the vehicle on rare occasions, such as a stop at the grocery store on the way home from work.

*\* The taxable value of this benefit will be calculated each payroll for actual days commuted.*

## 4.0 DRIVING (NON-LAW ENFORCEMENT)

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**BASTROP COUNTY LAW ENFORCEMENT EMPLOYEES ARE EXEMPT FROM THIS POLICY AS THEY ARE REGULATED BY SPECIAL STATUTORY AUTHORITY AND SHERIFF’S OFFICE POLICIES.**

### 4.1 ELIGIBILITY & QUALIFICATIONS

1. **Purpose:** The purpose of this policy is to ensure the safe and responsible use of vehicles by employees of Bastrop County while performing official duties and to guarantee that all employees operate vehicles in accordance with applicable state and federal laws. This policy applies to all employees who operate county-owned vehicles, personal vehicles for county business, or any vehicle while performing county-related tasks. A Bastrop County Employee shall operate any vehicle used for County business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the State, County, and any political subdivision pertaining to such operations. A County Employee’s operation of a vehicle shall, at all times, set a proper example for other people.
2. **Definitions:**
  - a. County-Owned Vehicle -Any vehicle owned, leased, or rented by the county for use in official duties to include police vehicles.

- b. Personal Vehicle - A privately owned vehicle used by an employee for county business.
- c. Official County Business - Tasks or activities directly related to the county's operations, such as attending meetings, performing fieldwork, or delivering supplies.

3. **Scope:**

This policy applies to:

- a. Employees driving county-owned vehicles.
- b. Employees using personal vehicles for county business.
- c. Volunteers or contractors driving vehicles on behalf of the county.

4. **Eligibility:** To operate any Bastrop County vehicle or any other motor vehicle in the course of performing County business, a County Employee must:

- a. Be at least 18 years old
- b. Have a valid Texas Drivers' License for the class of vehicle to be driven.
- c. Not have a conviction for DWI/DUI in the preceding 3 years.
- d. Not have convictions for any major violations (leaving the scene of an accident, reckless driving, felony/homicide/manslaughter involving a motor vehicle) within the preceding 3 years
- e. Be otherwise qualified under federal and state regulations to drive the vehicle in question.

\*Note: By applying for or continuing current employment in a position that may include driving a Bastrop County vehicle, a person thereby consents to potential periodic checks of their driving and eligibility records with all applicable state and federal databases at the discretion of Bastrop County.

5. **Acceptable Driving Record:** Applicants and/or Bastrop County Employees applying for a position which involves driving a County vehicle or their personal vehicle for County business shall maintain an acceptable driving record through the duration of employment. Any recorded convictions or violations present on a driving record will be subject to review for eligibility as determined by Human Resources and the Elected Official/Department Director or designated department representative.

**\*An acceptable driving records means that a person has no more than three (3) convictions for moving violations in the past twelve (12) month period and has no convictions for DWI/DUI's in the past three (3) years.**

## 4.2 REQUIREMENTS

1. **Safe Driving:** Employees must drive in a safe and defensive manner, avoiding distractions, speeding, and driving under the influence of alcohol or drugs.
2. **Non-Impaired Driving:** Impaired driving is strictly prohibited by Bastrop County.
3. **Accident Reporting:** Any accident involving a county-owned or personal vehicle while performing county business must be reported to a supervisor and the appropriate authorities immediately.
4. **Telematics system:** Bastrop County vehicles are equipped with a telematics system used to monitor safe driving behaviors such as idle times and speed. County Employees who perform regular driving duties for County business within the course and scope of their employment will be provided with a telematic key fob, assigned specifically to them, in order to drive a county vehicle. It is the responsibility of the County Employee to keep track of their assigned telematic key fob and not allow any another County Employee or unauthorized user to utilize their assigned telematic key fob.
5. **Vehicle Restraint System:** As required by law, primary restraint system (seatbelt) must be worn by the driver and all passengers when a vehicle is in operation. The driver is responsible for ensuring compliance by all occupants. If the restraint system is inoperable, the vehicle cannot be used until it is repaired. All restraint system issues or failures must be reported to the Employee's supervisor immediately.
6. **Vehicle Color, Decals/Emblems, Stickers:** All Bastrop County owned vehicles SHALL be white in color, and shall have a Bastrop County emblem, that is black in color, printed on both sides of the vehicle. The County emblems, that are printed on both sides of the vehicle, SHALL contain the Bastrop County logo, the title of the Department or Office in which the vehicle is being utilized for, and the entire emblem must be plainly legible at a distance of NOT less than 100 feet. This is a requirement of Texas Transportation Code Sec. 721.004. Bastrop County Sheriff's Office is exempt from this requirement under Texas Transportation Code Sec. 721.005. Any other Bastrop County Department listed in the possible exemptions under Texas Transportation Code Sec. 721.005 that would like to alter this policy for their Bastrop County owned vehicle, SHALL submit a request to the Bastrop County Commissioner's Court, as an agenda item for discussion and possible action, and if approved SHALL submit the Commissioner's Court minutes as backup for their request to purchase a new vehicle.

All Bastrop County Vehicles and equipment SHALL have a fixed asset number, in the form of a black sticker, attached to both the driver and passenger sides of the vehicle or equipment. No

unauthorized stickers, decals or emblems will be placed on County vehicles or equipment. Authorized identification decals and/or emblems shall be placed on the vehicles and equipment in a consistent manner by the Bastrop County Fleet Manager.

7. **Authorization to Ride in County Vehicles:** Authorization for non-County employed passenger(s) to ride in a county vehicle is based on business necessity. Upon authorization by the Bastrop County Judge, the non-County employed passenger(s) may need to sign a release of liability based on the nature of the business.
8. **Citations:** County Employees are responsible for paying any violation(s) fines out of their personal funds for traffic citations received while operating a Bastrop County vehicle or their personal vehicle for County business. **BASTROP COUNTY WILL NOT PAY ANY CITATIONS RECEIVED BY AN EMPLOYEE.**
9. **Driver Training:** Human Resources shall arrange for Bastrop County Employees who drive a County vehicle or their own vehicles to conduct county-related business to attend a two-hour online Drivers Safety Course (no less than every three years) at no cost to the employee. Additionally, Human Resources may require drivers who demonstrate questionable driving capabilities, habits or are involved in a preventable accident to attend driver training. All Drivers will receive a Driver Safety Score on a monthly (Calendar month) basis using the driver information in the Telematics Driver Tracking System. The target driver safety score is no less than 85%.
10. **Notification:** Bastrop County Employees who operate any County vehicle as defined in this policy in the course and scope of their employment must notify Human Resources:
  - a. When they have renewed their Drivers' License/CDL and provide a copy of their renewed license to their Supervisor and the HR.
  - b. If they are prescribed a medication that could impair their ability to operate a motor vehicle or equipment.
  - c. When their driver's license becomes invalid or suspended for any reason. Such County Employees will immediately be prohibited from operating any vehicles on County business.
  - d. Bastrop County Employees have a duty to report any information/event that potentially affects their ability to comply with this policy. This duty to report information/events applies to both on and off duty tickets, incidents or accidents. All reportable events must be reported to the Employee's Supervisor immediately during regular working hours or by the next working day, if after hours and any accidents must be reported to the Bastrop County Purchasing Department within 24 hours. Drug and alcohol violations by a CDL operator, even if off-duty, must be reported to the Federal Motor Carrier Safety Administration (FMCSA) by Human Resources. Notice to Human Resources must be in writing and include:

- Driver's full name and license number;
- Date of the incident;
- Nature of the violation;
- Whether or not the violation was committed in a commercial vehicle; and
- Location of the offense.

\*Note: All Bastrop County vehicles have a Bastrop County Accident/Incident Report and a Bastrop County Accident Checklist located in them and shall be utilized by the Employee in the event of an accident or incident.

### 4.3 TELEMATICS SYSTEM

1. **Driver Safety Score:** The Telematics Driver Tracking System Safety Score is an assigned number (between 0 and 100) that determines how safe a driver has performed on a daily basis for the duration of a calendar month. Drivers are assigned a Driver Safety Score of 100 at the beginning of each month and the score is adjusted according to their driving habits. Harsh driving and speeding incidents lower this score. A harsh driving event is a type of event that could create an unsafe driving experience, such as hard braking or harsh cornering. These events are identified and classified as normal, moderate, or severe by a computer algorithm based on a number of factors including:
  - a. Acceleration and deceleration
  - b. Speed of the vehicle at the start and end of the event
  - c. Vehicle type
  - d. Event duration
2. **Examples of hard braking events:**
  - a. If a vehicle traveling 40 mph (64 km/h) slows by 5 mph (8 km/h) in 1 second, it may trigger a normal hard braking event.
  - b. If a vehicle traveling 40 mph (64 km/h) slows by 7 mph (11 km/h) in 1 second, it may trigger a moderate hard braking event.
  - c. If a vehicle traveling 40 mph (64 km/h) slows by 9 mph (14 km/h) in 1 second, it may trigger a severe hard braking event.
3. **Reporting:** Any severe harsh driving event recorded will be sent to the employees' supervisor for immediate review and action. Should any employee receive a severe harsh driving alert for driving

10MPH or over the posted speed limit for more than three (3) consecutive minutes, that employee is subject to the corrective actions listed above.

**TAMPERING WITH THE COMMISSIONER'S COURT APPROVED TELEMATIC SYSTEM IN ANY COUNTY VEHICLE IS A VIOLATION OF THE BASTROP COUNTY VEHICLE POLICY AND MAY RESULT IN DISCIPLINARY ACTIONS UP TO AND INCLUDING TERMINATION.**

**ALL BASTROP COUNTY OWNED VEHICLES WITH "EXEMPT" LICENSE PLATES SHALL BE EQUIPPED WITH A TRACKING AND/OR VIDEO RECORDING SYSTEM.**

## **4.4 VEHICLE MAINTENANCE & INSPECTION**

1. **Maintenance:** Vehicle operators will report any needed repairs, maintenance, or other conditions requiring fleet service work to their supervisor. In order to maintain a safe fleet, departments will adhere to the fleet maintenance schedule for all assigned vehicles. The invoices for any work done on county vehicles and equipment SHALL be forwarded to the Bastrop County Fleet Manager.
2. **Fuel Cards:** Fuel cards are assigned to each county vehicle and each County Employee that is considered a driver will be issued a PIN in order to be able to utilize the vehicle or equipment assigned fuel card. Employees can use their PIN with any Bastrop County vehicle or equipment fuel card. Fuel cards are not to be used to fill up any non-County vehicle or equipment. Fuel Cards are vehicle or equipment specific and cannot utilized with another county vehicle or equipment. Fuel cards are to be used to pay for maintenance, tires and safety equipment such as windshield wipers.
3. **Inspections:** Drivers/Operators are responsible for pre-trip and post-trip inspections (checking fluids, lights, etc.). A pre-trip/ post-trip inspection checklist will be provided by the department. Drivers/Operators are responsible for cleanliness of vehicles/equipment.
4. **Tobacco Policy:** Drivers, operators, and/or passengers are prohibited from carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment device, and the lighting of, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind (including, but not limited to, e-cigarettes or vaping devices) in any County owned, leased or maintained vehicles or equipment (See Section 3.5 of the Bastrop County Personnel Manual).
5. **Expectations:**
  - a. Regular Inspections - All county-owned vehicles will undergo regular inspections and maintenance. Employees who are assigned a vehicle must ensure that it is in good working condition.

- b. Reporting Issues - Employees should immediately report any mechanical issues or accidents that may affect the safety or operation of a vehicle. Employees should maintain a log of daily inspections for County vehicle or equipment.
- c. Vehicle Cleanliness - Employees are expected to maintain a clean and organized vehicle interior and exterior (Car wash passes can be obtained from the Purchasing Department).

## **4.5 TAKE HOME VEHICLES**

1. Take home vehicle eligibility is limited to employees that respond to emergency calls from home, are on call-back or stand-by status, and/or is called back to work frequently. Employees must have prior approval from their Department Head/Elected Official before taking Bastrop County owned vehicles home. County employees that have a primary responsibility to respond to emergency situations which require immediate response to protect life or property and/or the County Employee needs a special vehicle and/or carries specialized equipment other than communications equipment in order to perform their work outside of normal working hours may be granted permission to take a County owned vehicle home.
2. All other requests for employees to take County owned vehicles home must be submitted to and approved by the Bastrop County Commissioner's Court.
3. Non-County employees are strictly prohibited from driving any County owned vehicle. Anyone caught allowing a non-county employee to drive a County owned vehicle, will have the vehicle take home privilege revoked and that employee may be terminated.

## **4.6 PERSONAL VEHICLES USED FOR COUNTY BUSINESS**

1. If an employee uses their personal vehicle for county business, the employee is responsible for maintaining the vehicle in safe operating condition.
2. The county may reimburse employees for mileage or fuel costs according to applicable reimbursement rates and policies.
3. Personal vehicle use must be pre-approved by a supervisor or department head.
4. Employees using a personal vehicle on County business shall be required to maintain auto liability insurance of at least the minimum required by state law. If a personal vehicle is damaged while being used for County business, the individual's insurance will remain responsible. All employees

that receive a travel stipend or that request mileage reimbursement shall provide Bastrop County with a certificate of insurance, showing the vehicle coverage and limits.

## **4.7 DISCIPLINARY ACTION**

1. Employees who violate this policy may be subject to disciplinary action, which may include suspension of driving privileges, suspension from duties, or termination depending on the severity of the violation.
2. Any driver that falls below the 85% safety threshold within a calendar month or that receives a severe harsh driving alert (severe harsh driving alert is indicated when a driver is going 10MPH or over the posted speed limit for more than three (3) minutes) will be subject to the following actions:
  - **1<sup>st</sup> offense** – Verbal warning/Coaching from Supervisor
  - **2<sup>nd</sup> offense** – Written warning and driver shall complete a 2-hour online Drivers Safety Course
  - **3<sup>rd</sup> offense** – Final written warning and the driver shall be suspended from work for three (3) days without pay and the employee shall complete an 8-hour defensive driving course. 8-hour defensive driving course must be completed before the employee will be allowed to return to work.
  - **4<sup>th</sup> offense** - Dismissal from Bastrop County

**ALL DRIVING OFFENSES WILL BE CALCULATED ON A ROLLING BASIS FROM THE DATE OF THE FIRST INFRACTION (SAFETY SCORE BELOW 85% FOR ONE (1) CALENDAR MONTH OR A SEVERE HARSH DRIVING ALERT FOR EXCESSIVE SPEEDING) FOR ONE (1) YEAR.**

3. Any Bastrop County employee that defaces, alters (without approval from the Bastrop County Commissioner's Court) or intentionally damages any Bastrop County equipment will be subject to disciplinary actions up to and including termination and may be referred to law enforcement for committing an act of criminal mischief (Texas penal code, chapter 28, section 28.03).

## 5.0 SAFETY

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### 5.1 DRUG FREE WORKPLACE

1. **Policy Statement:** In compliance with the Drug-Free Workplace Act of 1988, Bastrop County has a long-standing commitment to providing a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of our employees, to the security of our equipment and facilities, and to the public. Bastrop County is committed to the elimination of drug and/or alcohol use and abuse in the workplace.
2. **Definitions:**
  - a. County Premises or County Property - includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased, or managed by Bastrop County, or at any site (public or private) on which Bastrop County is conducting business.
  - b. Illegal Drug - means any drug in any detectable amount:
    - which is not legally obtainable, or;
    - a prescribed drug not being used for the prescribed purpose, or;
    - a prescribed drug not being used by the Prescribed person, or;
    - any over-the-counter drug being used at a dosage level different than recommended by the manufacturer.
  - c. Alcohol - means an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
  - d. Drug Paraphernalia - includes any product or material that is used or intended for use in introducing into the human body an illegal drug, or that is used for concealing illegal drugs.
  - e. Under the Influence - means a breath alcohol concentration of .04 or greater, or a confirmed positive drug test result for illegal drugs under this policy. In addition, it includes the misuse of legal drugs where there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment. It also includes actions, appearance, speech, or bodily odors that indicate the employee's lack of normal mental or physical faculties, which would reasonably cause a supervisor to conclude that such employee is impaired because of alcohol or drug use.

- f. Medical Review Officer (MRO) - means a licensed M.D. or D.O. or approved testing facility with knowledge of drug abuse disorders that is employed, contracted with, or used by Bastrop County to conduct drug and alcohol testing in accordance with this policy.
- 3. **Policy:** This policy applies to all employees of Bastrop County regardless of rank or position and includes temporary and part-time employees. In addition, employees who are required to possess a Commercial Driver's License (CDL) are subject to other, specific policies and requirements as described in Section 5.2 of this policy manual.

**Employees who violate this policy are subject to disciplinary action up to and including termination.**

- 4. Whenever employees are working in their capacity as a Bastrop County employee, are operating any Bastrop County vehicle or equipment, are present on Bastrop County property or premises, or are conducting Bastrop County-related business off-site, they are prohibited from:
  - a. The use, possession, manufacture, distribution, dispensing, sale, or purchase of an illegal drug (including possession of drug paraphernalia);
  - b. The possession or consumption of alcohol;
  - c. Being under the influence of alcohol or illegal drugs. Employees should report to work fit for duty and free of any effects of illegal drugs or alcohol;
  - d. The unauthorized use or possession of prescription or over-the-counter drugs.
  - e. The use or possession of prescription drugs not prescribed for the employee.
- 5. This policy does not prohibit employees from the lawful use and possession of prescribed medications for them. Employees must, however, consult with their medical providers about the medications effect on the employee's ability to perform their job duties safely. Any work restrictions due to the use of legally prescribed medication must be promptly disclosed to the employee's supervisor in writing. Employees should not disclose underlying medical conditions unless directed by their medical provider to do so. All medical information will be kept confidential, and any breach of privacy in this regard shall be a violation subject to disciplinary action up to and including termination. Employees taking prescribed medication must carry that medication in a container labeled by a licensed pharmacist.
- 6. The use, sale, purchase, transfer, or possession of an illegal drug or drug paraphernalia is a violation of the law. As such, Bastrop County will report information concerning such violations and turn over any illegal drugs or paraphernalia to law enforcement officials. Bastrop County reserves the right to inspect all portions of its premises for drugs, alcohol, or drug paraphernalia.

Searches of employees will be based on reasonable suspicion, and may include employees' county owned vehicles, county property, storage and work area. Bastrop County will cooperate fully in the prosecution and/or conviction of any violation of the law.

7. Bastrop County recognizes employee's off-the-job involvement with drugs and/or alcohol may have an impact on the workplace. Employees are required to report, in writing, to their supervisor or Department Head within five (5) days, any of the following incidents:
  - Employee receives a citation for a drug or alcohol-related infraction which occurs during the employee's off-duty hours, if the citation will have an impact upon the employee's ability to perform assigned duties (such as the loss/suspension of driving privileges); or
  - Employee is: (a) cited for an infraction while on duty or (b) arrested for any misdemeanor or felony; or
  - Employee is: convicted of, pleads guilty or nolo contendere to, or is sentenced for a crime involving an illegal drug or alcohol.

Failure to report in accordance with the above shall be considered a violation of this policy and will subject the employee to discipline, up to and including termination.

#### 8. **Required Testing:**

- a. Pre-Employment - Applicants may be required to pass a drug test after receiving a conditional offer of employment (NOTE: all applicants for jobs requiring a commercial driver's license WILL be required to submit to pre-employment testing.) Refusal to submit to pre-employment drug testing, or a positive result from such testing, will disqualify the applicant and another candidate will be selected.
- b. Random - Bastrop County reserves the right to require random drug testing of all employees who operate County-owned vehicles or equipment. Additionally, all employees of Bastrop County Sheriff's Office and Correctional Facility, and all employees of Bastrop County Animal Control are subject to random testing. Other departments may be included at the request of the Elected Official or Department Head. Random testing will be performed no less than four (4) times per calendar year, with the selection of names to be provided by the Human Resources Department using computer software designed for this specific purpose. Employees who are selected for testing will be required to proceed immediately to the testing facility.
- c. Reasonable Suspicion - Employees are subject to testing based upon observations by their supervisor(s) which lead them to suspect drug and/or alcohol use or impairment. These determinants will be reviewed by the employee's Department Head and District Attorney's office. If such observations indicate the need for testing, the employee's Department Head will

notify Human Resources and arrangements will be made for a drug and/or alcohol test for the involved employee. Under no circumstances will the employee be allowed to drive themselves to the testing facility. The employee will not be allowed to return to work until the results of the test are available for review by the County's designated Medical Review Officer.

When an employee begins to show a pattern of deteriorating job performance, the supervisor will take a series of steps over a period of time, each of which requires full documentation. Substance abuse can affect an employee's job performance and supervisors must be aware of them. Supervisors need to watch for and document the following if they appear as part of a pattern:

- **General Trends:**

- Excessive absenteeism; peculiar excuses for absences;
- Excessive use of sick leave, particularly for minor illnesses;
- Frequent absences on Fridays, Mondays, paydays, or after holidays Excessive tardiness, especially at lunchtime;
- Long breaks, frequent trips to the restroom, break area, or parking lot;
- Frequent early departures from work;
- Higher than normal accident rates, both on and off the job;
- Complaints from co-workers;
- Overreacting to real or imagined criticism;
- Changes in appearance, such as flushed face, red or bleary eyes, carelessness in appearance, hand tremors;
- Making untrue statements;
- Tracking or needle marks on the arms.

- **Performance-Related Trends:**

- Inconsistent work patterns or disruption of work patterns;
- Missing deadlines, decreasing reliability;
- Confusion, procrastination, memory gaps;
- Tendency to neglect details not previously neglected;
- Friction with co-workers, placing blame on others;
- Errors due to inattention or poor judgment;
- Making consistently poor decisions;

- Requesting different job assignments;
- Seeking loans from co-workers;
- Wasting office supplies or materials due to errors;
- Poor service to public, complaints from public;
- Decreased productivity or quality of work;
- Morale problems, unacceptable behavior.

\*Some types of behavior do not have to be part of a ‘trend’ in order to create a reasonable suspicion of drug and/or alcohol use:

- Accidents involving injury and/or property damage;
- Slurred speech;
- Alcohol odor on breath;
- Unsteady walking and movement; Verbal and/or Physical altercations;
- Unusual behavior;
- Possession of alcohol and/or drugs;
- Information obtained from a reliable person with personal knowledge that the employee may be under the influence of drugs and/or alcohol.

- d. Post-Accident - All Bastrop County employees are subject to drug and/or alcohol testing, they are involved in an incident/collision resulting in damage. The accident investigation performed by law enforcement and/or all drug and alcohol testing required in such instances should occur within two (2) hours of the accident. The employee will be accompanied to the testing facility by their Department Head/Elected Official or designee. Under no circumstances will the employee be allowed to drive him/herself to the testing facility.
  - e. Follow-Up - Employees who have tested positive for drugs and/or alcohol or have otherwise violated this policy, are subject to disciplinary action up to and including discharge. Depending on the circumstances and the employee’s work history/record, Bastrop County may offer such employees the opportunity to continue employment on a “last chance” basis, pursuant to the employee’s participation in substance abuse counseling & treatment, and the successful completion of follow-up drug testing at times and frequencies determined by the County, for a minimum of one (1) year but not more than two (2) years; as well as the employee’s waiver of any right to contest termination resulting from a subsequent positive test.
9. Employees who refuse to cooperate when requested by Bastrop County to participate in drug and/or alcohol testing will be subject to the same consequences as if they had received a positive

test result. Employees to be tested will be required to sign a consent form provided at the testing facility.

10. Employees who are requested to participate in drug and/or alcohol testing shall be driven to a Bastrop County designated facility and directed to provide specimens. For alcohol, testing may be done on breath, blood, or saliva, at the County's discretion. In the instance of a positive test result, an evidentiary confirmation test (breath or blood) will be arranged as quickly as possible. The results of the confirmatory test shall be determinative. Drug testing will screen (at a minimum) for evidence of marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). In the case of a positive or inconclusive drug test result, the specimen will be sent to a state-certified laboratory to be tested, at the County's expense. There shall be a chain of custody from the time specimens are collected through testing and shipment to the confirmation laboratory.
11. The provider with whom Bastrop County has contracted as its Medical Officer will, with regard to non-DOT alcohol and drug testing, be designated as the County Medical Review Officer (MRO). The MRO will receive the results of drug tests which are sent out for confirmation as discussed in Item 7, above. If such confirmation does not find evidence of drug use, the employee will be treated as having had a negative test result. Employees who receive confirmed positive test results will have the opportunity to discuss the test with the MRO, to rebut or explain the results.
12. Confirmed positive test results and any related information shall be communicated by the MRO to the Human Resources Department. The Human Resources Director will be responsible for contacting the employee's Department Head or Elected Official to review the situation and provide guidance as needed. A positive test result for alcohol or an illegal drug will result in disciplinary action, up to and including termination.
13. Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among management and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.
14. Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status, and shall not constitute nor be deemed a contract or promise of employment.

## 5.2 ALCOHOL/DRUG TESTING – CDL

1. **Policy Statement:** Bastrop County considers the safety and health of its employees to be of utmost importance. This policy reflects the County's compliance with the Department of Transportation's (DOT) Employee Alcohol and Controlled Substance Testing Requirements under the rules of the Omnibus Transportation Employee Testing Act of 1991. These requirements are found in 49 CFR parts 40 and 382. 5.2 is an adjunct policy to Policy 5.1 and applies specifically to those County employees who are required to maintain a Commercial Driver's License as a condition of their employment.
2. **Definitions:**
  - a. Commercial Motor Vehicle (CMV) - A motor vehicle or combination of motor vehicles used to transport passengers or property if the vehicle:
    - has a gross combination weight rating of 26,001 or more pounds (including a towed unit with a gross vehicle weight rating of more than 10,000 pounds); or
    - has a gross vehicle weight rating of 26,001 or more pounds; or
    - is designed to transport 16 or more passengers, including the driver; or
    - is of any size and is used in the transportation of a placard amount of hazardous materials.
  - b. Driver - is any person who operates a commercial motor vehicle (CMV), including full-time, regularly employed drivers; casual, intermittent, or occasional drivers; and leased drivers or independent owner-operator contractors; and for the purposes of this policy, any employee who is required to acquire, possess, and/or maintain a Commercial Driver's License (CDL).
  - c. Safety-sensitive Function - means all time, from the time a driver begins to work or is required to be in readiness for work, until the time he/she is relieved from work and all responsibilities for performing work.
    - A CDL employee is performing a safety-sensitive function at the following times:
      - All time on county property, public property, or other property waiting to be dispatched to drive,
      - All time inspecting, servicing or conditioning any CMV at any time,
      - All CMV driving time,
      - All time other than driving time in or upon any CMV,

- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded,
  - All time spent performing driver requirements relating to accidents, and
  - All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
3. **Policy:** This policy applies to all employees of Bastrop County regardless of rank or position, who are required to acquire, possess, and/or maintain a Commercial Driver's License (CDL) as a condition of employment.

**Employees who violate this policy are subject to disciplinary action up to and including termination.**

4. Whenever employees are working in their capacity as a Bastrop County employee, are operating any Bastrop County vehicle or equipment, are present on Bastrop County property or premises, or are conducting Bastrop County-related business off-site, they are prohibited from:
- a. The use, possession, manufacture, distribution, dispensing, sale, or purchase of an illegal drug (including possession of drug paraphernalia);
  - b. The possession or consumption of alcohol;
  - c. Being under the influence of alcohol or illegal drugs. Employees should report to work fit for duty and free of any effects of illegal drugs or alcohol;
  - d. The unauthorized use or possession of prescription or over-the-counter drugs.
  - e. The use or possession of prescription drugs not prescribed for the employee.

5. **Required Testing:**

- a. Pre-Employment - This test is required and negative results must be received before a driver is allowed to perform a safety-sensitive function. Applicants will be required to pass a drug test after receiving a conditional offer of employment. Refusal to submit to pre-employment drug testing, or a positive result from such testing, will disqualify the applicant and another candidate will be selected.
- b. Random - This unannounced testing is based on a random selection of drivers. The names of drivers who are selected for testing must be kept confidential until such time that the County notifies the driver to take the test. Once the driver is notified, the driver must immediately proceed to the testing location and undergo testing. Random alcohol testing is also required;

however random alcohol tests must be administered just prior to a driver performing a safety-sensitive function, while performing a safety-sensitive function, or just after performing a safety-sensitive function. The selection of names to be tested randomly is to be provided by the Human Resources Department using computer software designed for this specific purpose.

- c. Reasonable Suspicion - Employees are subject to testing based upon observations by their supervisor(s) which lead them to suspect drug and/or alcohol use or impairment. Reasonable Suspicion determinants are found in Policy 5.1. These determinants will be reviewed by the employee's Department Head and District Attorney's office. If such observations indicate the need for testing, the employee's Department Head will notify Human Resources and arrangements will be made for a drug and/or alcohol test for the involved employee. Under no circumstances will the employee be allowed to drive themselves to the testing facility. The employee will not be allowed to return to work until the results of the test are available for review by the County's designated Medical Review Officer
- d. Post-Accident - This test must be administered to all drivers who:
  - are involved in an incident/collision that results in damages to a Bastrop County vehicle, to Bastrop County equipment or to Bastrop County property; or
  - are involved in an accident/incident that requires a vehicle being towed; or
  - are involved in an accident/incident which results in an injury requiring medical attention away from the scene; or
  - are involved in a vehicular accident/incident which results in a fatality.

\*NOTE: The accident investigation performed by law enforcement and testing required in such instances must occur within two (2) hours of the accident (alcohol testing) or thirty- two (32) hours for drug testing. A driver subject to post-accident testing must remain available for testing; not doing so is considered as a refusal to test. The department head and/or direct supervisor will drive and accompany the employee to the testing facility. Under no circumstances will the employee be allowed to drive him/herself to the testing facility.

- e. Return-to-Duty and Follow-Up - Drivers who have tested positive for drugs and/or alcohol or have refused to take a drug or alcohol test, must submit to return-to- duty testing and receive negative test results before performing a safety-sensitive function. There are also referral, evaluation, and treatment requirements that must be met. Follow-up testing is required for drivers who have tested positive for drugs and/or alcohol, or refused to take a drug or alcohol test, at a minimum of six (6) tests in the first year following return to a safety-sensitive position, but for not more than five (5) years. Drivers waive any right to contest termination resulting from a subsequent positive test.

6. Drivers will be tested under this Policy in a manner consistent with regulations established and in place by the Federal Motor Carrier Safety Administration.
7. The provider with whom Bastrop County has contracted to perform DOT-compliant alcohol and drug testing, will provide access to their Medical Review Officer (MRO) for any driver who receives a positive test result. Drivers with confirmed positive test results will have the opportunity to discuss the test with the MRO, to rebut or explain the results.
8. Confirmed positive test results and any related information shall be communicated by the MRO to the Human Resources Department. The Human Resources Director will be responsible for contacting the employee's Department Head and/or the employee's direct supervisor to review the situation and provide guidance as needed. A positive test result for alcohol or an illegal drug will result in disciplinary action, up to and including termination.
9. Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among management and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.
10. Under DOT-compliant policy, Bastrop County is required to advise drivers who have received a confirmed positive test of the available resources for evaluation and treatment, including names, addresses, and telephone numbers of substance abuse professionals, counseling centers, and treatment programs. Bastrop County is not required to pay for rehabilitation or to hold a job open for an employee, with or without pay.

### 5.3 IDENTIFICATION BADGE/ ACCESS CARD

1. **Overview:** It is the intention of Bastrop County to provide a safe work environment for all County employees. The County is also committed to eliminating the access of non-County employees to non-public workspaces; increase the accountability and ease of facility usage; provide County employees with an increased level of awareness; call attention to suspicious persons; and encourage County employees to verify an individuals' right to access non-public workspaces.
2. **Purpose:** To provide a consistent methodology for identifying County personnel, provide additional means of establishing and maintaining a safe work environment; provide a safe environment for the public use of County facilities; and to protect County property.

### **3. Procedures:**

- a. Badges are issued free of charge by the Human Resource Department on the employees' first day of work. The badge will be imprinted with the employee's name, department, and photograph.

\*NOTE: Employees may be charged a fee for the replacement of a lost, stolen or damaged badge. Under no circumstances will an employee be given a replacement badge without first being verified as an active employee with non-public area access rights.

- b. The management and return of badges fall under the authority of the Human Resource Department. Badges must be surrendered to the Human Resource Department upon termination of employment and prior to the issuance of the employee's final paycheck.

### **4. Employee Responsibilities:**

- a. All employees must have and visibly display a valid ID badge while on County property.
- b. Badges must be displayed at or above the waist, with the employee's picture facing out, on the outside of the employee's clothing. If an employee's badge is not visible, they may be asked to display it properly. If an employee is asked to show their badge, they must do so willingly. Employees refusing to display their badge should be reported to Courthouse Security immediately.
- c. Employees must report a lost, stolen, or misplaced badge to the Human Resource Department immediately.
- d. Employees that lose, have stolen, damage or forget their badge must obtain a replacement badge at the Human Resource Department as soon as possible. Employees may be charged a fee for the replacement of a badge.
- e. If an employee's name or department changes, a new employee identification badge will be issued by the Human Resource Department.
- f. Employees may not provide their badge for unauthorized access to another employee, visitor, guest, relative, etc. who does not have a badge. Employees caught providing unauthorized access may be subject to disciplinary action, which could include termination.
- g. Falsifying, altering or tampering with a badge is a violation of County policy and may be cause for disciplinary action.

- h. County employees should challenge anyone who is not properly badged. Please notify Courthouse Security immediately when this happens.

**5. Care of Badge:**

- a. Badges should be kept from extreme heat which may warp them (example – do not leave a badge on the dashboard of a car in hot weather).
- b. Avoid exposing the card to excessive moisture which may also cause damage to the badge (example – be sure to remove the badge from clothing before laundering).
- c. Do not bend the badge.

## **5.4 AED & CPR TRAINING**

1. **Purpose:** The purpose of this policy is to ensure that Bastrop County employees are adequately trained in the use of Automated External Defibrillators (AEDs) and Cardiopulmonary Resuscitation (CPR) to enhance the safety and well-being of employees, residents, and visitors in emergency situations. Bastrop County is committed to providing a safe environment for the public and its employees. In alignment with this commitment, AEDs will be strategically placed in designated County facilities, and employees will be provided with CPR and AED training consistent with standards set by the American Heart Association (AHA) or equivalent certifying body.
2. **Definitions:**
  - a. AED (Automated External Defibrillator) - A portable electronic device that automatically diagnoses and treats life-threatening cardiac arrhythmias.
  - b. CPR (Cardiopulmonary Resuscitation) - A lifesaving technique used in emergencies involving cardiac arrest or respiratory failure.
  - c. Designated Responders - Employees identified and trained to respond in an emergency involving CPR or AED use.
3. **Responsibilities:**
  - a. Human Resources
    - Ensure all staff are trained and certified in CPR and AED use.

- Maintain updated lists of trained personnel.
- Ensure AED units are properly maintained and inspected by the Vendor.
- Schedule and oversee regular AED and CPR training and certification sessions.
- Maintain training records and certification status of employees.
- Ensure compliance with state laws.

b. Employees

- Attend scheduled CPR and AED training sessions.
- Maintain active certification as required by Bastrop County.
- Report any use of AED equipment or observed maintenance issues.

**4. Training Requirements:**

- a. All Bastrop County employees must complete CPR and AED certification through an approved training provider. (Trainings are scheduled by HR).
- b. Training must be renewed every two years or sooner.
- c. New employees in applicable roles must complete the first available training from the time of hire.

**5. Incident Reporting:**

- a. All AED uses or CPR incidents must be reported to the HR Office within 24 hours.
- b. An incident report must be filed, and a review shall be conducted to assess response effectiveness.
- c. Psychological support and counseling services are available through the County's Employee Assistance Program (EAP). For more information or to access these services, employees may contact the Human Resources Office.

## 6.0 ATTENDANCE & LEAVE

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### 6.1 ATTENDANCE & TIMELINESS

1. **Policy Statement:** Each individual employee's absenteeism and tardiness places a burden on other employees and the department. Bastrop County taxpayers rightfully expect County employees to honestly, diligently, and consistently work to earn the wages and benefits they receive. As an employer, Bastrop County expects that all employees will be punctual and regular in their attendance and considers regular attendance an Essential Function of all jobs.
2. **Policy Guidelines:**
  - a. Attendance - All employees should report to work on their scheduled workdays, unless prior approval for leave has been given by the employee's supervisor, or the employee is unable to report for work due to circumstances beyond their control. In an instance where an employee has not provided proper notification regarding their absence for two (2) consecutive days of absence, the employee will be considered to have abandoned their position and will be terminated.
  - b. Arrival and Departure Time - All employees should be at their assigned workplace and ready to begin work in accordance with the starting time established for their position, unless prior approval for leave has been given by the employee's supervisor, or the employee is unable to report for work on time due to circumstances beyond their control. Employees are expected to perform their assigned duties for the duration of their workday, and should remain at work until their scheduled departure time unless prior approval to leave early has been given by their supervisor.
  - c. Notification - See the appropriate section of this Policy Manual (Vacation, Sick Leave, etc.) for information regarding correct notification procedures for use of leave. In general, for absences which have not been pre-approved by the supervisor, employees are expected to contact their supervisor directly via department procedure. At a minimum, this contact should occur no less than 30 minutes prior to the employee's scheduled start time; however, individual Department Heads may establish their own notification rules according to the business needs of their area; employees are expected to adhere to the policies set by their Department Head with regard to this issue. Failure to provide proper notification may result in disciplinary action up to and including termination.
  - d. Excused and Unexcused Absences - Absence from work is considered 'excused' if it is taken in accordance with Bastrop County leave usage policies (Vacation, Sick, etc.).

Unexcused absences are those which occur when proper notification is not provided by the employee to their supervisor, or; when a request for leave has been denied but the employee takes off anyway, or; when an employee is absent having exhausted all of their accrued leave hours\* (leave without pay). In addition, there may be other instances, such as patterns of Sick Leave usage in conjunction with assigned days off (for example, Monday/Friday), which would result in an absence being classified as unexcused.

*\* Exception: Absences covered by FMLA are not considered unexcused.*

- e. Excessive Absences - Absences as defined in section 6.1 subsection 2b, which include late arrivals and early departures, will be considered excessive in any of the following instances:
- the absences have a detrimental effect on the Department due to factors such as backlogged work, causing other employees to have to work overtime or take on additional work to cover the absent employee's duties, etc., and/or;
  - the number of unexcused absences in any 6-month period exceeds 5, and/or;
  - an employee has more than one instance of leave without pay in a 12-month period (with the exception of FMLA leave).

Excessive absence is considered a violation of policy and will result in disciplinary action, up to and including termination.

## 6.2 HOLIDAY

1. **Holiday Leave:** All Bastrop County full-time and part-time regular employees are entitled to designated County holidays with pay. Holidays are designated and authorized by the Commissioner's Court, and may change each year. Temporary employees are not authorized to receive compensation, compensatory time, or any benefits associated with holiday leave.
2. **Use or Lose:** Holiday Leave allocated during any fiscal year is "use it or lose it". Any such leave which has not been used as of September 30 of each year is lost, and does not carry over to the new fiscal year.
3. **Payroll Calendar:** The Human Resources Department will maintain a master payroll calendar which includes holidays that have been approved by the Commissioners Court. This calendar will be distributed to all departments upon update each year.

#### 4. **Holiday Allocation:**

- a. Full-time employees will be eligible to receive eight (8) hours of holiday pay for the number of holidays approved by the Commissioner's Court.
- b. Part-time employees will be eligible to receive holiday pay for the number of holidays approved by the Commissioner's Court, based on their FTE (full-time equivalent) percentage. The number of hours will be calculated by multiplying this FTE percentage by the number of approved holidays. For example, an employee whose normal schedule is 20 hours per week is a .5 FTE employee; thus they would be eligible for 50% of the number of holiday hours granted to a full-time employee.
- c. If an employee's regularly scheduled work shift requires them to work on an official holiday, or an employee is called in to work because of emergency or special needs of the County, he/she will be paid for that day of work and will be allowed to use the hours allocated for the holiday at a later time. (In the event of an emergency, see section 7.3, subsection 4c Scheduling and Pay).

5. **Holiday Usage:** All employees will observe Holidays as designated by the Commissioner's Court. Employees who are scheduled to work on an approved holiday will be paid for that day of work and will be allowed to use the hours allocated for the holiday at a later time. Holiday time may not be used in advance.

**\*Note: Holiday hours do not carry over from one fiscal year to another and must be used during the current fiscal year. Holiday hours not used within the same fiscal year will be forfeited.**

- a. Overtime - Holiday leave taken is not considered time worked for the purpose of calculating overtime.
- b. Employees on Leave - An employee on authorized vacation leave will not be charged vacation leave for a holiday that occurs while the employee is on vacation. Employees on approved vacation leave during an observed holiday will substitute holiday leave for vacation leave on their timesheet.
- c. Leave Without Pay - An employee who is in an unpaid status on a scheduled day immediately before or after a holiday shall not be paid for the holiday. Furthermore, any hours allocated for the holiday will be deducted from the total holiday hours allocated at the beginning of the fiscal year.

- d. Other Holidays Not Observed - Time off without pay may be approved for employees who desire to observe other holidays which are not recognized by the County. Employees must submit timely requests to their supervisor. (Note: A timely request should be at a minimum three business days prior to the date requested.) Supervisors should approve requests provided there are no undue hardships that will occur in the absence of the employee.
6. **Employees hired during the Fiscal Year:** Employees who are hired during the fiscal year shall be credited with the appropriate number of Holiday hours, commensurate with the number of holidays remaining on that year's schedule as of the employee's date of hire.
7. **Employees who change status during the Fiscal Year:** Employees who make a non- temporary change from full-time to part-time status (or vice-versa) during the fiscal year will have their Holiday leave hours adjusted accordingly, based on the number of Holidays remaining in the fiscal year at the time of the status change.
8. **Employee Terminations or Resignations:** Allocated but unused holiday leave will be paid to a departing employee at the discretion of Bastrop County. An employee who is voluntarily terminating employment must give two (2) weeks' notice of ending employment to be eligible to receive pay for unused Holiday leave at the time of resignation of employment. When approved for payout:

\*Note: Pay for Holiday leave shall be based on the number of Holiday hours used and the number of Holidays observed. Pay will be given when the hours used are less than those observed and for those hours only. Holiday leave payout will not include pay for the total remaining hours from the allocation at the beginning of the fiscal year (as defined in Paragraph 4c of this section).

## 6.3 PERSONAL DAY

1. **Personal Days:** A set number of "Personal Days" (time off with pay) may be authorized on an annual basis by the Commissioner's Court and may change each year. Regular full-time and part-time employees are eligible for this benefit. Temporary employees do not receive Personal Day leave.
2. **Use or Lose:** Personal Day leave allocated during any fiscal year is "use it or lose it". Any such leave which has not been used as of September 30 of each year is lost and does not carry over to the new fiscal year.
3. **Calculation of Personal Day Leave Hours:** For full-time employees, Personal Day leave hours are calculated by multiplying the number of hours in one full shift of an employee's regular schedule (8, 10, or 12) by the number of Personal Days authorized for that year.

For part-time employees, Personal Day leave hours are calculated by multiplying the number of Personal Days authorized for the year by 8 and then multiplying the result by the employee's FTE (full time equivalent) percentage.

**EXAMPLE:**

For a year in which the Commissioner's Court grants 3 Personal Days, and for an employee who works 20 hours per week, FTE is 50%:

Multiply 8 by the number of Personal Days (3) = 24 Hours

Multiply the result by the FTE %: 24 hours \* 50%

= 12 hours of Personal Day leave for that year.

4. **Use of Personal Day Leave:** Employees may use Personal Day leave at any time with the prior approval of their supervisor. Personal Day leave is not considered time worked for the purpose of calculating overtime.
  - a. Personal Day leave may be used in a minimum of quarter hour (.25) increments. Any unused Personal Day leave at the end of the fiscal year will be lost.
  - b. All Personal Day leave use must be pre-approved by the employee's department head or supervisor. Department heads or supervisors will attempt to grant leave as requested; however, approval is based solely on the operational needs of the County.
5. **Employees hired during the Fiscal Year:** Employees who are hired during the fiscal year shall be credited with a prorated number of hours, based on the date of hire, according to the following formula: [Number of Personal Day Leave Hours which would have been granted the newly hired employee for a full year, using the calculations described in paragraph 3 of this policy] divided by 12, multiplied by [Number of months remaining in fiscal year, inclusive of hire date month].
6. **Employees who change shifts or status during the Fiscal Year:** No adjustments to Personal Day leave hours will be made for employees whose regularly scheduled number of hours per shift changes during the Fiscal Year. For employees whose status changes from full- time to part-time (or vice-versa), Personal Day leave hours may be adjusted accordingly at the discretion of the employee's supervisor.
7. **Employee Terminations or Resignations:** Unused Personal Day leave may be paid to a departing employee at the discretion of Bastrop County. An employee who is voluntarily terminating employment must give two (2) weeks' notice of ending employment to be eligible for payout of unused Personal Day leave at the time of resignation of employment. When approved for payout, the departing employee will receive the LESSER OF the amounts below:

- a. An amount calculated by multiplying the employee's unused Personal Day leave hours by their current hourly rate of pay;

OR

- b. An amount calculated by:

**Step 1** – Using the employee's total Personal Day leave hours for the current fiscal year, divide by 12; multiply result by the number of months worked by the employee during the current fiscal year, inclusive of the resignation month; then:

**Step 2** – multiply the hours calculated in Step 1 by the employee's current hourly rate of pay.

## 6.4 VACATION

1. **Vacation Leave Policy:** This policy establishes uniform guidelines for providing paid time off (vacation leave) to regular employees. Vacation leave is not a right, it is a benefit provided by Bastrop County and as such, the use of this leave is subject to departmental operational needs. Therefore, any vacation leave usage must have the prior approval of the department head or supervisor.
2. **Eligibility:** All non-temporary employees are eligible to accrue vacation hours upon employment with the County;
3. **Vacation Leave Accrual Rates:** All eligible employees will accrue vacation hours as follows:

- a. **Full-Time Employee Vacation Leave Accrual**

Years of Service	Hours Per Month	Maximum Accrual
0 – 3 years	7 hours	126 hours
+3 – 5 years	8 hours	144 hours
+5 – 8 years	9 hours	162 hours
8+ years	10 hours	180 hours

- b. **Part-Time Employee Vacation Leave Accrual**

The accrual rate for eligible part-time employees will be calculated by multiplying the full-time accrual rate by the employee's full-time equivalent rate (FTE).

EXAMPLE:

For a part-time employee whose work schedule is 20 hours per week in a position where full time would be 40 hours, FTE is 50%. Assuming this employee has worked for Bastrop County for 4 years, calculate vacation leave by multiplying:

The full-time accrual rate by the FTE %: 8 hours \* 50%= 4 hours of Vacation Leave per month.

**\*Note: The maximum amount of unused vacation hours that may be accrued at any time cannot exceed the amount an employee would normally accrue in an eighteen (18) month period. Accrual in excess of the maximum is not allowed.**

4. **Monthly Leave Accrual:** Vacation leave is allocated at the beginning of each month. Employees must be in a paid status, (i.e. working, on approved leave, etc.), to receive their monthly accrual. Vacation leave may not be used prior to accrual. Regardless of an employee's hire or termination date, an employee shall earn a full month accrual for that month.
5. **Usage and Approval of Vacation Leave:**
  - a. Paid vacation leave may be used in a minimum of quarter hour (.25) increments. Any unused vacation leave at the end of the fiscal year shall be carried over into the next fiscal year, not to exceed the maximum accrual rates established within this policy.
  - b. All vacation leave use must be pre-approved by the employee's department head or supervisor. Department heads or supervisors will attempt to grant eligible employees vacation leave as requested, however, approval is based solely on the operational needs of the County.
6. **Leave Accounting:** Vacation leave balance is the balance as maintained by the payroll system, which is managed by the Human Resource Department. Vacation balances should be monitored by each department's timekeeper and verified by the employee. Specific guidance regarding time reporting procedures can be referenced in the Policy on Time Reporting.
7. **Other Leaves During Vacation Leave Use:**
  - a. **Holidays:** If an approved County holiday occurs while an employee is on approved vacation leave, the holiday shall be considered observed, and the employee's holiday leave will be charged for the appropriate number of hours.
  - b. **Sick Leave Substitution:** If an employee becomes ill or physically incapacitated during the time an employee is on vacation leave, accrued sick leave may be substituted to cover the period of illness. Employees must request substitution of leave through their timekeeper. All

requests must have medical documentation to support the sick leave substitution. (Reference: Policy 6.5, Sick Leave, Section 6)

8. **Payout of Vacation Leave:** Accrued but unused Vacation Leave may be paid to a departing employee at Bastrop County's discretion. To be eligible, an employee must give two (2) weeks written notice of resignation to their Department Head and the Human Resources Department. Vacation leave payout amounts are based on the length of continuous Bastrop County employment as follows:

<b>Less than five (5) years</b>	<b>=</b>	<b>No payout</b>
<b>Five (5) years up to ten (10) years</b>	<b>=</b>	<b>Maximum payout of 45 hours</b>
<b>Ten (10) years up to fifteen (15) years</b>	<b>=</b>	<b>Maximum payout of 90 hours</b>
<b>Fifteen (15) up to twenty (20) years</b>	<b>=</b>	<b>Maximum payout of 135 hours</b>
<b>Twenty (20) years or greater</b>	<b>=</b>	<b>Maximum payout of 180 hours</b>

*\* Payout amounts are calculated using the employee's base hourly rate of pay at the time of separation.*

**Restrictions:** The following restrictions apply with regard to payout of vacation leave:

- a. An employee may not receive vacation leave pay in lieu of taking time off for vacation.
  - b. An employee who has unpaid benefits deductions (such as dependent insurance premiums) will have those deductions applied to their final pay. If the employee is eligible for any type of leave payout, up to 100% of such payout may be used to satisfy the employee's deduction requirement.
9. **Restoration of Prior Leave Balances:** An employee who is rehired by the County after employment has been terminated will not have any previous vacation time restored, and is not eligible to receive prior service credit with the County in calculating the rate of vacation accrual EXCEPT in the following circumstance: the employee was terminated because their position was abolished or due to a reduction in force. In that instance, the employee is eligible for vacation leave balance reinstatement if:
- a. Employee is rehired within six months of the separation.
  - b. Vacation leave was not paid out upon separation (in the case of partial payout, only the unpaid hours may be reinstated).
  - c. Employee had no unpaid obligations at separation.

## 6.5 SICK

1. **Sick Leave Policy:** This policy establishes uniform guidelines for providing paid time off (sick leave) to non-temporary employees for absences related to an employee's personal illness or injury, for annual medical wellness examinations, and for dental or vision examinations and treatments. Sick leave may also be used for illness and well-care in an employee's immediate family (as defined in the Family and Medical Leave Act (FMLA), and expanded to include mother/father-in-law, daughter/son-in-law, and grandchildren).
2. **General Information:** Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other absence(s). Willful misuse of sick leave could result in disciplinary action up to and including termination. An employee may not perform any outside work or engage in any extra duty employment, as defined in Section 2.5 of this policy manual, on the same calendar day(s) that the employee has used paid sick leave.
3. **Eligibility:** An employee is eligible to use sick leave as soon as it is accrued. Accrual begins as soon as an employee is hired; there is no waiting period.
4. **Accrual:** Sick leave is allocated at the beginning of each month to all non-temporary employees who work at least 20 hours per week. Employees must be in paid status (i.e. working on approved leave, etc.) to receive their monthly accrual. Sick leave may not be used prior to accrual. Regardless of an employee's hire or termination date, an employee shall earn a full month accrual for that month.
  - a. Accrual Amounts - Full-time non-temporary employees shall accrue eight (8) hours sick leave per month. For part-time non-temporary employees, sick leave accrual will be calculated by multiplying the full-time accrual rate by the employee's FTE.

### *EXAMPLES:*

*For a part-time employee whose work schedule is 20 hours per week in a position where full time would be 40 hours, FTE is 50%:*

*Multiply the full time accrual rate by the FTE %: 8 hours \* 50%  
= 4 hours of Sick Leave per month*

*For a part-time employee whose work schedule is 30 hours per week in a position where full time would be 40 hours, FTE is 75%:*

*Multiply the full time accrual rate by the FTE %: 8 hours \* 75%  
= 6 hours of Sick Leave per month*

- b. Usage - Paid sick leave may be used in a minimum of one quarter (1/4) hour increments. Any unused sick leave at the end of the fiscal year shall be carried over into the next fiscal year.

Employees shall not be allowed to borrow sick leave against future accruals. Circumstances within the guidelines of the Family Medical Leave Act (FMLA) will be covered by Bastrop County FMLA Policy (Section 7.5 of this Policy Manual).

5. **Notification of request to use accrued Sick Leave:** An employee who is requesting to use sick leave is expected to contact their supervisor directly via telephone or in person. Text messages, email, or contacting a co-worker are NOT acceptable unless documentable attempts to reach the supervisor have failed. This contact should occur no less than 30 minutes prior to the employee's scheduled start time; however, individual Department Heads may establish their own notification rules according to the business needs of their area, and employees are expected to adhere to the policies set by their Department Head with regard to this issue. Failure to provide proper notification may result in disciplinary action up to and including termination.
  - a. Multiple-day absences - If more than one day of sick leave is required, the employee shall be responsible for personally notifying their immediate supervisor or department head of the expected length of the absence on the first day of sick leave if possible. Notification as described in paragraph 5 above, will be required for each day of absence unless the employee has made the supervisor aware that the leave will be for multiple days.
  - b. Non-emergency absences - Approval of sick leave for non-emergency absences, such as scheduled doctor or dentist appointments, should be secured at least two (2) business days in advance, with consideration given to departmental staffing needs.

6. **Documentation:**

- a. At the discretion of the Department Head, immediate supervisor, or other designated authority, documentation of the appropriate use of sick leave may be required under the following circumstances:
  - When an employee's absences are excessive, as defined in Attendance Policy (Section 6.1); and/or
  - When a pattern has emerged, such as an employee who consistently calls in sick on the day before or after their regularly scheduled day off (such as Mondays or Fridays); and/or
  - When an employee has used sick leave three (3) times in any 30-day period. These absences need not be full days.

**(Note: Medical documentation is considered confidential and is subject to HIPAA privacy regulations. This includes any documentation submitted to support the use of sick leave or leave of absence.)**

- b. Department Heads are responsible for maintaining the confidentiality of medical information received from employees. To that end, managers and supervisors will use the following procedures to protect medical documentation:
    - Maintain confidentiality of medical information at all times, and forward medical information/documentation to the HR Department for inclusion in the employee’s medical file.
    - Human Resources will maintain these confidential medical files separate from other personnel records, and access will be for “Official Use Only”.
  - c. Any employee who is absent three (3) or more consecutive working days due to a personal or a family member illness must:
    - Contact HR for information regarding possible FMLA leave;
    - Provide evidence of receipt of medical care during their absence to their immediate supervisor; and
    - Submit a “Work Release by Physician or Practitioner” Form, or a similar ‘fitness for duty’ document as required by their department’s policy
7. **Illness or Injury While on Vacation Leave:** If an employee becomes ill or physically incapacitated during vacation leave, accrued sick leave may be substituted to cover the period of illness. Employees must request substitution of leave through their timekeeper. All requests must have medical documentation to support the request for sick leave substitution.
8. **Pay for unused Sick Leave:** Accrued but unused Sick Leave may be paid to a departing employee at Bastrop County’s discretion. To be eligible, an employee must give two (2) weeks written notice of resignation to their Department Head and the Human Resources Department. When approved, Sick Leave payout amounts are based on the length of continuous Bastrop County employment as follows:

a.

<b>Up to five (5) years</b>	<b>not eligible for payout</b>
<b>Five (5) years up to ten (10)</b>	<b>Maximum payout of 45.0</b>
<b>Ten (10) years up to fifteen (15)</b>	<b>Maximum payout of 90.0</b>
<b>Fifteen (15) up to twenty (20)</b>	<b>Maximum payout of 135.0</b>
<b>Twenty (20) years or greater</b>	<b>Maximum payout of 180.0</b>

*\* Payout amounts are calculated using the employee’s base hourly rate of pay at the time of separation.*

b. **Restrictions:** The following restrictions apply with regard to the payout of Sick Leave:

- Department Heads are discouraged from granting departing employees “run out” of sick leave.
- Any employee who has unpaid benefits deductions (such as dependent insurance premiums) will have those deductions applied to their final pay. If the employee is eligible for any type of leave payout, up to 100% of such payout may be used to satisfy the employee’s deduction requirement.

9. **Department Transfers:** Accrued sick leave is a County liability and as such, accrued balances transfer with the employee if they are selected to move to a different department within the County.

10. **Sick Leave and Workers’ Compensation:** Unless otherwise required by law, an employee may not receive workers’ compensation payments (Temporary Income Benefits/TIB) and sick leave pay for the same hours. An employee eligible for workers’ compensation TIB payments may elect to use accrued sick leave to supplement TIB until such paid sick leave is exhausted.

11. **Restoration of Prior Leave Balances:** Any employee who is rehired by the County after employment has been terminated will not have any previous sick leave time restored, except in the following circumstance: the employee was terminated because their position was abolished; or employee separated because of a reduction in force. In such cases, the employee is eligible for sick leave balance reinstatement ONLY if rehired within six months of the separation.

## 6.6 SICK LEAVE POOL

\* PURSUANT TO VERNON’S TEXAS CODES ANNOTATED SUBCHAPTER E, §157.072, THE COMMISSIONERS COURT OF BASTROP COUNTY MAY ESTABLISH A PROGRAM WITHIN THE COUNTY TO ALLOW AN EMPLOYEE TO VOLUNTARILY TRANSFER SICK LEAVE TIME EARNED BY THE EMPLOYEE TO A COUNTY SICK LEAVE POOL (SLP).

1. **Objective:** Bastrop County values its employees and realizes that from time to time they may experience catastrophic illnesses or injuries which necessitate an absence from work longer than the time for which they have accrued leave hours. The sick leave pool (SLP) policy establishes uniform guidelines for providing paid time off to regular employees for absences related to birth and care of newborn, adoption, or foster placement of a child, an employee's own serious health condition, or care of spouse, child, or parent with a serious health condition. If the employee is on leave under the Family and Medical Leave Act (FMLA), SLP hours may be used concurrently to replace unpaid FMLA leave with paid time off, subject to the conditions stated within this policy.

2. **Scope of Policy:** All regular employees who are paid from the General Fund of the County, the Road & Bridge fund, or via special grants paid through the County who have twelve (12) or more months of continuous employment with the County shall be eligible for membership under this policy. Only SLP members who have exhausted all accrued leave and compensatory time to which they are entitled are eligible to use SLP hours.

3. **Procedures:**

- a. Administration - The Human Resources Department has been designated as the Administrator by the Commissioners Court of Bastrop County to administer the County's SLP program. Exceptions to donation and withdrawal procedures in cases of catastrophic situations or extreme need may be made at the discretion of the Commissioner's Court.
- b. Membership/Contributions to Sick Leave Pool - An employee becomes a member after contributing to the county sick leave pool by submitting a Sick Leave Pool Member Activity Request to the SLP Administrator for approval. Only approved request forms will be accepted.

At the beginning of each fiscal year (October 1), an eligible employee may voluntarily become a member of the SLP for that fiscal year by transferring a minimum of one day (8 hours) of accrued sick leave to the county SLP. The employee must have a balance of at least forty (40) hours **remaining** in their accrued sick leave after contribution\*.

- Newly Eligible: When a new employee completes 12 months of continuous employment, they become eligible to voluntarily join the SLP for the current fiscal year. They may join immediately by transferring one day (8 hours) of accrued sick leave. Newly eligible contributors must have a balance of at least twenty (20) hours **remaining** in their accrued sick leave after contribution.
- \*Employees using SLP hours on 10/1: A SLP member who is in the midst of an FMLA-qualifying event and using SLP hours on October 1 of a year will not have any accrued sick leave hours, because they must be exhausted as they are earned. Therefore, such employees will not be able to renew their membership in the SLP for that fiscal year. SLP hours will continue being granted to the employee until the current occurrence has ended, or the employee's FMLA eligibility for that occurrence has ended, whichever occurs first. The employee will be eligible to join the SLP again upon donating one day (8 hours) of their accrued sick leave AND meeting any of the following conditions:
  - The employee completes 12 months of continuous employment past the date he/she last used SLP hours;
  - The employee becomes eligible and is approved for leave under FMLA;
  - The employee has at least 48 hours of accrued sick leave available at the beginning of a fiscal year (10/1).
- Maximum Contribution: The maximum contribution to the SLP by any employee in a single fiscal year is forty (40) hours.

- Termination Employee Donation: An employee who is ending employment with the County, regardless of cause, may donate a maximum of ten days (10) days) of accrued sick leave time to the SLP. Upon approval of submitted request, the administrator shall credit the SLP with the amount of time contributed by the employee and shall deduct the same amount from the employee's accrued sick balance, as if the employee had used the time for personal purposes.
- c. Withdrawal from the Sick Leave Pool - An employee is entitled to use time contributed to the County SLP if the employee is an eligible member, is absent from work, & is eligible and approved for FMLA leave. An eligible member and their elected/appointed official or department head must request permission from the administrator to use time from the County SLP. If the administrator determines that the employee is eligible, the administrator shall approve the transfer of time from the pool to the employee. The administrator shall credit the time to the employee as needed and the employee may use the time in the same manner as sick leave earned by the employee in the course of employment. All unused SLP hours will be returned to the SLP upon the employee returning to work.

For any one FMLA-approved leave, an eligible employee may not use County SLP time in an amount that exceeds the lesser of:

- The amount of time away from work for treatment and/or recovery recommended by the employee's health care provider on the employee's FMLA medical certification document\*; or
- One third (1/3) of the total amount of available hours in the pool; or
- Four hundred eighty (480) hours.

*\* An employee may qualify for protected leave under FMLA for a longer period of time than he/she will be eligible to receive pay using SLP hours, depending on the health care provider's certification.*

The administrator shall determine the exact amount that an eligible employee may use. The lifetime maximum withdrawal from SLP for any individual employee is 1,200 hours.

The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the County SLP.

## 6.7 BEREAVEMENT

1. **General Information:** All full-time and part-time regular (non-temporary) employees may be eligible for paid bereavement leave in accordance with this policy. Regardless of an employee's hire date, an employee shall be eligible for paid bereavement leave without a waiting period if they meet the requirements of paragraph two (2) of this policy. Additionally, an employee may, with prior approval of their Elected Official or Department Head, use available vacation leave for additional time off.

2. **Eligibility:** Bereavement leave is granted according to the following schedule:

- a. Employees may be allowed **up to** three (3) consecutive days off with pay (see Note below) from regularly scheduled duty in the event of the death of the employee's spouse, child or stepchild, parent or step-parent, father-in-law, mother-in-law, aunt, uncle, brother or stepbrother, sister or stepsister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, grandparent or spouse's grandparent.

**Note:** Bereavement days may span an employee's assigned days off (for example: An employee who works Mondays through Fridays might be granted paid bereavement leave for Thursday, Friday, and Monday).

- b. Employees may be allowed up to four (4) hours of bereavement leave to attend the funeral of a Bastrop County employee or retiree of Bastrop County, provided such absence from duty will not interfere with normal operations of the County. To be eligible for pay under this provision, the employee must attend the funeral of the deceased regular employee or retiree.
3. **Procedures:** An employee requesting bereavement leave should personally notify his or her department head or supervisor immediately. Bereavement leave will normally be granted in the absence of unusual business needs or staffing requirements. The amount of leave allowed will be at the discretion of the employee's supervisor upon consideration of the individual circumstances, including funeral arrangements and travel requirements. Supervisors may request documentation from the employee verifying the death, the employee's relationship to the deceased, and memorial/funeral arrangements.
4. **Non-Qualifying Events:** Bereavement leave will not be granted to employees attending a memorial/funeral during periods when, for other reasons, they are not at work, such as vacation, holidays, or a personal illness.
5. **Work Time:** Bereavement leave will not be considered as time worked for the purpose of overtime calculations.

## 6.8 CIVIL LEAVE/ JURY DUTY

1. **Policy Statement:** Bastrop County encourages employees to perform their Civil Duty and will not be penalized for absences related to such activities, subject to the provisions of this Policy and state and federal labor law. "Civil Duties" within the scope of this policy include Jury Duty, Court Attendance for official County business, and voting in local, state, and federal government elections.
2. **Jury Duty:** Regular, non-temporary employees will not be required to use personal leave hours and will be paid at their normal rate for the time required to respond to Jury Duty summons, Jury Duty selection, and if selected, the time spent serving on the Jury. Official court documentation of hours spent on Jury Duty activities may be required.

3. **Court Attendance (Official Matters):** In the case of a subpoena or other order to appear in Court as a witness, or to testify in some official capacity on behalf of the County, employees will not be required to use personal leave hours and will be paid at their normal rate for the time required to respond to such order(s). Official documentation of the order/subpoena and of court attendance may be required.
4. **Personal/Private Court Matters:** In order to receive payment for absences related to personal or private (not for the purposes of official County business) court matters, employees may be required to utilize accrued personal leave. Official documentation of attendance and/or participation in court proceedings may be required.
5. **Voting:** Employees are expected to take advantage of early voting opportunities in order to minimize the need for missing scheduled work hours. On Election Day, employees who have not already voted will be subject to these provisions:
  - a. If polls are open at the employee's voting location for any two consecutive hours outside of the employee's scheduled shift, no paid leave will be granted.
  - b. If the 'two hour window' described in 'a', above, does not apply, the employee may be granted up to two hours of paid leave in order to go vote. The employee's supervisor must approve such leave and will determine what time the employee will be allowed to go, in accordance with the operational needs of the department.
6. **Overtime Calculation:** Hours spent for any of the purposes discussed in this Policy will not be considered 'hours worked' for the calculation of overtime/compensatory time, with the exception of court attendance for official County business as described in Section 3, above.

## 6.9 MILITARY

1. **Policy Statement:** Bastrop County complies with all provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) related to military service.
2. **Eligibility:** Non-temporary part-time or full-time employees who meet the following criteria are eligible for military leave:
  - a. called to active duty or authorized military training for the State's military forces or any reserve branch of the U.S. armed forces.
  - b. members of a reserve branch of the U.S. armed forces and who are called to duty due to a national emergency.
3. **Amount of Leave:** Eligible employees shall be allowed up to fifteen (15) days off with pay per fiscal year (10/1-9/30) to attend authorized training sessions and exercises. A "day" is defined as one shift of an employee's regular schedule (typically 8, 10, or 12 hours for a full time employee). The days off need not be consecutive. Any unused balance at the end of the fiscal year shall not be

carried forward. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use accrued comp time, vacation, or personal day leave if he/she must attend Reserve or National Guard training sessions or exercises in excess of the fifteen (15) days paid maximum.

4. **Notification Requirements:** Service members must provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee who has received a call to military service should notify their supervisor no later than 3 days from when orders were received. Any request for Military Leave, whether paid or unpaid, must be accompanied by a copy of the orders.
5. **Return to County employment after active service:** County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with the State and Federal regulations in effect at the time of their release from active duty.
6. **Family and Medical Leave (FMLA):** Federal law provides protected, unpaid leave for employees in certain circumstances related to military service. Refer to the FMLA section of this Policy Manual for more information.

## 6.10 LEAVE OF ABSENCE WITHOUT PAY

Bastrop County employees are vital to efficient departmental operations, thus regular work attendance is considered an essential function of every employee's job. Periods of absence in an unpaid status are generally not permitted; however, after discussions with the HR Department, a Department Head may grant an employee a leave of absence for non-medical reasons for a period not to exceed thirty (30) days, provided that such leave will not create undue hardship on the department.

1. **Request for Leave:** Requests for time off beyond the original thirty (30) day request must be submitted by the Department Head to Commissioner's Court for approval. The leave should also be in the best interest of the County and may be approved under the following or similar circumstances:
  - a. The employee is unable to return to full duty and would be eligible to retire within 90 days
  - b. The employee possesses a critical skill, as determined by the Department Head, and could return to full duty within ninety (90) days.
2. **Personal Leave:** An employee who is placed on a leave of absence without pay will be required to use all of their accrued personal leave prior to moving into unpaid status. Employees on unpaid leave of absence will not accrue Vacation, Sick or Holiday hours during the leave period.

3. **Benefits Payments:** Employees who are on a leave of absence will be expected to continue benefit elections during the period of absence. Any premium payments which would normally be deducted from the employee's pay must be paid directly to the County Treasurer's Office in order to prevent cancellation of benefits.
4. **Limitations on Use:** As noted in Bastrop County's Policy on Attendance, more than one instance of leave without pay within a 12-month period (with the exception of FMLA and/or ADAAA leave) will be considered 'excessive absence.' Excessive absence is considered a violation of policy and may result in disciplinary action, up to and including termination.

## 6.11 VOLUNTEERISM

1. **Policy Statement:** Bastrop County Commissioners' Court recognizes the value of enriching the communities in which our officials and staff live and work. We encourage our employees to be involved in their communities by lending voluntary support to programs that positively impact the quality of life and help the needy.
2. **Participation Eligibility:** Regular full-time employees who meet or exceed job performance expectations on their most recent annual review may participate. If employed less than a year, the employee's Department Head may approve volunteer hours based on job performance without a formal written review.
3. **Volunteer Program Qualifications:** Programs approved for this policy are generally those that are strategically relevant to the mission of Bastrop County and whose goals are considered important to the community. (See below listing of approved non-profits.)
4. **Volunteer Time Approval Process:** All volunteer hours must be approved by the employee's supervisor prior to being taken. If the supervisor believes the time off would cause undue hardship on other employees, or the loss of productivity would cause essential services to the public to be cut, the volunteer request may be denied. However, every effort should be made by the employee's supervisor to accommodate volunteer hours

No supervisor may allow more than ½ (one-half) of the department's employees at a time to participate in the volunteer program.

The employee's supervisor may cancel permission for the employee to volunteer at any time by providing a written explanation to the employee. A copy of the document must be forwarded to the Director of Human Resources.

5. **Volunteer Schedule:** Up to five (5) hours per month may be volunteered. The employee will flex their volunteer hours against their hours worked.

Hours must be pre-approved by the agency where the employee is volunteering and the employee's supervisor. Unless otherwise agreed to by the employee's supervisor, volunteer hours must be taken together, preferably at the beginning or end of a workday.

Volunteer time should not conflict with peak work schedules or other work-related responsibilities, create the need for overtime, or cause conflicts with employees' schedule.

6. **Travel Time:** Travel time from the Employees regular place of employment to the volunteer site (one way) will also be paid.
7. **Reporting Volunteer Time:** Employees must provide their supervisor with a signed document confirming their volunteer hours each pay period. It must be signed by the agency where the employee is volunteering, the employee, and the employee's supervisor. (The employee's timesheet is acceptable documentation.)
8. **Approved Volunteer Programs:**
  - a. Bastrop County Animal Shelter Bastrop County Child Welfare Board
  - b. Bastrop County Emergency Food Pantry
  - c. Bastrop County Household Hazardous Waste Facility Bastrop Education Foundation
  - d. Bastrop Volunteer Fire Fighters Boys and Girls Club
  - e. CASA (Court Appointed Special Advocates) Child Advocacy Center
  - f. Elgin Community Cupboard Family Crisis Center Smithville Community Garden
  - g. Soup Kitchen (Elgin or Bastrop)
  - h. Texas Colorado River Floodplain Coalition The Refuge

## 6.12 TEXAS EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (TEMAT)

1. **Policy Statement:** Bastrop County Commissioners' Court recognizes the importance of supporting other public agencies when natural disasters and emergencies arise. We encourage our employees to be involved in their communities by lending voluntary support to programs that positively impact and help the lives of those in need.
2. **Participation Eligibility:** Regular full-time employees who meet or exceed job performance expectations on their most recent annual review may participate. If employed less than a year, the employee's Department Head/Elected Official may approve hours based on job performance without a formal written review.

The employee's supervisor may cancel permission for the employee to participate in the TEMAT program at any time by providing a written explanation to the employee. A copy of the document must be forwarded to the Director of Human Resources.

3. **TEMAT Program Qualifications:** Applicants must meet the basic education, disaster response and disaster management experience and knowledge as outlined in the TEMAT Business and Mobilization Procedures.
4. **TEMAT Application Process:** Applicants must apply to participate in the TEMAT program and will be notified of acceptance into the program as outlined in the TEMAT Business and Mobilization Procedures.
5. **TEMAT Assignments & Deployments:** Employees will be notified of assignments and deployed for up to fourteen (14) days as outlined in the TEMAT Business and Mobilization Procedures.
  - a. Assignment & Deployment must be approved by the employee's supervisor either in person, via text, phone call or email, prior to leaving on assignment.
  - b. Deployment time should not conflict with peak work schedules or other work-related responsibilities, create the need for overtime, or cause conflicts with employees' schedule.
6. **Pay for TEMAT Work:** All deployed exempt and non-exempt employees are guaranteed pay for base hours of work, mobilization and demobilization, travel, or standby at the appropriate rate of pay (regular and overtime pay) for each workday as outlined in the TEMAT Business and Mobilization Procedures and in accordance with the Fair Labor Standards Act (FLSA).
  - a. Employees must report their hours worked while on deployment to their supervisor by 10:00 am on the Monday of the County payroll cutoff for that pay period in order to be paid during the regular pay period.
7. **Pay for Mileage, Meals & Lodging While Deployed:** All deployed exempt and non-exempt employees are guaranteed pay for mileage, meals and lodging expenses as outlined in the TEMAT Business and Mobilization Procedures.
  - a. Employees must complete the most current TEMAT Travel and Personnel Reimbursement form per the TEMAT Business and Mobilization Procedures and forward a copy to the HR Department and the original to the County Auditor's Office within three (3) business days after returning from their assigned deployment.
    - The Treasurer's Office will be responsible for paying reimbursement of mileage, meals, and lodging to the employee following approval from the Commissioner's Court.
    - The County Auditor's Office will be responsible for filing the paperwork to TDEM for reimbursement within the deadline outlined in the TEMAT Business and Mobilization Procedures.

## 7.0 PAYROLL

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### 7.1 TIME REPORTING & PAY CYCLES

This policy establishes uniform time reporting requirements for all overtime exempt and non-exempt employees of this County, for compensation for time worked. The minimum standards of Bastrop County shall be the standards set forth in the Fair Labor Standards Act (FLSA).

All employees shall meet the requirements of this policy upon employment with Bastrop County. The County shall be responsible for identifying the FLSA status of all positions, which will be approved by the Commissioner's Court. All non-exempt employees shall be compensated for hours spent in service of the County. Exempt employees are expected to work the hours required to perform the duties of their position.

1. **Time Cycles:** Time and/or leave usage reports will be submitted bi-weekly, with the workweek beginning on the regularly scheduled shift which begins at 12:00 a.m. Monday and ends one-hundred sixty-eight (168) consecutive hours later. Time records should not be completed in advance.

All time records maintained and reported must be on approved Bastrop County time reporting forms or through the Employee Self Service Portal (ESS). The retention of time records will be in accordance with the provisions of the Fair Labor Standards Act (FLSA) and the Texas State Retention Schedule.

2. **Time Reporting Responsibilities:**

- a. Non-Exempt Employees:

- Time worked will be reported to the nearest quarter of an hour. Record 15 minute intervals in .25 increments (15 minutes = .25, 30 minutes = .5, 45 minutes = .75)
- Paid time off (Vacation, Sick, Holiday, Comp Time, etc.) will be taken in no less than quarter hour (.25) increments.
- If paper timesheets are being used: entries must be in blue/black ink. Any accrued leave taken should be indicated in red. All changes must be initialed. Use of whiteout is unacceptable. Verify all entries on the bi-weekly timesheet form, and sign when complete to certify the accuracy of all time recorded.
- If a computerized Time Entry system (ESS) is being used to report time, enter daily work hours and report any leave usage accurately.
- In the event of an error in reporting time, immediately report the problem to the department timekeeper.
- Failure of an employee to submit records of all time worked and/or an accurate, complete timesheet is a violation of Bastrop County policy and may result in disciplinary action.

- For detailed instructions on how and when to complete timesheets, employees should check with their immediate supervisor/managers.

b. Exempt Employees:

- The requirement for an exempt employee to complete and submit detailed records for time worked is up to the discretion of that employee's Department Head and/or the member of Commissioner's Court who is the liaison for that employee's department.
- Exempt employees should report the usage of paid time off (Vacation, Sick, Holiday, etc.), taken in no less than quarter (.25) hour increments, on the Bastrop County Exempt Employee Leave Reporting Form or through the computerized Time Entry system (ESS).
- Exempt/salaried employees are expected to be present at their work sites during their normally scheduled work hours. If unexcused absences or negative attendance patterns should become recurring problems, employees will be subject to disciplinary action.

c. Timekeeper/ Supervisor/ Manager:

- Maintain an accurate daily record of hours worked. Entries should be made daily and not be completed in advance.
- Ensure all absences from scheduled work hours are appropriately recorded-and coded.
- Supervisors responsible for individual shifts will submit the employee's daily time record to the department timekeeper.
- The Department Timekeeper will input time data into the computerized Time Entry system (ESS), if applicable. (If the Department uses paper timesheets, these will be reviewed for accuracy and proper authorization, then transferred to the Departmental Bi-weekly Time Report.) The completed Departmental time entries/reports must be submitted to HR for payroll processing in accordance with the schedule provided by Human Resources.

NOTE: Failure to submit time records in a timely manner, in accordance with any due dates published by HR at the beginning of each fiscal year, may result in the delay of paychecks and/or inaccurate pay. Payroll for non-exempt employees is based on CURRENT time reporting, thus it is imperative that time records be submitted when they are due.

d. Department Head:

- Record all hours worked to the nearest quarter hour (.25) for the personnel time records, which will be submitted and approved by the Commissioner or Judge; whoever is designated as the department's executive liaison.
- Assume responsibility for daily and bi-weekly timekeeper responsibilities or assign department timekeeper.
- Ensure all employees are reporting and maintaining accurate time and leave usage records and take appropriate disciplinary action if an employee violates the Time Reporting Policy.

- Provide approval and accountability for hours worked other than the regular scheduled work shift.
- The Department Head will review and approve bi-weekly Time Entry (if using a computer system), or review and sign the Departmental Bi-weekly Time Report, before submitting it to HR for payroll processing. If corrections or modifications are made to the time report, both the employee and Department Head must verify the accuracy of the changes by initialing the time report.

e. Payroll:

- Ensure that all employees are paid earned wages/salaries as submitted & verified by the elected/appointed officials or Department Heads.
- Distribute paychecks or direct deposit stubs according to the schedule approved by Commissioner's Court and published by HR for each fiscal year. Paychecks/stubs will be released to the Department Head or approved supervisor/manager only. All exceptions must be approved by payroll and the Department Head in advance. Paychecks will not be released prior to 3:00 p.m. on the day preceding the pay date and will only be released to those departments not scheduled to work on the actual payday. Any direct deposit stub which has not been picked up within two (2) days of release will be placed in the applicable distribution box.
- Upon request, provide department timekeepers and/or individual employees with a leave balance report and resolve discrepancies of employee's leave records, should one occur.

### 3. Pay Cycles:

- a. Payroll is processed on a bi-weekly basis, which corresponds to the County's bi-weekly time cycles. Pay will be disbursed every other Friday, with the exception of those Fridays which occur on a county holiday, in which case pay will be disbursed on the business day prior to the holiday. A calendar listing pay dates (and time reporting due dates) will be prepared by HR, approved by Commissioners Court, and distributed to every Department Head prior to the start of each fiscal year.
- b. Authorized Paychecks and direct deposit stubs will be available for pickup in HR after 3pm on the business day prior to payday. Employees who are absent on payday may direct someone else to pick up their check with written notification to HR (via handwritten note, fax or email). The person designated to pick up the check will be asked to produce identification to the satisfaction of management; otherwise, the check will not be released.

### 4. Direct Deposits:

- a. Electronic deposit of your paycheck into your bank is mandatory unless otherwise authorized. Should an employee need to temporarily suspend their direct deposit due to bank account issues such as fraud, closed account, etc., HR may authorize a paper check in the short term until the issue is resolved.
- b. A signed Direct Deposit Authorization form is required for all new employees and existing employees who wish to make changes. The Direct Deposit Form is available in the Human

Resources Dept. For verification purposes all Direct Deposit Forms must be accompanied by a voided check or bank authorization with employee's name, account number and routing number.

5. **Resigning/ Retiring/ Terminating Employees:** When employees resign, retire, or are terminated, their paychecks will be directly deposited into their designated bank account. This will occur provided that all County property has been returned and signed off on.
6. **Death:** If a county employee dies, their estate will receive all pay due and any earned and payable benefits as of the date of death. The employee's last paycheck will be sent via direct deposit into the employee's designated account.
7. **Salary Advances:** Salary advances shall not be made to any employee for any reason.
8. **Disciplinary Actions:** Failure to adhere to this policy by altering, falsifying, tampering with time records, failure to report time worked, failure to report use of leave, or recording time on another employee's time record may result in disciplinary action up to and including termination of employment.

**\*Information concerning payroll is considered confidential and should not be discussed with other employees. This includes: pay rate, deductions, benefits, taxes, etc. Employees who have questions or concerns about their pay should bring them to the attention of their immediate supervisor, who will contact or refer the employee to HR as needed.**

## **7.2 WORK SCHEDULES, OVERTIME & COMPENSATORY TIME**

It is the policy of Bastrop County to comply with the Federal Fair Labor Standards Act (FLSA) of 1938. Nothing in this policy guarantees that a covered employee will be allowed to work hours which result in the payment of overtime compensation or the accrual of compensatory time.

### **1. Standard Hours of Operation:**

- a. Standard hours of operation for Bastrop County Departments:
  - Road & Bridge Crews - hours are set by each Commissioner for their Precinct;
  - Animal Shelter & Emergency Communications - hours are set by Department Head/Elected Official;
  - Sheriff's Office - 24/7 law enforcement, correctional facility, and Courthouse Security scheduling is determined by the Sheriff and their designated representatives; and
  - All Other Departments - Monday through Friday, 8am to 5 pm CST, excluding holidays which are set by the Commissioner's Court each fiscal year.

- b. Department Heads may set schedules which vary from standard hours, or allow flexibility in employee's work hours, so long as the business and operational needs of the County are being met, the Department is open and accessible to the public and other County offices during all standard operating hours, and the functions of the Department are being carried out in an efficient and effective manner.
- c. In order to meet the needs of the County, some Departments and/or employees may be required from time to time to work additional hours or on a schedule which varies from the standard or their normal work schedule. Employees may also be subject to call- in during situations of emergency or special need. Variations in scheduling are to be determined by each Department Head.

## **2. Work Schedules:**

- a. The minimum standards for Bastrop County with regard to hours and pay shall be the standards set forth in the Fair Labor Standards Act (FLSA). The HR Department shall be responsible for identifying the FLSA status of all positions. Employees will be able to locate their exempt or non-exempt (from overtime requirements) status on the job description for their position.
- b. A normal work hour is any hour of the day that is authorized (by the Department Head/Elected Official) to be worked. Hours should be recorded in fifteen-minute (.25) increments. A workday is defined as the period between the time on a particular day when an employee commences their principal work activity(ies) and the time on that day when he/she ceases such principal activity(ies). A work week is a period covering seven (7) consecutive days, which begins at or after 12:00 a.m. on Monday and which ends one hundred sixty-eight (168) hours later, no later than 11:59 p.m. on Sunday. Alternative workweeks may be established for specific projects or departmental needs with the express authorization of the Commissioner's Court.
- c. Hours Worked include all time that an employee is required to be physically at work for the County. Hours Worked is used to determine compensatory or overtime pay for non-exempt employees. Paid leave, including but not limited to Sick Leave, Vacation Leave, Holiday, Personal Holiday, FMLA, Military Leave, Jury/Witness Duty, Funeral/Bereavement Leave, and voting time off are NOT counted toward Hours Worked. Uninterrupted time off for lunch or dinner is not counted toward Hours Worked.
- d. Non-exempt employees are not permitted to perform work at home or away from the job site, unless it has been discussed with the HR Department and approved in advance, in writing, by the Commissioner's Court or at the express, written direction of an Elected/Appointed Official.

### 3. **Overtime/ Compensatory Time:**

- a. Overtime is defined as time worked by an hourly or non-exempt employee in excess of forty (40) hours in a workweek, or one hundred seventy-one (171) hours in a twenty- eight (28) day period for law enforcement personnel. "Hours worked" for the purpose of calculating overtime will not include hours of paid leave, nor will it include lunch or dinner periods. With the exception of Road & Bridge and Law Enforcement personnel, overtime must be approved in advance by the Commissioner's Court. Overtime pay, at the rate of one and a half (1.5) times the employee's base rate, is allowed for non-exempt employees on Road & Bridge crews. Overtime pay may also be granted, with the express approval of the Commissioner's Court, in special circumstances such as emergency operations. Exempt employees are not eligible for overtime. Supervisors and employees are expected to adjust the total hours worked in their current time cycle to the extent possible, in order to prevent the accrual of overtime.
- b. Compensatory Time, or "Comp Time", is the accumulation of paid leave which is used to compensate non-exempt employees (except for Road & Bridge employees in most situations) for working overtime. Non-exempt employees shall be compensated for all overtime worked, via the use of Compensatory Time, at the rate of 1.5 hours for every hour of overtime worked. The maximum compensatory time accrual shall be limited to what is allowed under the provisions of the FLSA. Supervisors and employees are expected to adjust the total hours worked in their current time cycle to the extent possible, in order to prevent the accumulation of comp time. Unused comp time must be used prior to Personal Leave, Sick Leave, or Vacation Leave, unless the employee has reached their Vacation Leave cap (if at their Vacation Leave cap, the employee may use Vacation Leave prior to using comp time). Unused comp time which has been accrued will be paid to terminating employees at their current base hourly rate of pay. Bastrop County reserves the right to pay for accrued compensatory time at any time, and it will be paid at the regular rate earned by the employee at the time such payment is made.

\*NOTE: Exempt employees are not compensated for overtime, nor do they accrue compensatory time. They are expected to work such hours as necessary to perform the duties of their position. Exempt employees are expected to be present at their worksites during their normally scheduled work hours.

- c. Supervisory personnel are responsible for ensuring that any hours worked causing an employee to accrue overtime and/or compensatory time are necessary in order to accomplish a departmental task, and that overtime expenditures can be paid within the approved budget, and/or that the department will not be disrupted when employees are absent from work due to use of comp time.

#### **4. Meal and Break Policy:**

\*NOTE: meals and breaks for Sheriffs' Office employees are to be handled according to the Sheriffs' Office Personnel Manual.

- a. It is the policy of Bastrop County to comply with state and federal laws regarding meals and breaks. All full-time nonexempt employees are permitted a fifteen (15) minute rest break for each four-hour work period, and a non-compensable meal break of thirty (30) minutes per day. At the supervisor's discretion, the meal period may be extended to sixty (60) minutes but is not to exceed sixty (60) minutes. Failure to take scheduled meal breaks may create unauthorized overtime, subjecting the employee to disciplinary action. Breaks should not be permitted at either the beginning or end of the workday to offset arrival and departure times. Employees who voluntarily work through their break periods will not be permitted additional compensation.
- b. Failure by an employee to return on time from meal or rest breaks may result in disciplinary action up to and including termination.

#### **5. Expressing Breast Milk:**

The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express milk during the first year following the birth of a child.

- a. Bastrop County will provide up to four (4) paid thirty (30) minute breaks daily for nursing mothers. The nursing mother will be allowed whatever time is needed to express breast milk; however, if any one break is longer than thirty (30) minutes, the break time will be unpaid time off.
- b. The mother will be given a private location, other than a bathroom, to express milk. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. Access to a safe water source and a sink within a reasonable distance from the location will also be provided. The specific location will be determined on a case-by-case basis.
- c. Bastrop County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk, even beyond the first year following the birth of a child. A reasonable accommodation will be given for the needs of employees who express breast milk. Employees of the County who need to express breast milk may not be discriminated against.

## 7.3 EMERGENCY CLOSINGS

### 1. Declaration of Emergency Closing:

- a. Bastrop County has established procedures for unusual occurrences such as extreme weather, natural disasters, power outages, equipment failures, or acts of violence which may compromise the safety of employees and/or the public, and/or make it impractical to operate the workplace.
- b. The local authority for designating an emergency closing is the County Judge. In the absence of the County Judge, authority passes to the senior available County Commissioner. In the event of a site-specific emergency at a county location other than the Courthouse, the Elected Official responsible for that site should confer with the County Judge and then make a decision with respect to the operation of the worksite. Factors to consider are the safety of employees and the degree of necessity for the operations of that worksite.
- c. Whenever an emergency has been declared by a local, state, or federal authority which makes it necessary to close County facilities, Bastrop County's Office of Emergency Management (OEM) will work in conjunction with the County Judge to select a location for an Emergency Operations Center (EOC). This location may be utilized as the primary worksite for the duration of the emergency.

### 2. Notification to Employees:

- a. In the event of extreme weather conditions, Department Heads will generally advise employees of a location to consult prior to leaving home, including the Bastrop County website, OEM social media site, and local (Austin) radio or TV stations.
- b. In other types of emergency situations, employees may also be notified via phone, text message, or personal email if those types of communication are available. If possible, a recorded message will be made available on the County Judge's office line explaining the status of County offices. Information will also be posted, if possible, on the Bastrop County Employee Intranet and the OEM's social media sites.

***\*NOTE: Department Heads and Supervisors should ensure that their employees know how to contact them in case of emergency.***

### 3. Essential Employees (During Emergencies):

- a. During emergency situations, "Essential" employees are expected to report to work according to, and possibly in addition to, their normal schedules. Essential employees are those who are required to stay or report to their assigned areas performing necessary tasks during the emergency, or those who are required to return to work after an immediate threat is over. Such personnel may include: sheriff's deputies, jailers, telecommunications staff, jail support staff; constables; emergency management staff; Road and Bridge crews; building maintenance (General Services) staff; environmental services staff; animal services staff and a limited

number of administrative department personnel (payroll, purchasing, IT, and finance).

- b. An Essential Employee who fails to report to work as scheduled or instructed by their supervisor during an emergency may be subject to disciplinary action up to and including termination, if the employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services.
- c. Some emergencies may result in assigning alternative duties to employees. These duties generally will be as consistent with current job descriptions as possible under the circumstances.

#### **4. Payroll and Timekeeping Provisions:**

- a. Individual Worksite/ Office Closings: An Elected Official may choose to close their office at any time; however, unless the County Judge has declared an official closing, employees may be required to utilize personal leave in order to be paid for unworked hours. When applicable, leave will be used in the following order: Compensatory Time, Vacation, Personal Day, allocated but unused Holiday, Sick Leave. In the event that an employee has no accrued leave available, they will not be paid for hours they did not work, to the extent allowed by the Fair Labor Standards Act (FLSA).
- b. Late Openings/ Partial Day Closings: The following payroll guidelines have been established for non-exempt employees reporting to work when opening is delayed at their worksite due to emergency conditions:
  - Employees reporting before 10:00 a.m. and working the remainder of that workday will receive a full day's pay.
  - Employees reporting after 10:00 a.m. will be paid for hours worked, and may utilize accrued comp time, vacation, or personal day hours for the difference between hours worked and their regularly scheduled hours.
  - Those employees who do not report to work will not be paid for the day. With supervisor approval, they may use accrued comp time, vacation, or personal day hours.
  - In the event of extraordinary weather conditions, reasonable tardiness generally will be excused.
  - In the event of early closing, employees will be paid for the number of hours actually worked, and may utilize accrued comp time, vacation, or personal day hours for the difference between hours worked and their regularly scheduled hours.
  - Exempt employees will be paid according to FLSA guidelines.
- c. Scheduling and Pay:
  - Personnel who work during an emergency should be provided with a minimum 2:1 work to rest ratio (for every 2 hours of work or travel, provide 1 hour of sleep and/or rest). Work

shifts that exceed 16 hours and/or consecutive days that do not meet the 2:1 work/rest ratio should be the exception, and no work shift should exceed 24 hours. However, in situations where this does occur (for example, during the first 24-72 hours of an incident), personnel should resume the 2:1 work/rest ratio as quickly as possible.

- The term “actually worked” means time actively engaged in physical or mental exertion related to the County’s business at the direction of the Commissioner’s Court or Department Head; it also includes stand-by and sleep time in instances where an employee is required to stay on County premises or designated worksite in order to await instructions to work (only when authorized by Commissioner’s Court or Court liaison if the employee is a Department Head).
- In the event that an employee’s worksite is not usable due to inclement weather or other reason, and an alternative workspace is unavailable, an employee generally will be excused with Administration Leave pay.
- Some conditions may require a department to allow all employees – both exempt and non-exempt - who are negatively affected to utilize personal leave hours in order to avoid loss of pay (subject to FLSA provisions). Normal notice requirements will be waived under these circumstances.
- An employee who is off on previously scheduled leave (Vacation, Sick, Comp, Holiday etc.) during a period of emergency closure will have their leave recorded as such.
- Non-exempt employees who are required to report to work during an emergency closure will be paid for their normally scheduled workday(s), plus straight-time pay for all hours actually worked during the closure. When applicable, calculation of hours eligible for overtime compensation will be based on the employee’s regular work schedule and position. Such compensation will be in the form of either accrued compensatory time or overtime pay, at 1.5 times the number of overtime hours (calculated based on actual hours worked). The type of compensation to be provided will be determined by the Commissioner’s Court.
- Exempt employees are normally ineligible for overtime compensation, but during declared emergencies may receive compensation in the form of either accrued compensatory time or pay. Calculation of the number of hours eligible for overtime compensation will be based on the employee’s regular work schedule and position. Compensation for these hours will be at 1.0 times the employee’s hourly rate (converted from salary by dividing by annual work hours) times the number of overtime hours (calculated based on actual hours worked). The type of compensation to be provided will be determined by the Commissioner’s Court.
- In the event that disaster relief funding from another agency is used to pay for additional compensation required due to a declared emergency, payment to employees for work during the emergency may be delayed until such relief funding is received by Bastrop County.

## 5. Contact Information & Assignments:

- a. In extreme emergencies, mission-critical administrative tasks, such as customer service, IT tech support, financial support, payroll, and confirming health coverage for employees injured in the emergency, will be performed at the designated EOC if normal facilities are unavailable. Employees who have mission-critical tasks are to contact their direct supervisor (or Department Head if supervisor is unavailable) to arrange to work at or through the EOC.
- b. During an emergency, these individuals will be expected to handle specific responsibilities as listed:
  - The County Judge (512-332-7201) will be responsible for closing, mission-critical, relocating, and reopening decisions, working in conjunction with the Emergency Management Coordinator (512-581-4022) and Sheriff (512-549-5100) when appropriate.
  - The County Judge's Administrative Assistant (512-332-7201) will be responsible for all media contacts.
  - The Sheriff (512-549-5100) will be responsible for security of County facilities.
  - The County Auditor (512-332-7222) will be responsible for financial administration.
  - The Human Resources Director (512-581-7120) will be responsible for timekeeping, payroll and benefits administration.

## 7.4 PAYROLL RECORDS

1. Payroll and personnel records, including but not limited to the following, shall be filed in a secure, lockable cabinet or room in the Human Resources (HR) department (or a secure storage area dedicated to HR records). Employee information records are maintained in segregated personnel folders which include:
  - a. Pre-employment information
  - b. I-9 forms
  - c. Benefit Plan documents
  - d. Medical, health, and safety records
  - e. General personnel records, including applications, resumes, honors, awards, training records, recommendations, complaints, grievances, reviews and evaluations, disciplinary documentation, etc.

*\*Employees have the right to review the information kept within their own personnel file at any time but will not be allowed to remove any part of the file nor remove it from the HR department offices.*

2. Individual timesheets shall be retained by departmental timekeepers for a minimum of four (4) years. Bi-weekly timesheets or computer reports shall be retained by HR for a minimum of four (4) years.
3. HR retains and destroys personnel and payroll records in accordance with federal and state laws governing records retention. All personnel records and confidential employee data maintained by HR will be destroyed by shredding after retention times have passed. Personnel records and confidential employee data will not be discarded, and any employee found negligent in protecting these records will be subject to disciplinary action.

## 7.5 PAYROLL REDUCTIONS

1. **Disciplinary Pay Reduction:** The employee's Department Head will determine the amount of pay reduction when such reduction is necessary for disciplinary reasons, and will submit the appropriate paperwork to HR along with written documentation which explains the disciplinary action.
2. **Demotion:** If an employee receives a demotion, their pay rate will be reduced to an amount which is not less than the rate of other employee in the same or similar job who have equivalent experience.
3. **Reversal of Promotion:** If, within one year of being promoted to a position, an employee is demoted back to their prior position, the employee's pay rate will return to the same rate they were receiving when the promotion took place, adjusted by any Cost-of-Living (COLA) pay increases or other pay rate adjustments not related to job performance, which might have been applied to the prior position's budgeted pay amount during that time period.

## 7.6 LONGEVITY

1. **Policy Statement:** Bastrop County wishes to recognize employees for service to the County and may provide an annual "Longevity Payment" based on the qualifications and schedule set forth in this policy.
2. **Longevity Qualification Requirements:** In order to qualify for longevity pay, an employee must have completed three (3) years or thirty-six (36) months of service; must be a part-time or full-time employee as of November 1st of the current calendar year; and must have been a part-time or full-time employee for the previous eleven (11) months.

3. **Calculation of pay amount:** Eligible employees shall receive longevity pay based on the schedule listed below:
  - a. Over three (3) years or thirty-six (36) months service - \$12.00 per month of service;
  - b. Over ten (10) years or one-hundred twenty (120) months service - \$14.00 per month of service;
  - c. Over fifteen (15) years or one-hundred eighty (180) months service - \$16.00 per month of service;
  - d. Over twenty (20) years or two-hundred forty (240) months - \$18.00 per month of service up to a \$5,000 maximum; and
  - e. For part-time employees, longevity will be calculated on a pro-rata basis.
4. **Longevity Payment:** Eligible employees will receive longevity payment between November 1st and December 15th of the applicable calendar year, as set by Commissioner's Court annually as a part of the payroll schedule. Eligible employees who leave County employment prior to November 1st of the calendar year may be entitled a portion of that year's longevity pay in the following circumstances:
  - a. Employee voluntarily separates in good standing. Employee must provide at least two (2) weeks' notice of intent to resign. Resignation must be submitted in writing to the Human Resources Department. (Note: Longevity payment will be pro-rated through the last full month worked.)
  - b. Employee has applied and been approved for retirement with the Texas County and District Retirement System and are in good standing at time of separation. (Note: Longevity payment would be pro-rated through the last full month worked.)
5. **Previous Employment with Bastrop County:** An employee who is rehired within 12 months of separation from Bastrop County AND subsequently completes one full year of uninterrupted service will have prior service with the County included in the calculation of their longevity pay.

\*NOTE: An employee who retires from Bastrop County and is rehired will have the post-retirement date as their service date.
6. **Family Medical Leave Act (FMLA) Time:** Employees who are absent from work under an approved FMLA leave incident shall have time absent from work calculated as uninterrupted service with regard to the calculation of longevity pay.

## 7.7 SALARY ADJUSTMENT & UNDERFIL

1. **Purpose:** This policy establishes the official procedures for employee salary adjustments within Bastrop County government, including Cost-of-Living Adjustments (COLA), reclassifications, promotions, underfills, and mid-year adjustments. It ensures consistency, compliance with law, and transparency in compensation practices.
2. **Authority:**
  - a. Commissioners Court has the sole authority to set or adjust the number of positions and the maximum salary for each (Texas Local Government Code §§151.001–151.004; §152.011).
  - b. Department Heads/Elected Officials may recommend salary changes but may not implement them without Commissioners Court approval, except when filling a position below the approved maximum (underfilling).
  - c. Human Resources (HR) reviews requests, ensures compliance, and presents recommendations to Commissioners Court.
  - d. The County Auditor verifies budget availability and ensures payroll compliance.
3. **Types of Adjustments and Procedures:**
  - a. Cost-of-Living Adjustment (COLA) – Court-approved, applied uniformly to all eligible employees.
    - Recommended by HR during the annual budget process.
    - Requires market review, budget analysis, and Commissioners Court approval.
    - Applied uniformly: may not be withheld by individual departments.
  - b. Reclassification – Based on permanent duty changes or market adjustments.
    - Step 1: Department submits a written request with justification and updated job description.
    - Step 2: HR reviews duties, market data, and compliance; coordinates with Auditor on fiscal impact.
    - Step 3: HR presents recommendation to Commissioners Court for approval.
    - Step 4: Approved change implemented start of the next pay period following commissioner court approval.
  - c. Promotion – When an employee moves to a higher classification with more responsibility.

- Require documented justification.
  - Must include:
    - Written request from Department Head
    - HR analysis (market, legal compliance)
    - Auditor's budget certification
  - Commissioner's Court approval required before implementation.
- d. Merit/Retention Adjustment – Based on exceptional performance or to retain critical staff.
- Require documented justification.
  - Must include:
    - Written request from Department Head
    - HR analysis (market, legal compliance)
    - Auditor's budget certification
  - Commissioner's Court approval required before implementation.
- e. Market Adjustment – To align salaries with comparable external benchmarks.
- Require documented justification.
  - Must include:
    - Written request from Department Head
    - HR analysis (market, legal compliance)
    - Auditor's budget certification
  - Commissioner's Court approval required before implementation.
- f. Underfill – When a position is filled at a salary below the Commissioners Court–approved maximum.
- Department Heads/Elected Officials may hire at a salary below the maximum authorized by Commissioners Court without returning to Court.
  - HR must document all underfills using an Underfill Authorization Form that includes:
    - Position title and maximum salary authorized.
    - Actual salary offered.
    - Justification (e.g., candidate qualifications, budget savings).

- COLA and merit increases are applied to the actual salary unless doing so would exceed the Court-approved maximum. In that case, the increase is capped unless the Court adjusts the maximum.
  - Unused salary dollars resulting from an underfill may not be reallocated to other positions or lines without Commissioners Court approval.
- g. Mid-Year Adjustments - a change in an employee's pay rate that takes place partway through the fiscal, rather than during the standard annual salary review cycle.
- Require documented justification (e.g., retention, compliance, critical need).
  - Must include:
    - Written request from Department Head
    - HR analysis (market, legal compliance)
    - Auditor's budget certification
  - Commissioners Court by recorded vote required before implementation.
4. **Salary Range Structure:** Bastrop County utilizes an open range scale system with the following Approved Salary Range.
- a. Open Scale Pay Grade System - Bastrop County utilizes an open range scale system with the following Approved Salary Range.
- The maximum budget amount approved by Commissioners Court minus up to \$15,000. Range bottom may not fall below legally mandated minimum wage (currently \$7.25/hour or \$15,080 annually for full-time positions in Texas).
  - Any dollar amount which can be defined within the above range may be set by a department head pending:
    - The approval of the HR Director after conducting a Market Analysis and Candidate Qualification Analysis.
    - The approval of the Auditor's Office that the salary amount set complies with all budgetary framework passed by the Commissioners Court; and does not violate legal allocation and application of County funds.
  - The HR Director and Auditor's Office must show just cause to deny approval for any salary set by a department head within the approved salary range of this policy, and they may not make disapprovals outside of their respective compliance infrastructure.
  - HR Director and Auditor have 5 business days to provide written justification for denials

- Department heads have 10 business days to respond to HR Director or Auditor denials
  - Unresolvable salary disputes between the Department Head proposing the Salary, the HR Director or the Auditor must be brought to the Commissioners Court.
- b. Salary Range Definitions - Each pay grade contains the following elements:
- Minimum - Entry-level salary for the classification may not fall below \$15,000 below budgeted maximum or legal minimums.
  - Midpoint - Target salary for fully competent performance, any dollar amount within approved range.
  - Maximum - Highest allowable salary without reclassification, set at budgeted position maximum and would require Commissioner Court approval for any future increase.
- c. Annual Range Adjustments - Salary ranges shall be reviewed annually during the budget process and may be adjusted by Commissioners Court to reflect:
- Market competitiveness analysis
  - Cost of living changes
  - Budget constraints
  - Organizational restructuring needs
5. **Delegated Hiring Authority Within Salary Ranges:** Department heads are delegated authority to fill positions and set individual salaries within the following parameters WITHOUT additional Commissioners Court approval.
- a. Standard Hiring Authority
- Minimum to 75th percentile of approved salary range for external hires
  - Minimum to midpoint for internal transfers at same level
  - Up to 15% above current salary for internal promotions, not to exceed maximum of new grade
- b. Experience-Based Adjustments
- Additional 10% above standard authority for candidates with directly relevant experience exceeding minimum qualifications.

- Up to maximum of range for candidates with exceptional qualifications or hard-to-fill positions, with HR Director approval.
- c. Budget Surplus Utilization - Use unencumbered salary budget from vacant positions or underfills for:
- Retention adjustments within policy limits
  - Merit increases within approved parameters
  - Recruitment incentives for critical positions
- d. Required Approvals Beyond Delegated Authority
- HR Director Approval Required
    - Salaries above 75th percentile but within maximum range
    - Experience adjustments exceeding standard parameters
    - Underfill arrangements exceeding 12 months
    - Use of budget surplus for retention/recruitment pay
  - County Judge Approval Required
    - Salaries at range maximum for new hires
    - Underfill arrangements creating budget savings exceeding \$10,000 annually
    - Emergency hiring outside normal parameters
  - Commissioner's Court Approval Required
    - Any salary exceeding approved range maximum
    - New position classifications or significant duty changes
    - Budget amendments for additional personnel funding
    - Policy exceptions not covered by this framework
6. **Employee Notification:** HR will notify employees in writing of any approved salary change, with effective date and basis for adjustment.
7. **Compliance:**
- a. All salary actions must comply with FLSA, EEOC, ADA, ADEA, and Texas employment laws.
  - b. Salary decisions must not be based on protected characteristics.
  - c. Violations will be reported to Commissioners Court and may result in corrective action.
8. **Documentation and Recordkeeping:**

- a. HR will maintain records of all salary adjustment requests, underfill authorizations, analyses, Court actions, and employee notifications.
  - b. Commissioner's Court salary orders will be retained permanently in accordance with law.
9. **Review:** This policy will be reviewed annually by HR and the County Attorney for legal compliance, with recommended updates submitted to Commissioners Court.

## 8.0 PAYROLL TAXES

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### 8.1 FEDERAL INCOME TAX WITHHOLDING

1. **Purpose:** To outline Bastrop County's responsibility and employee obligations regarding federal income tax withholdings, in compliance with the Internal Revenue Code. This policy applies to all employees of Bastrop County, including full-time, part-time, temporary, and seasonal workers, who are subject to federal income tax withholding.
2. **Policy Statement:** Bastrop County is required by federal law to withhold applicable federal income taxes from employees' wages. This policy ensures that proper withholdings are made in accordance with employee elections and IRS guidelines, and that the County remains compliant with all federal tax reporting and remittance requirements.
3. **Withholding Requirement:** Bastrop County is required to withhold federal income tax from employee wages in accordance with the Internal Revenue Code.
4. **Calculation of Withholding:** The amount of federal income tax withheld is determined based on the information provided by employees on IRS Form W-4, including filing status, number of dependents, and any additional withholding amounts.
5. **Employee Responsibilities:**
  - a. Submission of Form W-4 - Employees must complete and submit IRS Form W-4 upon hire and submit a new form if their withholding allowances or personal information change.
  - b. Notification of Changes - Employees are responsible for notifying the HR Department of any changes in their personal information that may affect their tax withholding. Employees should

review their withholding status periodically, especially after significant life events such as marriage, divorce, or the birth of a child.

- c. Adjustments - Employees can adjust their withholding by submitting a new Form W-4 to their employer. Adjustments may be necessary if there are changes in income, deductions, or credits that affect the employee's tax liability.
- d. Penalties - Employees who under-withhold may be subject to penalties and interest when filing their tax returns.

## **6. Employer Responsibilities:**

- a. Timely Withholding - Bastrop County shall withhold the appropriate federal income tax from employee wages in each payroll cycle.
- b. Reporting and Remittance -
  - Quarterly Reporting: File IRS Form 941 quarterly to report total wages paid and taxes withheld.
  - Annual Reporting: Provide employees with IRS Form W-2 by January 31 each year, summarizing total wages and taxes withheld.
- c. Record Keeping - Maintain accurate records of employee withholding information and tax payments for a minimum of four years.

## **7. Exemption from Withholding:**

- a. Employees may claim exemption from federal income tax withholding if they had no federal income tax liability in the previous year and expect none in the current year.
- b. To claim exemption, employees must complete a Form W-4 indicating their exempt status and submit it to their employer.
- c. Exempt status must be renewed annually; employees must submit a new Form W-4 claiming exemption by February 15 of each year.

## 8.2 FICA (FEDERAL INSURANCE CONTRIBUTIONS ACT)

1. **Purpose:** To ensure compliance with federal payroll tax laws by outlining Bastrop County's responsibilities and employees' obligations related to FICA contributions
2. **Policy Statement:** Bastrop County complies with the Federal Insurance Contributions Act (FICA), which mandates contributions toward the Social Security Retirement and Medicare Disability programs. These programs provide financial support for retirement, disability, survivorship, and medical benefits for eligible individuals.
3. **Contributions:**
  - a. Employee Contributions - A portion of each employee's wages are withheld to fund their share of Social Security and Medicare taxes, as required by federal law. These deductions are made automatically from each paycheck. Social Security contributions are noted as (FICA) and Medicare Tax is noted as (MC WH) on your Bi-weekly paycheck stub.
  - b. Employer Contributions - Bastrop County matches each employee's FICA contributions dollar-for-dollar (1:1), in accordance with federal regulations. The County's matching contributions are submitted to the Internal Revenue Service (IRS) along with the employee's portion.
  - c. Rate of Contribution - The FICA tax rate is determined by the federal government and may change periodically. The current rates and applicable wage limits are available through the HR Department or at [www.irs.gov](http://www.irs.gov).
  - d. Exemptions - Certain employees may be exempt from FICA taxes under specific circumstances as defined by federal law (e.g., specific types of student employees or certain non-resident aliens). Documentation supporting such exemptions must be submitted and approved through the HR Department.
  - e. Reporting and Withholding - All FICA contributions are reported on the employee's pay stub and year-end Form W-2. Employees are responsible for reviewing their pay statements and reporting any discrepancies promptly.

## 9.0 EXPENSE REIMBURSEMENTS

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### 9.1 ELIGIBILITY & QUALIFICATIONS

1. **Purpose:** This policy establishes an orderly procedure for the authorization and reimbursement of travel for the purposes of Official County Business, both within and outside of Bastrop County. The policy is applicable to all Bastrop County Officials and employees.
2. **Policy Statement:** Performance of Bastrop County official business will occasionally require that County officials/employees (“travelers”) travel beyond their offices or locations of normal work activities. The County shall pay for reasonable, essential travel expenses which directly and logically relate to the conduct of County business. County officials/employees are expected to exercise prudent judgment and show proper discretion for the accountable and judicious use of public funds. Expenses must be documented in such a way as to clearly demonstrate that such expenditures did in fact relate to and were necessary for conducting official County business.
3. **Definitions:**
  - a. Official County Business is business in which County employees or officials participate in an activity which is recognized by the Commissioner’s Court as being official business of Bastrop County.
  - b. Per Diem means a fixed rate paid in lieu of actual expense reimbursement for meals; this rate is set by the Commissioner’s Court from time to time based on review of generally accepted rates used by other agencies at the local, state, and/or federal level.
  - c. Traveler means the County official or employee who incurs expenses while traveling on official county business.
  - d. Travel Expenses are charges incurred by County employees/officials who attend official educational events, conferences, seminars, and meetings which are necessary and important to the traveler’s job performance and function. Reimbursable travel expenses may include:
    - Meals
    - Lodging expenses including hotel self-parking (valet parking if no self-parking is available)
    - Transportation costs such as taxi, shuttle, rental car, airline or public transportation

- Use of personal vehicle mileage reimbursement
- Conference or Seminar registration fees

*\*Note: With the exception of meal expenses (when per diem payments are used), paid receipts and supporting documentation must be provided with the traveler's reimbursement request. Conference/training registration receipts AND agendas must be provided as well.*

**Expenses will not be reimbursed for the following items:**

- Parking tickets or other fines
- Excess baggage charges
- Expenses incurred by companions/family members
- Expenses related to vacation or personal activities while on a business trip
- Non-compulsory insurance coverage
- Airline or rental car upgrade charges
- Repairs due to accidents
- Delinquency fees or finance charges on personal credit cards
- Alcoholic beverages
- Loss or theft of personal funds or property+

## 9.2 PROCEDURES

1. **Pre-Approval for Travel Expenses:** For travelers other than Elected Officials or Department Heads, requests to attend training, conferences, meetings, or other official business functions where travel expenses are anticipated must be pre-approved by the Department Head/Official to whom the employee reports. Anticipated expenditures must be reviewed, and the approving party must ascertain that their department's budget is sufficient to reimburse the traveler.

For Department Heads: Any travel requiring an overnight stay must be pre-approved by the Elected Official (or their designee) to whom the Department Head reports.

2. **Event Registration:** Registration fees for conferences, trainings, etc. can be paid well in advance of the event to secure your enrollment; and to take advantage of early registration discounts. Travelers may submit registration information to the Purchasing Department, where a Purchase Order will be issued. This will encumber the Departmental budget and create an invoice for payment. Using this process will eliminate the need for travelers to use personal funds or get an advance for registration.

3. **Transportation Expenses:** For automobile travel (other than normal commute) involving the use of an official/employee's personal vehicle, a mileage reimbursement may be paid\*. The mileage reimbursement rate will be the rate in current use by the Internal Revenue Service.

*\*Note: A semi-monthly Travel Allowance is paid to some elected officials, department heads, and employees for use of their personal vehicles for County business. Individuals who receive a Travel Allowance are not eligible to be reimbursed for mileage (for travel within the state of Texas). Proof of current automobile liability coverage is required for the personal vehicles being used and should be provided to the Purchasing Office.*

- a. Mileage calculations for reimbursement requests must take into consideration the distance between the traveler's home and usual work location, and that distance must be deducted from the reimbursement request (the County does not reimburse mileage for employee's normal commute distance).
  - b. When travel distance exceeds 500 miles round-trip, the County will fund ***the lesser of:***
    - mileage reimbursement at the current reimbursement rate for the actual miles traveled on County business, or
    - the lowest available cost of round-trip coach-class airfare, plus reasonable and documented charges for parking and public transportation at the destination.
  - c. Airline or other commercial transportation costs will be reimbursed based on receipts and documentation provided. Economy/Coach-class fares are the maximum allowable; in addition, travelers are expected to utilize fare-savers, government discounts, and any other means available to incur the lowest possible costs for travel.
  - d. Ground Transportation for long-distance trips where County or personal vehicles are not used, travelers may be reimbursed for transportation costs including shuttles, taxis, rental cars, etc. Again, travelers are expected to utilize the most cost-effective modes of transportation available. Travelers will not be reimbursed for add-on charges for rental cars such as insurance or fuel refilling charged by the rental agency.
  - e. Reimbursement requests for transportation expenses must be documented on the Travel Expense Reimbursement form and approved by the appropriate party, then submitted to the Accounts Payable clerk in the Treasurer's Office for processing. Paid receipts and supporting documentation (such as conference/training registration receipts AND agendas) must be included with the reimbursement request.
4. **Lodging Expenses:** When overnight travel is necessary in order to conduct County business, travelers will be reimbursed for actual lodging expense costs, supported by paid receipts. The

County encourages the use of clean, comfortable, and safe lodging; however, travelers are expected to seek the most economical options and utilize any available discounts. The use of discounted conference-rate hotels is acceptable, but use of other more economical hotels is encouraged whenever available within walking distance of the meeting or conference. Miscellaneous expenses such as hotel self-parking and the use of hotel fax/copying services (for business purposes) are reimbursable with receipts. Room service fees, laundry, movies, in-room beverages/snacks/toiletry items, and personal services (spa, massage, etc.) are not reimbursable.

Reimbursement requests for lodging expenses must be documented on the Expense Reimbursement form and approved by the appropriate party, then submitted to the Accounts Payable clerk in the Treasurer's Office for processing. Paid receipts and supporting documentation (such as conference/training registration receipts AND agendas) must be included with the reimbursement request.

**\*No reimbursement for lodging will be paid for travel within Bastrop County.**

5. **Meal Expenses:** A per diem for all meal expenses resulting from business travel involving overnight stays has been set by Commissioner's Court as follows:

- Morning Meal maximum \$10.00
- Midday Meal maximum \$15.00
- Evening Meal maximum \$20.00
- **Maximum Daily Per Diem \$45.00**

- a. No additional reimbursement for meals will be allowed; per diem is a fixed, flat rate. The appropriate per diem for each travel event will be determined based on the required travel times and dates. Travelers will not be provided with per diem allowances for meals they could have taken prior to or after returning from travel.
- b. Travelers will not be reimbursed for meals that are included in conference registration fees. If the traveler elects not to utilize meal(s) provided as a part of an event, any meal expense incurred for such meal will be the traveler's personal responsibility.
- c. NO reimbursement for alcoholic beverages will be allowed.
- d. **Taxable Meal Reimbursements:** Meal reimbursements for travel on official county business which occurs outside of Bastrop County but does not require an overnight stay, are taxable under IRS guidelines and will be included as earnings on the traveler's W-2. Traveler reimbursement for these meals is up to the discretion of the Elected Official/Department Head. Meal reimbursement amounts may not exceed current Meal Per Diem amounts, as listed elsewhere in this policy.

- For reimbursement, a completed and approved ‘Taxable Meal Reimbursements form along with paid, itemized receipts must be provided to the Human Resources Office for processing. Receipts will be verified in HR, and the request will be taken to the Auditor’s office for approval, before entering into the system for payment. Reimbursement requests received in HR will be subject to the same due dates as timesheets and will be paid accordingly.

\*Law Enforcement employees who are transporting prisoners are exempt from this taxable rule.

6. **Travel Advances:** In situations where the traveler is not financially able to incur the costs of travel and be reimbursed by the County after the fact, a Travel Advance Request Form may be used. In order to receive an advance for travel expenses, this form **MUST** be completed and submitted to Accounts Payable no later than 12:00 noon on the Tuesday before the Commissioner’s Court meeting on the 2<sup>nd</sup> or 4<sup>th</sup> Monday of the month. In addition, the request must be submitted a minimum of 10 business days before the travel date.
  - a. Travel Advances may be requested for meals, personal vehicle mileage, and lodging expenses. The request must include travel dates, distances, and times so that the amount needed for meals and mileage can be calculated, and a check for that amount will be provided to the traveler. For lodging, include a written quote from the hotel which documents the type of room, date(s) of stay, room rate listing any applied discount (conference, government rate, etc.), and total projected cost for the stay. A check will be issued through the Accounts Payable clerk in the Treasurer’s Office made payable directly to the hotel.
  - b. Upon returning from their trip, the traveler must submit a Travel Expense Reimbursement Form along with detailed receipts showing actual charges (except for Meals, if per diem amounts were used) to the Accounts Payable clerk within 10 business days after travel is complete. Failure to submit detailed receipts will result in a deduction of the amount of the advance from the employee’s paycheck. If actual travel expenses exceeded the advanced amount, the traveler will be reimbursed for the difference. Likewise, if the travel advance amount exceeded the actual amount expended, the traveler will be required to reimburse the County for the difference.

## 10.0 BENEFITS

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### 10.1 EMPLOYEE INSURANCE BENEFITS & COBRA

1. **Policy Statement:** One of the greatest assets of Bastrop County is its employees. In recognition of this, together with our interest in the welfare of each employee, certain benefit programs have been established. Our insurance program is outlined below.
2. **Group Insurance:** Bastrop County maintains a comprehensive insurance program that provides health, dental, life, and accidental death and dismemberment (AD&D) coverage for the benefit and protection of all eligible employees. Employees are also able to enroll in voluntary insurances such as Vision, Critical Illness, Accident, Supplemental Life, and Disability. The employee will pay the premiums for these coverages via payroll deduction. Premiums are deducted from pay before Federal Income Tax and Social Security/Medicare taxes are withheld, unless otherwise specified by the employee, in accordance with IRS guidelines.
  - a. Insurance benefits are provided through contracts with providers and/or insurance brokers. These contracts are reviewed annually by the HR Department and Commissioner's Court. Benefit levels, premiums, and out-of-pocket costs are subject to change on an annual basis. Employees are allowed to change their benefits once a year during the annual Open Enrollment period, which is the month of September\*. Complete details of these insurance benefits, including contact information for providers, are published annually in employee insurance booklets.

*\* Changes may be made outside of the annual Open Enrollment period in cases of major life events such as marriage, divorce, birth/adoption, and involuntary loss of other group insurance coverage. Contact HR for details.*
  - b. County-provided group insurance coverage ends on the last day of the month in which an employee ends their employment with Bastrop County OR becomes ineligible for the benefit. Dependent insurance and voluntary insurance premiums are paid by the employee and will be terminated if premium payments are not made. COBRA provisions may allow for continuation of coverage for a specified period of time, at the employee's expense.
3. **Group Health Insurance:** This coverage provides for payment of certain hospitalization, medical, and prescription drug expenses arising from non-occupational illness or injury.

- a. Eligibility - All active regular (non-temporary) employees who work at least 20 hours per week are eligible. The effective date of coverage is the first day of the next month, following the employee's hire date. All elected officials and appointed officials are exempt from this eligibility waiting period and will have coverage available their first day of employment.
- b. Cost to Employee - Bastrop County pays **up to** 100% of the employee premium. This percentage is determined annually by the Commissioner's Court prior to the annual Open Enrollment period.

Employees pay 100 percent of premiums for dependents. Dependent eligibility is determined by the health insurance carrier.

4. **Group Dental Insurance:** This coverage provides for payment of certain preventive and diagnostic dental expenses.

- a. Eligibility - All active regular (non-temporary) employees who work at least 20 hours per week. The effective date of coverage is the first day of the next month, following the employee's hire date. All elected officials are exempt from this eligibility waiting period and will have coverage available their first day of employment.
- b. Cost to Employee - Bastrop County pays up to 100% of the employee premium. This percentage is determined annually by the Commissioner's Court prior to the annual Open Enrollment period.

Employees pay 100 percent of premiums for dependents. Dependent eligibility is determined by the dental insurance carrier.

5. **Group Life Insurance:** A group life insurance policy is provided by Bastrop County. In addition, employees can purchase up to \$200,000 of additional voluntary coverage via payroll deductions (health screening may be required for additional coverage).

- a. Eligibility - Each new regular (20+ hours/week) employee is eligible for group life insurance, which will become effective the first day of the next month, following the employee's hire date. No medical examination is required of any employee who completes enrollment on or before the date of eligibility. Any employee who subscribes after the eligibility date must furnish proof acceptable to the insurance company that he or she is insurable. All elected officials and appointed officials are exempt from the eligibility waiting period and will have coverage available on their first day of employment.
- b. Cost to Employee - There is no cost to the employee for the basic life benefit. The cost for supplemental life insurance is provided in the employee insurance booklet.

- c. Beneficiary - An employee may name anyone he or she desires as the beneficiary to whom the insurance will be paid and may change the beneficiary at any time by completing the proper form. Changes should be processed through the HR Department.

6. **COBRA Continuation Coverage:** Bastrop County provides group health and dental coverage. Employees who participate in these insurance plans have the right to continue coverage, for a specified amount of time and at their own expense, in the event that their employment is terminated or they become ineligible to participate. A “General Notice” of these rights is provided below.

\*Note: COBRA is a federally mandated provision, and as such may change from time to time. COBRA provisions which are in effect at the time an employee becomes eligible will prevail.

7. **General Notice of COBRA Continuation Coverage Rights:**

- a. Introduction - This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan’s Summary Plan Description or contact the Plan Administrator.

- b. What Is COBRA Continuation Coverage? - COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

- If you are an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because either one of the following qualifying events happens:
  - Your hours of employment are reduced, or
  - Your employment ends for any reason other than your gross misconduct.

- If you are the spouse of an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because any of the following qualifying events happens:
    - Your spouse dies;
    - Your spouse's hours of employment are reduced;
    - Your spouse's employment ends for any reason other than his or her gross misconduct;
    - Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
    - You become divorced or legally separated from your spouse.
  - Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because any of the following qualifying events happens:
    - The parent-employee dies;
    - The parent-employee's hours of employment are reduced;
    - The parent-employee's employment ends for any reason other than his or her gross misconduct;
    - The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
    - The parents become divorced or legally separated; or
    - The child stops being eligible for coverage under the Plan as a "dependent child."
- c. When Is COBRA Coverage Available? - The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee or the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.
- d. Notice of Some Qualifying Events - For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 30 days after the qualifying event occurs.
- e. How Is COBRA Coverage Provided? - Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage

on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

- COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee becomes entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

- 1) Disability extension of 18-month period of continuation coverage - If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.
- 2) Second qualifying event extension of 18-month period of continuation coverage - If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

- f. Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the Bastrop County Human Resources Department. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at <http://www.dol.gov/ebsa>. (Addresses and phone numbers of regional and district EBSA offices are available through EBSA's website at <http://www.dol.gov/ebsa>.)

## 10.2 ACA MEASUREMENT PERIOD

The Affordable Care Act requires employers with 50 or more employees to offer health insurance to all eligible employees. This policy sets the measurement periods for determining whether newly hired temporary and part-time employees are eligible for County health insurance.

### 1. New Employee Categories:

- a. Reasonably expected to work full-time at hire date (do not need to measure)
- b. Reasonably expected not to work full-time at hire date (measure)
- c. Temporary employees at hire date (measure)
- d. Part-time employees at hire date (measure)

### 2. Periods of Measurement for New Hires:

- a. Initial Measurement Period (IMP) - The period that an employer chooses to apply to new hires. This period is used to determine whether newly hired part-time and temporary employees are eligible for health insurance. The Initial Measurement Period and the Initial Administrative Period combined may not extend beyond 13 months and a fractional month.

The Initial Measurement Period begins on a new non-full-time employee's hire date and will end 12 months later. For example, if a part-time employee is hired on April 1, 2024, then that employee's IMP will begin on April 1, 2024, and will end March 31, 2025.

- b. Initial Administrative Period (IAP) - The period of time during which Bastrop County performs measurement and determines whether health care coverage should be offered. This period begins immediately following the end of the Initial Measurement Period and ends immediately before the start of the Initial Stability Period (ISP).

The Initial Administrative Period begins immediately following the end of the Initial Measurement Period and ends immediately before the start of the Initial Stability Period but is no longer than 1 month plus a fractional month. For example, if a part-time employee's IMP ends on March 31, 2025, then that employee's IAP begins on April 1, 2025, and ends April 30, 2025. During this period Bastrop County will determine if the employee is eligible for health care coverage (paid an average of thirty (30) or more hours during their IMP). If eligible, the employee must be offered health care coverage.

- c. Initial Stability Period - The period of time lasting 12 months during which the employee is either:
- Considered health insurance eligible and must be offered coverage, or;
  - Is not considered eligible and coverage need not be offered.

For new part-time and temporary employees, the ISP must begin after their IMP and any IAP. For those determined to be eligible, their ISP must be the same length as the Standard Stability Period.

The Initial Stability Period for Bastrop County is 12 months, beginning immediately after the Initial Administrative Period ends. For example, if during the IAP (April 1, 2025 thru April 30, 2025) it is determined that a part-time hour employee is paid an average of thirty hours or more per week during their IMP, then that employee is eligible and must be offered health care coverage. If the employee accepts the health care coverage, then their coverage begins May 1, 2025 and will end April 30, 2026 (their ISP) unless they continue to be paid an average of thirty hours or more per week during the Standard Measurement Period, in which case, the employee must be offered health care coverage again.

3. **Periods of Measurement for Ongoing Employees:** An ongoing employee is one who has been employed for at least one complete Standard Measurement Period.

- a. Standard Measurement Period (SMP) - the period used for ongoing employees. This period is used to determine whether part-time and temporary employees are eligible for health insurance coverage.

The Standard Measurement Period for Bastrop County begins September 1 each year and will end August 31 the following year. For example, in FY 2023-2024 the SMP begins September 1, 2023 and will end August 31, 2024.

- b. Standard Administrative Period (SAP) - the period of time during which Bastrop County performs measurement and determines whether health care coverage should be offered. This period begins immediately following the Standard Measurement Period and ends immediately before the Standard Stability Period.

The Standard Administrative Period begins September 1 each year and will end September 30. For example, in FY 2024-2025 the SAP begins September 1, 2024 and will end September 30, 2024. During this period Bastrop County will determine if the employee is eligible for health care coverage (paid an average of thirty or more hours during the SMP). If eligible, the employee **must** be offered health care coverage.

- c. Standard Stability Period (SSP) - If it is determined that an employee averaged at least 30 hours per week during the SMP, the employee is eligible for health insurance coverage and must be offered participation during the subsequent Standard Stability Period. If an employee accepts the health care coverage, the Standard Stability Period is 12 months beginning immediately after the Standard Administrative Period ends regardless of the employee's number of hours of service during the SSP.

The Standard Stability Period for Bastrop County begins October 1 each year and ends September 30. For example, if during the SAP (September 1, 2024 thru September 30, 2024) it is determined that a part-time employee is paid an average of thirty hours or more per week during their SMP, then that employee is eligible and must be offered health care coverage. If the employee accepts the health care coverage, then their coverage begins October 1, 2024 and will end September 30, 2025 (their SSP) unless they continue to be paid an average of thirty hours or more per week during their next Standard Measurement Period, in which case, the employee must be offered health care coverage again.

## 10.3 HIPAA PRIVACY POLICY

1. **Purpose:** This policy ensures the county complies with HIPAA when administering employee health benefits and protects the privacy and security of PHI received from the health plan or third-party administrators (TPAs).
2. **Definitions:**
  - a. Protected Health Information (PHI) - Information about an individual's health, treatment, or health plan enrollment that can identify the individual.
  - b. Plan Sponsor - The county organization responsible for administering the employee health plan.
  - c. Business Associate - Any vendor (TPA, insurer, claims processor) that handles PHI on behalf of the county.

- d. Workforce Member - Employees, contractors, or volunteers who may access PHI for plan administration.

### 3. **Permitted Use of PHI:**

- a. PHI may only be used for health plan administration, such as:
  - Eligibility and enrollment
  - Claims processing and payment
  - Subrogation or coordination of benefits
- b. PHI cannot be used for employment decisions, promotion, discipline, or other non-plan purposes.

### 4. **Disclosure:**

- a. PHI may only be disclosed to:
  - The individual plan participant
  - Health care providers for plan administration
  - Third Party Administrator for Bastrop County Health Plan
- b. Unauthorized disclosure is strictly prohibited.

### 5. **Minimum Necessary Standard:**

- a. Access to PHI must be limited to the minimum necessary information to perform assigned duties.
- b. Staff should avoid unnecessary access, copying, or sharing of PHI.

### 6. **Safeguarding PHI:**

- a. Physical safeguards - Locked cabinets, restricted access areas, secure disposal of paper records.
- b. Technical safeguards - Password-protected systems, encryption, and secure electronic storage.
- c. Administrative safeguards - Training, access controls, audits, and incident reporting.

### 7. **Training:**

- a. All workforce members with access to PHI must complete HIPAA training upon hire and annually thereafter.

- b. Training covers proper use, disclosure, and safeguarding of PHI.

**8. Breach Reporting:**

- a. Any suspected or confirmed PHI breach must be reported immediately to HR/Compliance.
  - b. HR/Compliance will investigate, document, and notify affected individuals and authorities as required.
- 9. Enforcement:** Violations of this policy may result in disciplinary action, up to and including termination, and may subject the individual to civil or criminal penalties under HIPAA.

## **10.4 FAMILY & MEDICAL LEAVE (FMLA)**

1. Bastrop County provides leave to all eligible employees for medical and family reasons in accordance with the Family Medical Leave Act of 1993 (FMLA), updated 1/16/09. It provides for up to 12 weeks of unpaid leave within a 12-month period, or 26 weeks in certain situations involving military personnel (Military Family Leave (MFL)).
2. **Eligibility:** To be eligible for FMLA, the employee must have worked for Bastrop County for at least 1,250 hours over the past 12 months. In calculating eligibility, only hours an employee actually worked are used. Vacation, Sick Leave, Holiday, and Personal Leave hours are not included in the 1,250 minimum.
3. **Amount of Leave:** If eligible, employees are generally entitled up to 12 weeks of protected unpaid leave within a 12-month period for appropriate reasons. The leave year will be determined on a 12 Month Rolling Backward basis. If an employee works less than 40 hours per week, eligibility will be prorated based on the number of hours the employee regularly works.  
If a married couple are both employed by the County, the maximum combined leave they will be allowed to take in any 12-month period for the birth or placement of a child will be 12 weeks.  
  
*\*Example: If one parent has a medical certificate for 8 weeks (including post prenatal and recovery) and uses the remaining 4 weeks for postpartum and bonding, then the other parent will have 8 weeks of bonding time.*  
  
*\*This only applies to sharing of bonding, placement of a child, or for the care of a parent. Each employee still qualifies for a total of 12 weeks of FMLA.*
4. **Qualifying Reasons for FMLA Leave:** Leave will be granted for any one or combination of the following reasons:

- a. Birth of a child and to care for the newborn within one year of birth.
- b. Placement of a child in adoption or foster care, and to care for the newly placed child within one year of placement.
- c. To care for an employee's parent, spouse, or child with a serious health condition.
- d. A serious health condition that renders the employee unable to perform the essential functions of employee's job.
- e. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or called to active-duty status in the National Guard or Reserves.

*"Serious health condition" is an illness, injury, impairment, or physical or mental condition which requires inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. "Qualifying exigency" is a specific need or circumstance related to military service, as defined within the FMLA.*

**5. Military Caregiver Leave (MFL):** An eligible employee may take up to 26 weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness.

- a. A covered service member includes:
  - A current member of the Armed Forces (Regular, Reserve, or National Guard) who is medically unfit to perform duties due to a serious injury or illness incurred while on active duty and is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.
  - A veteran of the Armed Forces (Regular, Reserve, or National Guard) who is receiving medical treatment, recuperation, or therapy for a qualifying injury or illness. The veteran must have been discharged within the five years preceding the start of the employee's leave.
- b. The MFL entitlement is applied on a per-injury basis and an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or covered veteran with a subsequent serious illness or injury, except that no more than 26 weeks may be taken within any single 12-month period.
- c. An eligible employee may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five-year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

d. Leave may be taken intermittently or on a reduced schedule when medically necessary. Employees are expected to make reasonable efforts to schedule planned medical treatment in a way that minimizes disruption to county operations.

e. Reporting Requirements:

- Reporting requirements for a military-specific FMLA leave request are the same as for any other occurrence within this policy.
- Certifications for employees using FMLA leave for qualifying military occurrences will be required, subject to the provisions of the FMLA.

6. **Work Related Injury:** Bastrop County will always designate qualifying work-related injuries with lost time as an FMLA qualifying event.
7. **Substitution of Paid Leave:** Bastrop County requires substitution of paid leave for all FMLA or MFL events. Accrued paid time off, including Compensatory Time, Sick Leave, Vacation, Personal Leave, and Holiday will be substituted (in that order) for unpaid leave under this policy. An employee must follow the compensatory, vacation and sick leave policy guidelines. The balance of FMLA is unpaid leave. Hours paid using accrued time will be applied against employee's FMLA maximum eligibility. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.
8. **Requesting Leave:** Failure to comply with the appropriate procedure/rules may result in the delay of leave. If leave is foreseeable, the employee must make the request at least 30 days before leave begins when practicable. Employees must submit leave information as soon as possible to an HR representative, employee's immediate supervisor, or designated personnel. Employees must provide sufficient information regarding reasons for the leave. Failure to provide sufficient information within seven (7) business days from date of request may result in delay of leave.

Employee requests will be reviewed, and the employee will be notified of approval/denial.

9. **Intermittent Leave:** Intermittent leave and/or a reduced work schedule under this policy will be allowed only where it is necessary for the care and treatment of a serious health condition of the employee or their eligible family member. If leave is taken on an intermittent or reduced schedule basis, it must be scheduled so it does not unduly disrupt the County's operations, and all time missed by an employee as the result of this leave or a reduced schedule will be applied against the employee's FMLA eligibility. The County may temporarily transfer an employee to an alternative position with equivalent pay and benefits if such position would better accommodate the intermittent or reduced schedule.

**10. Medical Certifications:** Where leave involves a serious health condition, Bastrop County will require the employee, or their eligible family member if applicable, to provide medical certification from a licensed health care provider within 15 days of the leave request. Bastrop County reserves the right to require, at the County's expense, a second opinion. The health care provider giving a second opinion will be chosen by the County. Should the first and second opinions not agree, a third opinion may be sought. The health care provider used for the third opinion must be agreed upon by the employee and the County. The third opinion will be considered final and binding.

a. Employees requesting FMLA leave for a serious health condition must sign a release form allowing a County HR representative (not the employee's supervisor) to correspond with the employee's health care provider regarding that condition.

- Medical certification of an employee's serious health condition must include:
  - The date the condition began;
  - The expected duration of the condition;
  - Medical facts that support the identification of the serious health condition;
  - If the condition is a pregnancy or a chronic condition, the certification must say so;
  - A statement of whether the employee is currently incapacitated and how long and how often that incapacity will last;
  - A statement indicating that intermittent leave and/or a reduced work schedule may be required, if applicable;
  - An estimate of how many more treatments will be required; and
  - A statement that the employee is unable to perform the essential functions of their job.

b. Employees requesting FMLA leave for the serious health condition of an eligible family member must provide a signed release form allowing a County HR representative (not the employee's supervisor) to correspond with the family member's health care provider regarding that condition.

- Medical certification of the serious health condition of an employee's eligible family member must include:
  - The date the condition began;
  - The expected duration of the condition;
  - Medical facts that support the identification of the serious health condition;

- If the condition is a pregnancy or a chronic condition, the certification must say so;
- A statement indicating that intermittent leave and/or a reduced work schedule may be required, if applicable;
- An estimate of how many more treatments will be required; and
- A statement that the family member requires care and assistance, and that the employee's presence would be beneficial or desirable.

*\*Bastrop County may require recertification of a serious health condition, at the employee's expense.*

**11. Benefit Continuation:** While on leave under this policy, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work. Employees will be required to pay the premium(s) for any dependent coverage(s) and any other insurance coverage for which the employee would normally pay, just as if the employee were still actively at work. To the extent that the employee is using accrued paid leave, payment for premiums will be deducted from their pay. If an employee is on unpaid leave, the employee will be responsible for making payments to the County no later than 30 days from the due date set by the County. Nonpayment of premium(s) will result in the termination of coverage. The county may cancel unpaid coverage by providing the employee with advance written notice, not less than 10 days before the coverage will be cancelled for non-payment.

- a. While on leave without pay under this policy, an employee does not earn vacation or sick leave, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy.
- b. An employee who is out on approved FMLA leave must have department head or Elected official consent prior to traveling outside of the country unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events.
- c. Employees are forbidden from working another job while on approved FMLA leave from the county.

**12. Reinstatement:** Employees are expected to return to work as soon as possible. Once an employee has used the maximum leave allowed under this policy, if they do not return to work within 10 business days and/or is not able to perform the essential functions of their job, the employee is not guaranteed reinstatement and is subject to termination, regardless of whether they have unused accrued paid leave.

- a. When an employee returns to work following FMLA leave, where the leave period did not exceed the maximum leave allowed under this policy, and where the employee is able to perform the essential functions of their job, such employee will be reinstated to the same job as prior to the leave, or assigned to a position equivalent in pay, benefits, responsibility, and authority. Any benefits such as seniority and status in place immediately before the leave will be reinstated provided that the employee returns to work within 10 business days following the leave end date.

*\*A Fitness-for-Duty Report will be required before reinstatement for leave involving an employee's serious health condition.*

- b. Except in situations where the employee is unable to return to work because of their own serious medical condition, or an eligible family member, or other situations beyond the employees control, if the employee does not return to work after using the maximum leave allowed under this policy, they will be required to reimburse the County for all medical insurance premiums paid by the County while such employee was out on leave.

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

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

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

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

## 10.5 WORKERS' COMPENSATION

1. **Applicability:** All employees of Bastrop County shall be covered by the County's workers compensation coverage on duty for the County.
2. **Medical Income and Benefit Eligibility:** An employee who suffers a job-related injury or job-related illness shall be eligible to have all reasonable, necessary and related medical expenses paid for such injury or illness. If unable to work due to a job-related injury for more than seven (7) calendar days, non-law enforcement employees will be eligible for Temporary Income Benefits, which begin on the 8th day of disability. Salary Continuation will be provided for law enforcement employees.
3. **Responsibility for Reporting:**
  - a. An employee who suffers an on-the-job injury or job-related illness shall notify their Department Head/Elected Official IMMEDIATELY and will fill out the appropriate reporting forms. The Department Head/Elected Official will notify the HR Department IMMEDIATELY.
  - b. Failure to report job related injuries or illnesses in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or delay benefit payments and is grounds for disciplinary action.
4. **Physician's Release:** An employee who has been receiving Temporary Income Benefits or Salary Continuation is required to provide a DWC-73: Work Status Form noting a full or modified duty release to return to work and signed by the attending physician before being allowed to return to work.
5. **Temporary Income Benefits:** Subject to the provisions set forth later in this policy, full-time regular non-law enforcement employees who must miss work because of job related injuries or illness shall be eligible to receive Temporary Income Benefits.
  - a. Temporary Income Benefits are paid at seventy (70%) of the employee's regular rate. Employees may use vacation, sick or other leave to supplement their Temporary Income Benefits to equal their gross pay received at the time of injury.
  - b. Temporary Income Benefits shall continue for the period of the job-related disability or until Maximum Medical Improvement has been certified.
  - c. Temporary Income Benefits shall not be charged against vacation, sick leave or other leave.
  - d. Temporary Income Benefits benefit shall be subject to the following provisions:

- The injury or illness must be the direct result of the employee performing their job.
  - An employee with an injury who is able, as determined by the attending physician on the DWC-73: Work Status Form, to perform light duty will be given a Bona Fide Offer of Employment for a modified duty position in their original department or for another department.
  - An employee who does not qualify for Temporary Income Benefits or whose benefits are used up before being released to duty by the attending physician may use their sick leave and/or vacation to supplement their income.
  - An employee who has used all Temporary Income Benefits, sick leave and vacation as the result of a job-related injury or illness before being released to return to work by the attending physician may be granted a leave of absence, without pay, for a reasonable period if so recommended by their Department Head/Elected Official.
6. **Salary Continuation Payments:** Subject to the provisions set forth later in this policy, full-time regular law enforcement employees who must miss work because of job related injuries or illness are eligible to receive Salary Continuation payments.
- a. Salary Continuation is paid at one hundred (100%) of the employee's regular rate.
  - b. Salary Continuation will be paid for the period of the job-related disability.
  - c. Salary Continuation will not be charged against vacation, sick leave or other leave.
  - d. Salary Continuation shall be subject to the following provisions:
    - The injury or illness must be the direct result of the employee performing their job.
    - An employee with an injury who is able, as determined by the attending physician on the DWC-73: Work Status Form, to perform light duty will be given a Bona Fide Offer of Employment for a modified duty position in their original department or for another department.
    - An employee who does not qualify for Salary Continuation benefits or whose benefits are used up before being released to duty by the attending physician may use their sick leave and/or vacation to supplement their income.
    - An employee who has used all Salary Continuation benefits, sick leave and vacation as the result of a job-related injury or illness before being released to return to work by the attending physician may be granted a leave of absence, without pay, for a reasonable period if recommended by their Commanding Officer.

## 10.6 RETIREMENT

1. **Retirement Program:** Bastrop County participates in the Texas County and District Retirement System (TCDRS). Membership is mandatory for all regular, non-temporary County employees. The Bastrop County employer plan offered through TCERS is subject to change from one fiscal year to another, with the approval of the Commissioner's Court. Specific questions regarding retirement benefits offered by Bastrop County should be directed to the Human Resources Department.
2. **Employee Deposit Rate:** The current employee deposit rate is 7% of gross income. The employee's retirement contribution shall be deducted from each paycheck, effective at hire date. Employee deposits to TCERS are not subject to Federal Income Tax until they are withdrawn.
3. **Employer Matching Rate:** Bastrop County matches vested employee deposits upon qualified retirement, as described in Paragraph 4. Employee's deposits must be left in their TCERS account until they are vested, reach retirement eligibility, and begin drawing their retirement annuity from TCERS, in order for employer matching funds to be applied. Match rates are as follows:

Deposit Date	County Match
1/1/1968 - 12/31/1979	1:1
1/1/1980 - 12/31/1985	1.5:1
1/1/1986 - 12/31/2011	2.3:1
1/1/2012 – 12/31/2025	2:1
1/1/2026 - present	2.5:1

*\* subject to revision at any time – see Paragraph 8*

4. **Vesting and Retirement Eligibility:** Employees of Bastrop County must meet one of the following criteria in order to be eligible for retirement through TCERS:
  - a. Age 60 with 8 years of creditable service\*\*
  - b. Any age with 20 years of creditable service
  - c. Rule of 75 (age plus years of service equals 75 or greater)

*\*\*creditable service for TCERS includes service time at other Texas counties and/or within other Texas public retirement systems, such as municipal, state, or school district, and may also include time served in the military.*

5. **Health Insurance:** Employees who meet the following criteria will qualify for health insurance benefits on County-sponsored plans, as described below. The County will pay premiums for the

retiree only; any dependent premiums shall be paid by the retiree. Qualifying retirees (and dependents, if applicable) will be required to switch to the County-sponsored post-Medicare health insurance plan when they reach Medicare eligibility; in addition, they may be required to enroll in specific Medicare Plans (such as Part A and B) in order to participate.

In order to be eligible for health insurance benefits, an employee must:

- a. Be eligible for retirement under TCDRS (see paragraph 4, above);
- b. Have served at least 8 continuous years as a regular, non-temporary employee of Bastrop County;
- c. Elect to participate in the insurance benefit within 30 days of retirement, and
- d. Begin drawing their TCDRS retirement annuity immediately after retiring from Bastrop County.

*Note: Retiree health benefits (retiree and dependent) are only available at the time of retirement. If the benefit is declined at retirement, the retiree may not request coverage at a later date.*

#### **6. Part-Time Employees:**

- a. Insurance premiums for part-time employees who retire prior to September 30, 2016, will be paid at the full-time rate.
- b. Insurance premiums for part-time employees who retire after September 30, 2016, will be paid on a pro-rata basis according to the years of service and number of hours per week the employee worked.
- c. Employees who have changed employment status between full-time and part-time must have worked at least 12,480 hours in the past 8 years in order to be eligible to have their insurance premiums paid at the full-time employee rate.
- d. Retiree Health Insurance benefits are based on retiree's hire date, retirement date, years of service, and/or number of hours worked per week at Bastrop County, as follows:
  - Retirees who have already retired as of the effective date of this Policy (8/9/2010) shall remain eligible for the benefits they currently have in place.
  - All retirement-eligible employees (as described in Paragraphs 4 and 5, above) who retire before 9/30/2011 shall be eligible to have both pre- and post-Medicare health insurance premiums on County-sponsored plans paid by Bastrop County at 100%.
  - The benefit schedule shown in "Plan A" (below) applies to Bastrop County employees who:

- Were actively employed in a regular, non-temporary position as of 9/30/2010; AND
- Did not retire on or before 9/30/2011 (subject to the requirements described in Paragraphs 4 and 5 above)

"Plan A"		
Years of Service* at Retirement	% of premium paid by County	
	Pre-Medicare	Post-Medicare
less than 8	0%	0%
8 to <12	50%	50%
12 to <16	60%	60%
16 to <20	70%	70%
20 to <24	80%	80%
over 24	100%	100%

- The benefit schedule shown in "Plan B" (below) applies to Bastrop County employees who were hired on or after 10/1/2010:

"Plan B"		
Years of Service* at Retirement	% of premium paid by County	
	Pre-Medicare	Post-Medicare
Less than 8	0%	0%
8 to <12	0%	0%
12 to <16	0%	0%
16 to <20	50%	0%
20 to <24	75%	0%
Over 24	100%	0%

*\*Years of Service at Bastrop County – employees must have a minimum of 8 continuous years to qualify for retiree health benefits.*

- Optional Insurance Coverage:** At the time of retirement, any optional insurance offered to retirees (such as Dental and Life) may be selected. Premiums will be paid by the retiree. Optional insurance is only offered at the time of retirement.
- Rehires:** A rehired employee who has at least eight (8) years of prior continuous, benefits- eligible Bastrop County service will be allowed to utilize the Retiree Insurance Benefit Plan that was in place on their original hire date, if the following conditions are met:
  - The employee is re-hired within twelve (12) months of separation from Bastrop County into a regular, non-temporary position, AND;

- b. The employee completes a minimum of twelve (12) months of uninterrupted service from the date of rehire.

*\*For a rehired employee who does not have at least eight (8) years of prior continuous, benefits-eligible Bastrop County service, the Retiree Insurance Benefit Plan that is in place for newly hired employees as of the rehire date will apply.*

- 9. **Revision/Revocation:** This policy is subject to change or revocation with or without notice by the Commissioner's Court.
- 10. **Dependent Coverage:** A County retiree's dependent(s) may be enrolled in a County-sponsored Health Insurance plan, subject to the following provisions and policies:
  - a. The spouse/dependent(s) must have been enrolled in a county health insurance plan since the retiree's effective date of retirement, at a minimum, and;
  - b. Medicare eligibility must be age-based in order to enroll in the Medicare Supplement Plan – being eligible for Medicare under other provisions, such as disability, does not qualify per TAC policy, and;
  - c. All dependent coverage premiums are paid by the retiree.
- 11. **Group Health Plan (GHP):** Retirees and their dependent(s), if applicable, may remain on the GHP until they are Medicare-eligible, at which time they will be transferred to the Medicare Supplement Plan (MSP). If a retiree's covered dependent(s) is (are) not Medicare-eligible as of the date the retiree becomes Medicare- eligible, such dependent(s) will be allowed to remain on the GHP until he/she becomes Medicare- eligible. The dependent's coverage and rate class will change from "Dependent" to "Individual", and the cost of coverage will change accordingly. When a dependent becomes Medicare-eligible, he/she will be dropped from the GHP and may enroll in the County-sponsored MSP, subject to the provisions for such enrollment which are in place at that time. GHP coverage for dependents is terminated when a retiree dies (subject to COBRA provisions).
- 12. **Medicare Supplement Plan (MSP):** A retiree's spouse may enroll in the MSP (as long as the retiree is covered on the County health plan), when the spouse becomes Medicare-eligible (age based). Premiums for health coverage are based on age, and prescription drug coverage is based on the federal amount charged for Medicare Part D. Existing coverage for a retiree's spouse may be continued, at their expense, when the retiree dies.

# 11.0 SEPARATION FROM BASTROP COUNTY

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## 11.1 SEPARATION

1. **Types of Separation:** All separations from employment with Bastrop County shall be designated as one of the following types:
  - a. Resignation
  - b. Retirement
  - c. Dismissal
  - d. Disability
  - e. Reduction in force (layoff)
  - f. Death
  
2. **Resignation:**
  - a. A resignation shall be classified as any situation in which an employee voluntarily leaves their employment with Bastrop County and the separation does not fall into one of the other categories.
  - b. To resign in good standing, it is requested that the employee notify their department head of the intent to resign at least ten (10) working days prior to the last day of work.
  - c. A department head shall be responsible for notifying the Human Resources office as soon as an employee announces their intent to resign.
  
3. **Retirement:** The same requirements for resignation apply to retirement, with the exception that the employee should notify their department head at least forty-five (45) days prior to the last day of work. This advance notice allows for the scheduling of a Retirement meeting, during which retirement benefits can be updated and established to take effect immediately upon retirement.
  
4. **Dismissal:**
  - a. A dismissal shall be any involuntary separation from employment which does not fall into one of the other categories of separation.

- b. Bastrop County is an "at will employer" and as such may dismiss an employee at any time for any legal reason or no reason at all.
  - c. A separation for disability shall be any situation in which the employee is unable to perform the duties of their job for physical or mental reasons with or without reasonable accommodation and cannot perform the essential duties of any other Bastrop County position currently available, for which they are qualified with or without reasonable accommodation.
5. **Reduction In Force:** An employee shall be separated when their position is abolished or when there is a lack of funds or work.
- \*Separation for reduction in force are subject to the provisions in the Layoffs policy outlined below.*
6. **Death:** If an employee dies while in the service of the County, their designated beneficiary or estate shall receive all earned pay and payable benefits.

## 11.2 LAYOFFS

1. **Reasons for Layoffs:** While such action is avoided whenever possible, employees of Bastrop County may be laid off where a department head deems it necessary because of shortages of funds or work, the abolition of a job or jobs, other material changes in the organization or for other reasons which are beyond the control of the employer.
- \*A layoff shall not reflect discredit on an employee or on their ability to do the job in which he/she was employed.*
2. **Transfers:** Whenever possible, employees who are laid off in one department shall be integrated into other departments by transfer.
3. **Sequence:** If layoffs are required, they shall be based first on demonstrated job performance and efficiency and, secondly, on length of service.
4. **Re-employment:** Employees who have been laid off shall be given preferential consideration for future job openings in the county for a period of one year.

## 11.3 TERMINATION PAY

1. If any employee leaves the service of the County their final paycheck shall include:
  - a. Pay for all hours worked but for which payment has not been received including, where applicable, time and one-half for overtime worked;
  - b. Where applicable, pay for compensatory time which has been earned but has not yet been used;
  - c. Pay for any leave time for which payment is due under the provisions of the Bastrop County Personnel Policy.
  - d. Deductions for any payroll deductions needed to complete payment for voluntary benefits through the date they will be cancelled due to the termination (typically the end of the current month); and
  - e. Deductions for any indebtedness to the County which the employee may have incurred but which has not been paid. This will include deductions for any County-owned equipment or property (such as keys, uniforms, safety equipment etc.) which has not been returned by the employee in operable condition.

## 11.4 REHIRE

1. Separation of employment from Bastrop County may occur for one of several reasons, including resignation, involuntary termination, retirement, departmental reorganization, release (end of season or assignment), or reduction in workforce. An employee who has separated from employment with the County may be eligible for rehire, depending on the circumstances of their separation.
  - a. Any employee who has separated from employment with Bastrop County will not be eligible for rehire before the required minimum separation period has elapsed, as defined by TCDRS, with one exception: in the event that a separating employee has applied for an open (or new) position within the County and is selected for that position, he/she will be transitioned into the new position within 30 days of the pending separation, as if there were no lapse in employment.
  - b. Employees who are rehired will be treated, for all intents and purposes, the same as any newly hired employee with respect to Benefits, Leave Accrual, use of leave, etc., except as specifically noted elsewhere in this Policy Manual (potential exceptions: Vacation, Sick Leave, Longevity).

## 12.0 INFORMATION TECHNOLOGY

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### 12.1 ACCEPTABLE USE

1. **Objective:** The purpose of this policy is to establish appropriate and acceptable practices and responsibilities regarding the use of Bastrop County resources. These rules are in place to protect the User and Bastrop County. Inappropriate use exposes Bastrop County to risks including virus attacks, compromise of network and data systems and services, and legal issues.
2. **Scope:** This policy applies to Bastrop County employees, Elected Officials, Department Heads, contractors, volunteers, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment that is owned or leased by Bastrop County.
3. **Definitions:**
  - a. Information Asset - Any Bastrop County data in any form, and the equipment used to manage, process, or store Bastrop County data, that is used in the course of executing Bastrop County business. This includes, but is not limited to, corporate, customer, and partner data.
  - b. Partner - Any non-employee or non-official of Bastrop County who is contractually bound to provide some form of service to Bastrop County.
  - c. Password - An arbitrary string of characters chosen by a user that is used to authenticate the user when they attempt to log on, to prevent unauthorized access to their account.
  - d. User - Any person (see Scope) who has been authorized to access any County electronic information resource.
4. **General Use:** Users shall comply with Bastrop County policies when using Bastrop County information resources and/or on Bastrop County time. Every user must avoid all activity that compromises the confidentiality, integrity, or availability of Bastrop County resources, or that negatively impacts the County or other users.
  - a. Acceptable uses of Bastrop County's technologies are limited to those activities that support reference, research, internal/external communication, and while conducting County business in line with the user's job responsibilities.
    - Bastrop County prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

- Users must understand the use of any Bastrop County provided publicly accessible computer network such as the Internet, e-mail, and phone system is a privilege. Minimal personal use of the Internet, e-mail, and other technology systems is allowed under this policy as long as such use is not excessive, does not go against policy, and does not impede job performance or the performance of County business, subject to department manager approval. Bastrop County is not responsible for personal communications sent on its technology systems.
  - Bastrop County provides computer networks, Internet access, e-mail, telephones, voice mail, fax communication, radios, cameras, and other electronic communication systems for use by County Users in the performance of their job duties. These technology devices are referred to collectively in this policy as “technology systems” or “technology”. These technology systems are designed to support and enhance the communication, research, and information capabilities of County Users and to encourage work related communication, efficiency, and sharing of information resources within Bastrop County.
  - Access to Bastrop County’s technology systems is available with the approval of the appropriate department manager. Technology systems are designed with security controls intended to allow required access to the technology systems and information by only those specifically authorized and have a need to know. Unauthorized access is strictly prohibited and may result in disciplinary action, up to and including termination. IT security controls shall not be bypassed or disabled.
  - Access may be granted to technology systems in the conduct of a User’s job with Bastrop County to those individuals with a specific requirement or need to know. Both the functional manager responsible for that system and the IT Department are responsible for evaluating each request for access to determine the technology, terminals, screens, level of access, etc. the individual must have access to retrieve the needed information. Each individual shall be assigned only one computer or terminal unless approved by the IT Director. When necessary, authorized access information will be forwarded to the user department assigned the responsibility for a particular information system, such as a department with the authority to update a system’s files and responsibility for the accuracy of the files.
- b. Unacceptable uses of Bastrop County’s technologies include any activities that involve accessing or using technology or information assets in a malicious manner or for inappropriate purposes. Unacceptable uses of Bastrop County’s technology systems include, but are not limited to:
- Using profanity, obscenity, or other language which may be offensive or harassing to others.

- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive, or unprofessional messages or content.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
- Transmitting or sharing information regarding a co-worker's health status without their prior written permission.
- Copying or downloading commercial software in violation of copyright law.
- Violating any copyright, trade secret, patent or other intellectual property laws or regulations.
- Engaging with and/or negotiating technology related purchases or agreements, independent of the IT Department.
- Downloading or installing software without the prior written approval of the Information Technology Department.
- Using technology systems for financial gain or for any commercial activity unrelated to Bastrop County business.
- Using technology systems in such a manner as to create a security breach of Bastrop County network.
- Circumventing user authentication protocols or the security of any host, network, account, or Bastrop County or third-party system.
- Looking or applying for work or business opportunities other than for internal County postings.
- Expressing opinions or personal views that could be misconstrued as representing those of Bastrop County.
- Expressing opinions or personal views regarding management of Bastrop County or other political views, not allowed by law.
- Using County email address to sign-up for non-county related communications.
- Adding personal messages, thoughts, quotes, or tag lines (anything not Bastrop County-related and pre-approved in writing by department manager) to e-mail signatures; or

- Using technology systems for any illegal purpose or in any way that violates Bastrop County, state, or federal policy or is contrary to Bastrop County's best interest.

## **5. System Usage:**

- a. Activity Monitoring - Users must be aware that their Internet activity while using Bastrop County systems is monitored and recorded. This information may include web sites visited, files downloaded, time spent on the Internet, and related information.
- b. Filtering - Bastrop County may, at its discretion, use technology to filter content. Bastrop County will review this filtering on a periodic basis and may modify the list of prohibited content with or without notification to users of the Bastrop County electronic communications systems.
- c. Reasonable Personal Use of Computer and Communications Systems - Bastrop County allows computer users to make reasonable and minimal personal use of its electronic mail and other computer and communications systems. All such personal use must be consistent with conventional standards of ethical and civil conduct.
- d. Session Timeout - Bastrop County will set the time frame for this period of no activity, at which point the contents of the screen are obscured.
- e. Use at your own Risk - Users access the Internet with Bastrop County facilities at their own risk. Bastrop County is not responsible for material viewed, downloaded, or received by users through the Internet. Electronic mail systems may deliver unsolicited messages that contain offensive content.
- f. Unattended Active Sessions - Users must not leave their technology assets unattended without logging out or locking the device.

## **6. User ID and Passwords:**

- a. Personal User IDs Responsibility - Users shall be responsible for all activity performed with their personal user IDs. Users shall not permit others to perform any activity with their user IDs, and users shall not perform any activity with IDs belonging to other users.
- b. Access Code Sharing Prohibited - Bastrop County computer accounts, user IDs, network passwords, voice mail box personal identification numbers, and other access codes must not be used by anyone other than the person to whom they were originally issued.

- c. Strong Passwords - All individual accounts must have a password that meets the requirements set forth in the Password Policy.
- d. Password Requirement - Bastrop County shall govern acceptable password use on all systems that connect to Bastrop County assets as set forth in the Password Policy.

**7. Electronic Messaging:**

- a. Identity Misrepresentation - Users must not misrepresent, obscure, suppress, or replace their own or another person's identity on any Bastrop County electronic communications.
- b. Handling Attachments - Users must use caution when opening e-mail attachments received from unknown senders, as attachments may contain malware. All electronic mail attachment files from third parties must be scanned with an authorized virus detection software package before opening or execution.
- c. Handling Hyperlinks - Users must also use caution when clicking on hyperlinks in email, as this could result in a successful cyber-attack.
- d. Message Forwarding - Confidential Bastrop County information must not be forwarded to any party outside of Bastrop County without written approval from Bastrop County Legal staff. Messages sent by outside parties must not be forwarded to other third parties unless the sender clearly intended the intention to forward, and such forwarding is necessary to accomplish a customary business objective. In all other cases, the forwarding of messages sent by outsiders to other third parties can be done only if the sender expressly agrees to this forwarding.

**8. Monitoring and No Right to Privacy:** Users should be aware that information that passes through, or is stored on any Bastrop County electronic communications systems, is considered public record per the requirements of the Texas Public Information Act (Texas Government Code 552), as amended. As a public record, the public can request copies of documents, spreadsheets, electronic mail messages, electronic schedules, etc.

- a. The electronic messaging and scheduling systems implemented by Bastrop County do not permit personal messages and personal appointments to be segregated from Bastrop County related business; therefore, all messages and appointments will be kept as part of the public record.
- b. Bastrop County's Internet hosts are traceable to Bastrop County; therefore, users of Bastrop County provided Internet accounts should not assume they are provided with any degree of anonymity, and employees have no right to privacy regarding such systems. Personal passwords are not an assurance of confidentiality.

- c. To ensure proper use, Bastrop County will monitor the use of its electronic communications systems. Management staff has the ability, and may, with or without notice, monitor and view usage, including but not limited to e-mail, voice mail, instant messages, information and material transmitted, received, or stored using Bastrop County systems. Additionally, user Internet access and usage patterns are reviewable and may be monitored to ensure Bastrop County's resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

- 9. **Harassing or Offensive Materials:** Bastrop County computer and communications systems are not intended to be used for, and must not be used for, the exercise of the workers' right to free speech, unless allowed by law. These systems must not be used as an open forum to discuss Bastrop County organizational changes or business policy matters. Sexual, ethnic, and racial harassment, including unwanted telephone calls, electronic mail, and internal mail, is strictly prohibited. Users must not use profanity, obscenities, or derogatory remarks in electronic mail messages discussing officials, customers, competitors, or others.

#### 10. **Internet and Web Usage:**

- a. Disclosing Internal Information - Users must not publicly disclose internal Bastrop County information by posting to any web site, including blogs, newsgroups, chat groups, social networking sites, etc. without prior written authorization from Bastrop County Legal Staff.
- b. Offensive Web Sites - Bastrop County is not responsible for the content that Users may encounter when they use the Internet. When and if users make a connection with web sites containing objectionable content, they must promptly move to another site or terminate their session. Users of Bastrop County computers who discover they have connected with a web site that contains sexually explicit, racist, sexist, violent, or other potentially offensive material must immediately disconnect from that site and report it to their immediate supervision.
- c. Blocking Sites and Content Types - The ability to connect with a specific web site does not in itself imply that users of Bastrop County systems are permitted to visit that site. Bastrop County may, at its discretion, restrict or block certain websites or the downloading of certain file types that may cause network service degradation.

#### 11. **Data Storage:**

- a. Establishing Third-Party Networks - Users must not establish any third-party information storage network that will handle Bastrop County information (electronic bulletin boards, blogs, cold storage) without the specific written approval of the IT Department.

- b. Eradicating Computer Malware - Any User who suspects infection by a virus or malicious software must immediately call Bastrop County's help desk and make no attempt to eradicate the virus themselves without help from the IT Department.
- c. Trusted Software Scanning - Users must not use any externally provided software from a person or organization other than a known and trusted supplier unless the software has been scanned for malicious code and approved in writing by the IT Department.
- d. Prohibition Against All Forms of Adult Content - All forms of adult content (pornography or what some would consider being pornography) are prohibited on Bastrop County computers and networks. This prohibition includes content obtained via web sites, email attachments, CD-ROMs, file sharing networks, and any other removable storage media.
- e. Unauthorized Software and Data Copies - Bastrop County strongly supports strict adherence to software vendors' license agreements and copyright holders' notices. Users must not make unauthorized copies of any software. If Internet users or other system users make unauthorized copies of software, the users are doing so on their own behalf, since all such copying is strictly forbidden by Bastrop County. Likewise, Bastrop County allows reproduction of copyrighted material only to the extent legally considered "fair use" or with the permission of either the author or publisher.
- f. Involvement With Computer Malware - Users must not intentionally write, generate, compile, copy, collect, propagate, execute, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any Bastrop County computer or network.
- g. External Storage Checking - Externally supplied CD-ROMs and other removable storage media must not be used unless they have been checked for malware by the IT Department. This verification will take place in the confines of the IT Building and on a dedicated device.

## **12. County Equipment:**

- a. Current Anti-Malware Software - Every Bastrop County User who examines, processes, or stores County information using a computer that the County owns, and they are responsible for must install and regularly run the most current version of a virus detection software package approved by the IT Department.
- b. Sharing A County Computer with Other People Prohibited - Users must not share their county computer with any other person, if it is used for County business.

- c. Unattended Active Sessions - If the computer system to which users are connected or which they are using contains sensitive information, users must not leave their county computer, workstation, or terminal unattended without logging out or invoking a password-protected screen saver.

### 13. Physical Security:

- a. Positioning Display Screens - The display screens for all Bastrop County issued computers used to handle sensitive or valuable data must be positioned such that the information cannot be readily viewed through a window, by persons walking in a hallway, or by persons waiting in reception and related areas. Care must also be taken to position keyboards so unauthorized persons cannot readily see Users enter passwords, encryption keys, and other security-related parameters.
- b. Custodians For Equipment - The primary User of a Bastrop County issued computer is considered a custodian for the equipment. If the equipment has been damaged, lost, stolen, borrowed, or is otherwise unavailable for normal business activities, a custodian must promptly inform the department manager involved. With the exception of portable machines, Bastrop County issued computer equipment must not be moved or relocated without the knowledge and approval of the department manager involved.
- c. Use Of Personal Equipment - Users shall not bring their own computers, computer peripherals, or computer software into Bastrop County facilities without prior written authorization from their department manager. Users must not use their own personal computers for Bastrop County business unless these systems and equipment have been evaluated and approved in writing by the IT Department.
- d. Environmental Considerations - All Bastrop County issued computers in Bastrop County offices must use battery backups. Users must not place Bastrop County issued computers in areas likely to be damaged by water or other substances.

### 14. Security Incident Reporting: Any suspected events that may compromise information security or are known to violate an existing security policy shall be immediately reported to the IT Department. Examples of these events include:

- a. Any unauthorized use of Bastrop County information systems.
- b. Passwords or other system access control mechanisms, including but not limited to multi-factor authentication devices, are or are suspected of being lost, stolen, or disclosed.
- c. All unusual systems behavior, such as missing files, frequent system crashes, and misrouted messages.

- d. Suspected or actual disclosure of sensitive Bastrop County information to unauthorized third parties; or
  - e. Any suspected malware event.
15. **Policy Compliance:** Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. To the extent necessary, each Department must establish procedures to achieve Policy compliance. It is the responsibility of all Users to understand and adhere to this Policy.
- a. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy.
  - b. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.2 ACCOUNT CREATION & MANAGEMENT

1. **Purpose:** The purpose of this policy is to ensure Bastrop County reduces risks to information security by managing accounts that provide access, limiting access to authorized users and preventing unauthorized access to information systems.
2. **Scope:** This policy applies to Bastrop County Users, Elected Officials, Department Heads, contractors, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment that is owned or leased by Bastrop County.
3. **User Account Creation:** Computerized user accounts are the means used to grant access to systems and applications within Bastrop County. These accounts provide confidentiality, integrity and availability across the aggregate of applications and system environment for organizational roles. Creating, administering, and monitoring computer accounts are actions that are critically important to the county's overall security, policy, and strategy.
  - a. User accounts shall be granted only to County employees, County contractors, and employees of non-County agencies who access County Applications.
  - b. A user account will be created once the Bastrop County Human Resources Department (HR) confirms that an individual has been hired by a county department or is otherwise eligible. When possible, HR must submit the account request to the Information Technology Department (IT) at least three (3) business days before the individual's start date.

*\*The Department Head or Elected Official has the responsibility to inform the IT department about the need for a user account and access when it comes to contract laborers.*

- c. The IT department will create a new user account. Unique logins will be generated by the IT department and provided to the individual. The new user must change the initial accounts' passwords immediately upon login. See Password Policy below.
  - d. The new user account's access shall be limited to the systems and applications required to perform job responsibilities. The new user account shall have appropriate access controls with access rights and restrictions for specific user roles towards their assets. The new user account shall only be used in acceptable ways. See the Acceptable Use Policy.
  - e. All requests submitted shall follow the most current procedures for submitting requests put in place by the IT Department.
4. **Termination of User Account:** When an employee is terminated, whether voluntary or not, HR shall submit an account termination request to the IT Department three (3) business days prior to termination effective date. The IT department shall remove the access rights of the requested employee to systems, applications, and information assets upon termination of their employment, contract, or agreement.

*\*The Department Head or Elected Official has the responsibility to inform the IT department about the termination of user account and access when it comes to contract laborers.*

*\*If there is a potential that the termination could result in an inappropriate use of the County network; HR, the Elected Official, or the Department Head shall make direct contact with a member of the IT department to notify for the immediate termination of access.*

5. **User Account Maintenance:** If an employee needs new or modified access rights, either HR, the Elected Official, or the Department Head must submit a request to IT and allow three (3) business days for access to be granted or modified. The IT department will then add or modify the access rights of the employee.

The IT department must routinely scavenge the account databases for inactive records and disabled as appropriate based on the account maintenance schedule.

6. **Policy Compliance:** In order to implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. It is the responsibility of all Users to understand and adhere to this Policy.

- a. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy.
- b. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.3 CHANGE MANAGEMENT

1. **Purpose:** The purpose of this policy is to establish the rules for the creation, evaluation, implementation, and tracking of changes made to Bastrop County Information Resources.
2. **Scope:** This policy applies to Bastrop County employees, Elected Officials, Department Heads, contractors, volunteers, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment and assets that are owned or leased by Bastrop County.
3. **Change Request:**
  - a. A change is an addition, modification or removal of a service or service component that has the potential to affect the stability of the infrastructure or disrupt the business of the county.
  - b. A change request is a formal proposal for an alteration to a Bastrop County product or system. The request records the details of a proposed change and must be submitted to the Bastrop County's Information Technology Department (IT) by the requestor for every non-standard change. The document provides details of the change for approval and prioritization, and a mechanism for Bastrop County to govern the change process. Stakeholders, contractors, or anyone within a project team, or user community may submit a change request to the IT Department.
4. **Types of Changes:** There are three categories of changes: standard, planned, and emergency. All changes must be documented in the Change Log, but only planned changes require approval prior to implementation.
  - a. Standard Change - These changes may be implemented without approval because they have been deemed low risk, and they have been successful in the past. Standard changes must be documented. Examples of this type of change are:
    - Power up of new infrastructure or deployment of new services/applications that does not impact existing services

- Power down of decommissioned infrastructure that's already disconnected from the network.

All standard changes require:

- All Standard changes are added to Change Log and categorized as a Standard Change.
- A Change Request is not needed.
- A documented plan of the sequence or steps for implementing and releasing the change into the live environment. This should be stored in an appropriate place etc. One Drive, shared drive, etc.
- A rollback/mitigation plan in case of failure.

- b. Planned Change - These changes must be planned and submitted for approval to the IT Director or IT Engineer using Bastrop County's Change Request form. The change request must include a time for this change to take place. The IT Director or IT Engineer will decide if the change is implemented at the suggested time. Detailed in the change request should be the documentation about what work is going to happen and the perceived benefit and impact on the users. These types of changes should always have a rollback plan or mitigating action plan attached.

A planned change can be repeated for subsequent locations/departments if the process is the same and rolled out on a schedule.

- Application-based security or business needs patches
- Change resulting in an interruption to service, or has a significant risk of an interruption to service
- Change resulting in a business or operational practice change
- Changes in any system that affect disaster recovery or business continuity
- Introduction or discontinuation of a service

All planned changes require:

- A Change Request Form
- Approval by the IT Director or IT Engineer
- An approved, documented plan of the sequence or steps for implementing and releasing the change into the live environment. This should be retained.

- Evidence demonstrating the fact that this change has been tested in a pre-production/staging environment first, if available.
  - A rollback/mitigation plan in case of failure
  - All Planned changes are added to Change Log and categorized as a Planned Change.
  - A documented post-change test to confirm that the change has been successfully applied
  - Communication plan as appropriate.
- c. Emergency Change - This is a change that the IT Director or IT Engineer would verbally approve and would happen immediately. The person responding to the issue should make every reasonable effort to secure approval from the relevant authority before implementing the change. In some exceptional circumstances, this may not be possible, and the authority will then fall on the person making the change. The change request form should still be submitted, and the change discussed with the IT Director or IT Engineer at the next opportunity.

Examples of these types of changes are:

- Department or building is without service
- A severe degradation of service requiring immediate action
- A system/application/component failure causing a negative impact on business operations
- A response to a natural disaster
- A response to an emergency business need
- Server crashes

*\*All emergency changes require a Change Request, which may be submitted afterward. Emergency changes are also added to the Change Log and categorized as an Emergency Change. This should be retained.*

## 5. Failed Deployment:

- a. If during the release, one or more of the changes results in a disruption of service or service level, an Incident must be created, and the Incident Response Plan must be followed utilizing the rollback/mitigation plan created in the Change Request phase of implementation.
- b. Once resolved and the changes completed, a Post Implementation Review and Root Cause Analysis must be completed and documented. If needed, Standard Operating Procedures for any change resulting in an Incident must be updated.

6. **Policy Compliance:** Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.4 DATA BACKUP AND RECOVERY PLAN

1. **Purpose:** The purpose of this policy is to protect Bastrop County's data from loss or destruction by providing a consistent framework to apply to the backup and recovery process. The policy will provide standards to ensure backups are available and useful when needed.
2. **Scope:** This policy applies to Bastrop County employees, Elected Officials, Department Heads, contractors, volunteers, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment and assets that are owned or leased by Bastrop County.
3. **Identification of Critical Data:** Bastrop County's Information Technology Department (IT) must identify what data is most critical to the County's continuity. This can be done through a formal data classification process or through an informal review of information assets. Regardless of the method, critical data should be identified so that it can be given the highest priority during the backup process.
4. **Data Backup:**
  - a. Bastrop County requires that all information stored electronically in computerized form be backed up periodically to ensure its safety in the event of a severe hardware interruption, software interruption, virus attack, and any other man made or natural disasters. The operating system and application software that are necessary to access, recreate, or generate the information must periodically be backed up as well.
  - b. The IT department is responsible for managing all data backup and recovery activities for the County. The IT department is also responsible for executing technology disaster recovery plans to ensure the data is backed up and securely stored, with the ability to quickly access and restore the data as quickly and securely as possible. IT is responsible for developing, executing and periodically testing procedures for data backup and recovery.
  - c. Backup frequency and method will be determined by the IT department depending on the significance of the information, frequency of change, and the accessibility of backup methods. Backup methods can include deduplication, cloud storage services, or any other method IT finds appropriate. There should be at least two forms of data backup maintained at any time.

- d. Unless access to a network drive is unavailable, critical information is not to be stored on a workstation drive. All County data must be stored on a network drive when possible. The user is responsible for ensuring the data is stored in the correct location.

**5. Recovery Plans:**

- a. Strategies for responding to specific technology incidents shall be identified and used when developing data backup and recovery plans. Data backup and recovery plans shall address the backup and recovery of critical technology elements, including systems, networks, databases and data, in accordance with key business activities.
- b. Data backup and recovery plans shall be periodically tested in a suitable environment to ensure that the systems, networks, databases and other infrastructure elements can be recovered and returned to a normal business status in emergency situations.

**6. Reporting of Events:** Any suspected events that may compromise information security or are known to violate an existing security policy shall be immediately reported to the IT Department.

**7. Policy Compliance:**

- a. To implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. It is the responsibility of all Users to understand and adhere to this Policy.
- b. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy.
- c. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## **12.5 DATA RETENTION POLICY**

- 1. **Purpose:** The purpose of this policy is to provide guidance for managing the retention of Bastrop County's records to ensure that records are maintained and destroyed in accordance with approved records retention schedules, accepted records-keeping practices, and laws as required by a variety of Federal, State of Texas laws and administrative codes: such as the Local Government Records Act, the Public Information Act, Texas Local Government Records Retention Schedules, and the Electronic Records Standards and Procedures.

2. **Scope:** This policy applies to Bastrop County Employees, Elected Officials, Department Heads, contractors, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment and assets that are owned or leased by Bastrop County.
3. **Definitions:**
  - a. Public Record - A public record is recorded information, regardless of medium or characteristic, which pertains to the function of a government, and the record is required to be retained by Texas State law or regulation. It includes all original documents, paper, letters, cards, books, photographs, sound or video records, magnetic tape, electronic media, electronic data and other information containing media that are generated and/or received in connection with transactions of Bastrop County's business. These are the records to which the record retention schedule applies.
4. **Public Records Retention and Data Management:**
  - a. It is the policy of Bastrop County to comply with all federal and state laws and regulations regarding the retention of public records, documents, and other data. Bastrop County departments and employees must follow record retention and management laws and regulations pertaining to the retention and destruction of public records. The retention of non-public records (those not governed by State laws or regulations) should be retained for as long as there is an anticipated business need for such a document.
  - b. Bastrop County aims to retain only the data that is necessary to effectively conduct its activities, fulfilling its mission and complying with applicable laws and regulations. Bastrop County seeks to avoid duplication in data storage whenever possible.
5. **Responsibilities:**
  - a. All Elected Officials and Department Heads:
    - All Elected Officials and Department heads are responsible for establishing procedures to retain and maintain public records; applying the Texas State retention schedule, and ensuring employees within their responsibility including volunteers, contractual service providers and state or federal entities storing or providing storage services are informed about the retainable records within their department. Elected Officials and Departments heads are responsible for establishing procedures for destruction of records that are no longer needed for office use or required to be maintained.

- Elected Officials and Department Heads are also personally accountable for maintaining these records and complying with the most current policies, laws, and regulations at all times.

b. Employees:

- Employees are responsible for maintaining public records and complying with the most current policies, laws, and regulations at all times.
- Employees are also responsible for destroying any unnecessary documents and electronic data to retain storage space pursuant to Texas and Federal retention laws, under the direction and supervision of their Elected Official or Department Head.

**6. Retention Schedule:**

- Each department is required to review the retention schedules issued by the State of Texas and assess the retention requirements for all documentation or data, whether physical or virtual, from their department. The department must then establish procedures to ensure that the documentation and data are maintained and stored in a way where the documentation or data is easily accessible for public information requests.
- It is the Elected Official or Department Heads responsibility for ensuring their department meets these standards.

**7. Destruction of Data:**

- The destruction of unneeded data ensures that Bastrop County manages the data it controls and processes it in an efficient and responsible manner. When the retention period expires and the data is no longer needed, each department shall destroy the data, completing any required destruction logs for public records being destroyed according to the Retention Schedules.
- Routinely destroying records and data, whether electronic or physical, is important because it allows storage space to be re-utilized for new records and data. Every department should be mindful of the space their data and records occupy.

**8. Policy Compliance:**

- In order to implement this policy, Bastrop County or its departments may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. To the extent necessary, each Department must establish procedures to achieve policy compliance. It is the responsibility of all Users to understand and adhere to this policy.

- b. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.6 EMAIL RETENTION POLICY

1. **Purpose:** The purpose of this policy is to provide guidance for managing the records retention of Bastrop County's email messages to ensure the email messages and attachments are maintained in accordance with approved records retention schedules, accepted records-keeping practices, and laws as required by a variety of State of Texas laws and administrative codes, such as the Local Government Records Act, the Public Information Act, and Texas Local Government Records Retention Schedules, and the Electronic Records Standards and Procedures.
2. **Scope:** This policy applies to Bastrop County Users, Elected Officials, Department Heads, contractors, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment that is owned or leased by Bastrop County.
3. **Retention, Use, and Storage Management:**
  - a. All email records sent or received for a government purpose are public records and are subject to record retention requirements. This policy includes all copies of email (i.e. Outlook, iPhone, smartphone, personal phone or iPad \*, etc.) regardless of where they reside. Email records must be managed and retained according to records management laws. Email received or created (incoming or outgoing) in the course of business is an official public record. No official public records may be destroyed, unless destruction forms are completed, authorized and approved.
  - b. It is prohibited for county employees or officials to use a personal email address for sending/receiving emails relating to county business. The Public Information Act (PIA) does not distinguish between personal or employer-issued devices. The PIA gives government entities the power to obtain public information stored on employees' private devices. Thus, using personal devices or emails subjects the user's personal email or devices to public information requests.
  - c. Bastrop County Information Technology Department (IT) will establish and monitor mailbox storage limits for the email software utilized by the County for the purpose of email system efficiency and cost minimization. IT will notify users when the capacity of their email storage has reached 90% full. The user must then perform mailbox management by deleting old

unnneeded mail, sent items, and emptying the deleted items folder. If the mailbox storage reaches capacity, the user may be unable to send or receive emails until the problem is resolved. The user should keep current with their mailbox management. If the user is unable to delete any emails due to retention requirements but must reduce storage, the user must store records outside of the email software in a shared drive or database (i.e. One Drive).

#### **4. Responsibilities:**

##### **a. All Elected Officials and Department Heads –**

- All Elected Officials and Department heads are responsible for establishing procedures to protect and maintain retainable records that applies the retention schedule, ensuring that staff and other workers within their responsibility are informed about the retainable records within their department.
- They are also personally accountable for maintaining these records, complying with the most current policies, laws, and regulations at all times, and reviewing personal email retention and/or deletion prior to mailbox capacity being reached.

##### **b. IT Department –**

- The County's Information Technology Department (IT) is responsible for monitoring the mailbox capacity of users and informing the user of low availability once 90 % capacity has been reached.

##### **c. Users –**

- Users are responsible for reviewing personal email retention and/or deletion as per their department policy prior to mailbox capacity being reached.
- Users are also responsible for reaching out to IT prior to their mailbox capacity being exceeded with retainable records and request an alternative form of retention if one is not already established.

#### **5. Email Retention Requirements:**

- ##### **a.**
- Email is a record format (a medium used to transmit records). Records created and received via email are classified into records series based on their content. There is no single retention period for email. Retention should not be set artificially based on the fact that it is an email or arbitrarily (i.e. 90 days) or on storage limitations. Nor should emails be retained on backups for retention compliance (backups are for business continuity and resumption, not retention). Email should be retained for the same duration as other records (known as data classification) of similar content included in a given record series on an approved records retention schedule.

- b. Bastrop County shall retain email messages and attachment in accordance with approved records retention schedules, accepted records-keeping practices, and laws as required by a variety of State of Texas laws and administrative codes, such as the Local Government Records Act, the Public Information Act, and Texas Local Government Records Retention Schedules, and the Electronic Records Standards and Procedures. If questions arise, seek legal advice from Bastrop County legal counsel.
    - For example, emails that are generated as receipts of financial transactions would be held for the same duration as a cash register receipt record would be maintained.
    - Law enforcement has an additional set of retention requirements.
6. **Email Retention Categories:** The email systems transmit a wide variety of information. The length of time an email is retained varies according to the content of the email. The content and not the medium determines how long an email must be retained. Email messages fall within two broad categories: Transitory and Duplicate messages and Retainable records
- a. Transitory and Duplicate Messages - These types of emails are not retained. Most emails are transitory. Public officials and employees sending or receiving such communications should delete transitory and duplicate messages after it no longer has administrative value or after serving its purpose. Examples of transitory emails include:
    - Scheduling meetings, invitations, responses to meetings
    - Transmittals
    - Routine reminders (i.e. “Free tacos in the breakroom”)
    - Replies to routine questions
  - b. Retainable Records - These are records related to your specific responsibilities. These records contain information, communication, or decision-making processes of County functions, and such records are created, received, retained, maintained or filed by the County as evidence of its activities or because of the information value of the data in the email document. Most retainable records received through email will be categorized in either Administrative Correspondence or General Correspondence. Retainable records include, but are not limited to:
    - Activity reports
    - Audit trail reports
    - Project work plans
    - Status reports

- Correspondence for recovery records
- Expense accounting records
- Requests for proposals
- Case files

\*Bastrop County shall retain email messages and attachment in accordance with approved records retention schedules, accepted records-keeping practices, and laws as required by a variety of State of Texas laws and administrative codes, such as the Local Government Records Act, the Public Information Act, and Texas Local Government Records Retention Schedules, and the Electronic Records Standards and Procedures. If questions arise, seek legal advice from Bastrop County legal counsel.

7. **Traffic Light Protocol (TLP):** May be used to aid in email retention and Public Information Act (PIA) requests. Using TLP, the user will select a color designation for each email that will ensure the email is viewable by the appropriate audience. These color categories are as follows:

- a. Red - Not for disclosure, restricted to participants only.
- b. Amber + Strict - Limited disclosure, restricted to organization.
- c. Amber - Limited disclosure, restricted to organization and clients.
- d. Green - Limited disclosure, restricted to the community.
- e. Clear/White - Disclosure not limited.

8. **Managing Email Documents and Metadata:**

- a. Completeness - Email records should completely document the transaction. For example, you cannot save the text without the sender's information. Complete email records must include all of the following elements, as applicable:
  - Names of both the Sender and Recipient(s)
  - Date and Time Send
  - Subject Line: Clearly describing the contents of the message
  - Body of email
  - Attachments should be included in full (not just indicated by file name).
  - If a distribution list was used to send a message, a list of the names of individuals who are part of the distribution list needs to be recorded.

- Directory of email addresses and the corresponding staff member names. This connects an email address listed in an email record to a person.
  - b. Accuracy - The contents of the email record should accurately reflect the transaction.
  - c. Accessibility - Unless otherwise classified as confidential, email records must be accessible to the public. All email records, like other electronic records, should be reasonably accessible for the purposes of legal discovery. Email records shall not be saved only locally (i.e. personal computer). If the email records are saved outside of the email software, the records shall be saved on a shared folder system or database (i.e. One Drive).
  - d. Security - The email record should reside in a secure system that controls access, storage, alteration, and deletion. This is particularly important in controlling access to non-public content.
  - e. Emails of Former Employees - If possible, soon-to-be separated employees should:
    - Review and sort their own email based on retention.
    - Set up a folder in the shared drive for easy access.
    - Transfer/forward emails of ongoing business to the department director/manager.
9. **Backups:** As part of the email infrastructure, the IT Department performs regular email system backups in order to aid in the restoration of records solely for the purpose of business recovery and continuity. This is not intended to be a substitution for the proper retention of email records.

#### 10. **Policy Compliance:**

- a. In order to implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. To the extent necessary, each Department must establish procedures to achieve Policy compliance. It is the responsibility of all Users to understand and adhere to this Policy.
- b. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's IT Department will monitor compliance with this policy.
- c. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.7 HELP DESK POLICY

1. **Purpose:** The purpose of this policy is to establish standards for requesting assistance from the Bastrop County Information Technology Department or the IT Help Desk, also called Support Services.
2. **Scope:** This policy applies to Bastrop County Users, Elected Officials, Appointed Officials, Department Heads, contractors, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment that is owned or leased by Bastrop County.
3. **IT Help Desk Support and Request Procedures:**
  - a. It is the policy that Bastrop County Information Technology Department (IT) will aid and assist the Bastrop County users regarding troubleshooting, setting up, or knowledge of Bastrop County technology. The IT Help Desk is the main point of contact for getting assistance with issues related to computers, network, telephone, and other technologies during standard hours of operation.
  - b. When a Bastrop County user needs assistance from the IT department, the user should contact the IT Help Desk in the following ways:
    - Submit a Help Desk ticket using the Help Desk Portal; if unavailable,
    - Call the Help Desk line group extension.
  - c. If possible, the user must first attempt to submit a help desk ticket through the Help Desk Portal or Website. This allows for easier viewing, tracking, and notification of assistance requested.
  - d. Users should not contact IT staff directly if needing assistance from the Help Desk. This will lead to delayed assistance. Due to the nature of IT's function, IT staff are often away from their desk.
4. **Policy Compliance:** In order to implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. It is the responsibility of all Users to understand and adhere to this Policy. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department.

## 12.8 PASSWORD POLICY

1. **Purpose:** The purpose of this policy is to establish guidelines for effectively creating, maintaining, and protecting passwords at Bastrop County.
2. **Scope:** This policy applies to Bastrop County employees, Elected Officials, Department Heads, contractors, volunteers, vendors, media, all personnel affiliated with third parties, etc., and shall govern acceptable password use on all systems that connect to Bastrop County assets.
3. **Password Creation:**
  - a. Users shall choose passwords that are difficult to guess. For example, users must not choose a dictionary word, derivatives of user IDs, common character sequences, details of their personal history, a common name, or a word that reflects work activities.
  - b. Bastrop County may establish, change, and require specific criteria and conditional time frames for passwords.
  - c. All individual accounts must have a password that meets the following requirements:
    - Password must not contain the user's account name or more than two consecutive characters from the user's full name.
    - Previous twelve (12) iterations of a password must not be used.
    - Passwords must be at least eight (16) characters in length.
    - Passwords must contain characters from three of the following four categories:
      - English uppercase characters (A through Z)
      - English lowercase characters (a through z)
      - Base 10 digits (0 through 9)
      - Non-alphabetic characters (for example, !, \$, #, %, etc.)
    - Passwords must be unique, and not used from or for any other system, application, or personal account.

#### 4. **Password Aging:**

- a. To prevent an attacker from making use of a password that may have been discovered, passwords are deemed temporary and must be changed regularly. The County reserves the right to reset a user's password in the event a compromise is suspected or reported.
  - Passwords are required to be changed every ninety (90) days, and users will be prompted prior to the expiration to do so.
  - All passwords should be changed immediately upon prompting.
  - Passwords must not be reused for at least twelve (12) generations
- b. Bastrop County's Information Technology Department (IT) reserves the right to require passwords to be changed at a different frequency if the incident or type of account allows for it (i.e. Service Accounts).

#### 5. **Password Protection:** Individuals are responsible for keeping passwords secure and confidential. As such, the following principles must be adhered to for creating and safeguarding passwords:

- a. When the account is accessed for the first time, the password must be changed. The initial password must be provided securely to the user by the IT department.
- b. Passwords must not be shared for any reason with any other individual as this will result in a reported security breach.
- c. Users must never ask anyone else for their password. If someone asks you to provide your password or asks you to sign into a system to give access to someone else, you are obligated to report this to IT.
- d. Users must not leave an active terminal session unattended and must always log off all sessions or lock their workstation and password protect the system.
- e. Users must not write passwords down and leave them in an easily accessible or visible location. This includes both paper and digital formats.
- f. Users must not store passwords in a web browser's password manager. Only permitted password managers are allowed.
- g. The "Remember Password" feature on websites and applications should not be used.
- h. User IDs and passwords must not be stored in an unencrypted format.

- i. User IDs and passwords must not be scripted to enable automatic login.
6. **Account Lockout:** An account lockout policy is in effect for all systems to limit attempts at guessing passwords or compromising accounts. Account lockout thresholds and durations vary based on the type of account and will be managed by the IT department. Users who have been locked out must contact the IT department.
7. **Mobile Devices:**
- a. A mobile device management (MDM) platform will tag and manage mobile devices, such as smartphones and tablets, which access or store County data. The following minimum password policy is in effect for all mobile devices:
    - At least six (6) complex digits
    - No repeating or sequential digits (e.g., 111111, 123456, or 101010); and,
    - Changed every six (6) months.
  - b. Fingerprint readers on mobile devices may be used to unlock the device, but a compliant password must still be established as a backup authentication method.
  - c. A mobile device will erase after ten (10) invalid password attempts. The device manufacturer may automatically impose time limitations after several unsuccessful password attempts before the wipe is triggered. The IT department will assist in resetting device passcodes.
8. **Policy Compliance:**
- a. To implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. It is the responsibility of all users to understand and adhere to this Policy.
  - b. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy.
  - c. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.9 REMOTE ACCESS POLICY

1. **Purpose:** The purpose of this policy is to define the rules and requirements for connecting to Bastrop County's network from any host (cell phones, tablets, laptops). These rules and requirements are designed to minimize the potential exposure from damage which may result from unauthorized use of County resources. Damages include the loss of sensitive or confidential data, intellectual property, damage to public image, damage to critical internal systems, and fines or other financial liabilities incurred as a result of those losses.
2. **Scope:** This policy applies to Bastrop County employees, Elected Officials, Department Heads, contractors, volunteers, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment that is owned or leased by Bastrop County.
3. **Responsibility and Acceptable Use:**
  - a. It is the responsibility of Bastrop County Authorized Users with remote access privileges to Bastrop County's network to ensure their remote access connection is given the same consideration as the users' on-site connection to Bastrop County.
  - b. General access to the Internet for recreational use through the Bastrop County network is strictly limited to Bastrop County employees, contractors, volunteers, vendors and agents who have been authorized to access any county electronic information (hereafter referred to as "Authorized Users"). When accessing the Bastrop County network from a personal computer, Authorized Users are responsible for preventing access to any Bastrop County computer resources or data by non- Authorized Users. Performance of illegal activities through the Bastrop County network by any user (Authorized or otherwise) is prohibited. The Authorized User bears responsibility for and consequences of misuse of the Authorized User's access. For further information and definitions, see the Acceptable Use Policy.
4. **Remote Access and VPN:**
  - a. Secure remote access will be strictly controlled with encryption through Bastrop County's Virtual Private Networks (VPNs) and strong passwords.
  - b. Authorized Users shall protect their login and password from non-Authorized Users. (i.e. family members, co-workers, friends, and other authorized users)
  - c. While using a Bastrop County-owned computer to remotely connect to Bastrop County's network, Authorized Users shall ensure the remote host is not connected to any other network at the same time, except for personal networks that are under their complete control or under the complete control of another Authorized User or Third Party.

- d. Personal equipment used to connect Bastrop County's networks must meet the requirements of company-owned equipment for remote access and approved by the IT department.
- e. Use of external resources to conduct Bastrop County business must be approved in advance by the IT Department and the appropriate department manager.
- f. All hosts, including personal computers that are connected to Bastrop County internal networks via remote access technologies, must use the most up-to-date anti-virus software, use the county provided VPN, and authenticate using MFA. Third party connections (i.e. vendors, support staff, non-county vendor devices) must comply with antivirus and VPN requirements as well.
- g. Authorized Users will not use Bastrop County networks to access the Internet for outside business interests.
- h. For VPN access authorization, revocation, or modification, Bastrop County users, Elected Officials, Department Heads, contractors, volunteers, vendors, and agents must complete and sign the "Remote Access Authorization Form" (available from the IT Department) and return to the IT Department.
- i. The IT Department will monitor and control the use of the County's network resources through the VPN. The Authorized user should be aware that the use of the VPN in no way guarantees an expectation of privacy as any information transmitted through the VPN can be subject to public information requests, monitoring, reporting on activities, and access termination.
- j. Authorized Users are responsible for abiding by any Remote Access procedures the IT Department may distribute and maintain any hardware provided with VPN capabilities. Authorized Users are also responsible for promptly reporting any lost or stolen VPN devices to the IT Department.

## **5. Policy Compliance:**

- a. To implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. It is the responsibility of all Users to understand and adhere to this Policy.
- b. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy.

- c. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.10 SEPARATION OF DUTIES

1. **Purpose:** The purpose of this policy is to describe the separation of access and duties pertaining to Bastrop County technology. The separation of duties is critical to effective internal control and reduction of risk erroneous and inappropriate actions.
2. **Scope:** This policy applies to Bastrop County employees, Elected Officials, Department Heads, contractors, volunteers, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment and assets that are owned or leased by Bastrop County.
3. **Separation of Duties and Access Control:**
  - a. Work responsibilities should be separated as much as possible, so one individual does not control all critical stages of a process.
  - b. In Bastrop County, separation of duties should be achieved by dividing responsibilities between two or more individuals or groups which will reduce the likelihood that errors and wrongful acts will go undetected because of activities of one group or individual.
  - c. The extent to which duties are separated depends on the department or group of departments and the risk associated with its facilities and activities. If departments are unable to implement the standard separation of duties, more extensive supervisory oversight will be required to monitor or control activities.
  - d. In Bastrop County, separation of duties is achieved by granting limited access to technology. Access to each application shall be granted based on need and job function. Employees shall be granted access to specific applications as either a user or administrator. Administrators maintain the application while the user will utilize the application for the intended purpose.
  - e. Administrators shall grant and modify users access to the applications and make required changes to the application.
  - f. Users shall be further divided into two groups: Privileged and Non-privileged user accounts which utilize the application to complete job functions but will be unable to add or modify functionality or access.

- Privileged users will have access to more rights within the application to aid and assist non-privileged users and correct any errors made by non-privileged users.
- Non-privileged users will have minimal access to prevent any errors, or inappropriate usage of the application.

#### 4. **Roles and Responsibilities:**

- a. Users – The role of a user grants basic permissions and access and modify the data (i.e. Odyssey, INCODE, etc.) as needed to complete the job function. This role has limited access to the application (i.e. Odyssey, INCODE, etc.) and is responsible for completing the functions the application was designed for. This role interacts with the user interface of the application, but it is unable to modify, alter, or delete certain settings or data within the application.
  - Privileged User - The role of the privileged user is granted more access to the application than the non-privileged user role. This role can modify, delete, and alter more settings within the user interface. This role is responsible for completing functions within the application, and correcting some errors or mistakes made by the non-privileged user. This role will also have access to view and alter more portions of the application. However, these users will not have full access to the application.
  - Non-Privileged Use - The role of the non-privileged user grants basic access to the application. This role limits the user to the basic functionality of the application without granting much access. They will be unable to view, access, change, or alter any component not needed to complete job functions. This role is given limited ability to correct mistakes, requiring a privileged user to verify and correct the mistake. This role is responsible for daily usage of the application.
- b. Administrator – The role of an administrator is granted the highest level of access. The role of administrator will be fulfilled primarily by members of the Bastrop County Information Technology Department (IT). This role is responsible for granting access, troubleshooting, developing solutions, maintaining, etc. the application. Administrators will be given full access to the contents and abilities of the application. This role is responsible for supporting the users in their use of the application.

#### 5. **Policy Compliance:**

- a. To implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. It is the responsibility of all Users to understand and adhere to this Policy.

- b. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County's Information Technology Department will monitor compliance with this policy.
- c. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.11 VENDOR RISK MANAGEMENT

1. **Purpose:** The purpose of this policy is to provide a framework for managing vendor relationships while recognizing the risks these relationships introduce. Bastrop County is committed to managing and mitigating potential disruptions that could impact its operational capabilities and business objectives in order to protect the confidentiality, privacy, integrity, and availability of information and communications systems. This policy established a Vendor Risk Management Program developed to assess, respond to, monitor, and manage the risks associated with these vendor relationships.
2. **Scope:** This policy applies to Bastrop County employees, Elected Officials, Department Heads, contractors, volunteers, vendors, media, all personnel affiliated with third parties, etc. This policy applies to all equipment and assets that are owned or leased by Bastrop County.
3. **Definitions:**
  - a. Vendor - A vendor is a third-party, contractor, or associate that either has access to County data, performs services for, or has a contractual commitment to Bastrop County. Examples can include suppliers, contractors, partners, and software providers.
  - b. Vendor Risk Rating - A Low, Medium, or High rating assigned because of the "Vendor Risk Assessment" that indicates the relative risk a vendor represents to Bastrop County.
  - c. Information System - A discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information.
  - d. County Data - Any content, materials, data, and information that Bastrop County users send, upload, or enter into the Vendor-provided licensed software and services, that is stored in Bastrop County information systems accessed by the Vendor, or that Bastrop County derives from its use of and stores in the Vendor provided licensed software, services or storage.

#### **4. Security Compliance and Data Protection Requirements:**

- a. Bastrop County makes every effort to assure that all vendors are compliant and do not compromise the confidentiality, integrity, and availability of Bastrop County data. All vendors must comply with the security policies included in the Employee Handbook, including the Acceptable Use Policy. Vendors are prohibited from accessing county data or county Information Systems until a contract containing security controls is agreed to and signed by the appropriate Parties.
- b. Vendors shall apply basic safeguarding requirements, standards, best practices and procedures to protect county accountable /owned data and vendor supplied information systems whenever the information systems store, access, process, or transmit any county data. These requirements and procedures shall include, at a minimum, the security control requirements “reflective of actions a prudent businessperson would employ” which are outlined in the Federal Acquisition Regulations FAR 52.204-21(b) and codified in the Code of Federal Regulations at 48 C.F.R. § 52.204-21(b) (2016).

#### **5. Vendor Responsibilities:**

- a. Vendors shall enable, maintain, and monitor appropriate logging and auditing functionality on its information systems to identify and report on malicious activity and anomalous events. Vendors shall log all access to county data and provide the logs to the County IT department or its designee upon request.
- b. Vendors shall maintain supported versions and apply security patches in a timely manner to their information systems, including all hardware, operating systems, and software utilized in the delivery or support of an awarded contract. In the event a vendor is unable to do so, the vendor shall provide a Plan of Action including timelines, possible compensating controls, and detailed explanations to the Bastrop County IT department or its designee. All vendor computer systems used in the delivery and support of services shall contain software that protects the systems from being infected by viruses and malware. The software shall be actively managed and routinely updated by the vendor.
- c. Vendors (including all officers, employees, agents, and subcontractors of the vendor with access to Bastrop County computer systems or data) shall be required to complete a cybersecurity training program certified by the Texas Department of Information Resources (DIR) under Texas Government Code § 2054.519 (or a cybersecurity training program with equivalent or greater requirements) at least annually during each year of the initial term and any renewal terms of an awarded contract. Any vendor officers, employees, agents, or subcontractors with access to Bastrop County computer systems or data that does not meet this

requirement as of the execution date of an awarded contract shall be required to complete the training either a) within the first ninety days (90) of the initial term of an awarded contract or b) before granting access to County computer systems or data if access is required after the first ninety days (90) of the initial term of an awarded contract. Depending on the data access, additional certifications or requirements may be required.

- d. The vendor shall reasonably participate in discussions and remediation efforts with County IT staff regarding cybersecurity risks and concerns.

## **6. Data Management:**

- a. Vendors shall maintain appropriate access controls to county data and county Information Systems and adhere to the principle of least privilege, including limiting access to county data and county Information Systems only to personnel who require such access in order for the vendor to provide services to the county or to exercise the vendor's rights or perform vendor's obligations under an awarded contract.
- b. Regardless of any other provision of the contract or its incorporated or referenced documents, all data for Bastrop County shall remain, and be stored, processed, accessed, viewed, transmitted, and received exclusively within the United States.
- c. Vendor agrees that in the event vendor becomes aware of the occurrence of a breach of security with respect to county data, the vendor shall immediately notify the County in writing, of the breach, the extent of the breach, and possible consequences of the breach. Vendor agrees to provide appropriate and timely support for computer forensic investigations and analysis as necessary.
- d. If the vendor requires remote access to Bastrop County information systems, the vendor shall utilize remote access solutions provided and approved by the Bastrop County Information Technology Department (IT), and the vendor must follow any conditions to remote access required by the IT department (i.e. being monitored).

## **7. Vendor Risk Assessment:**

- a. To effectively manage vendor risks, it is important to identify, assess, and monitor risks associated with external vendors. Bastrop County uses security ratings to pre-screen potential vendors and continuously monitor existing ones, ensuring they meet the minimum- security standards this policy sets.

- b. An initial risk analysis should be conducted for each potential vendor. The vendor must complete the Vendor Risk Assessment Questionnaire. Bastrop County will then utilize those responses to complete the Risk Rating Analysis. The Vendor Risk Rating Analysis will be used to assign a Vendor Risk Rating of Low, Medium, or High risk. A vendor is assigned a risk rating based on the highest risk level attributable to the contract, or sum of all contracts, with that vendor. The Rating is an indicator of the level of due diligence Bastrop County requires for each vendor.
  - “Low Risk” vendor doesn’t store or have access to any data and a failure of this vendor would have very little to no impact on county business; typically requires little or no further analysis or due diligence.
  - “Medium Risk” vendor does not store or have access to sensitive data and a failure of this vendor would not have a critical impact on County business; should be evaluated to determine the appropriate level of due diligence required.
  - “High Risk” vendor stores or has access to sensitive data and a failure of this vendor would have a critical impact on County business; requires annual due diligence review.
- c. Risk assessments should be reviewed annually as part of contract renewal and anytime the relationship with the vendor changes in any significant way.
- d. Due diligence requires a reasonable inquiry into a vendor’s ability to meet the requirements for the proposed service. The degree of due diligence required in selecting a vendor will depend on the results of the initial Vendor Risk Assessment. Due diligence for a low-risk vendor may be nominal, while high risk vendors require more thorough due diligence. All due diligence records performed in establishing the vendor relationship, including the Risk Rating, should be retained.
- e. Each department shall retain a complete vendor list, including low risk vendors, with the risk rating noted for each vendor.

## **8. Policy Compliance:**

- a. To implement this Policy, Bastrop County may establish supplemental policies, standards, procedures and guidelines and designate responsibility to specific personnel. It is the responsibility of all Users to understand and adhere to this Policy.
- b. Compliance with this policy is mandatory for all staff, including volunteers, contractors, elected officials, and department heads. Bastrop County’s Information Technology Department will monitor compliance with this policy.

- c. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## 12.12 ARTIFICIAL INTELLIGENCE USE POLICY

1. **Purpose:** Bastrop County is committed to full compliance with applicable laws related to the use of artificial intelligence in the United States in which Bastrop County provides products and services. Additionally, Bastrop County is committed to the ethical use of artificial intelligence. This Artificial Intelligence Use Policy outlines Bastrop County's requirements with respect to the adoption of all forms of artificial intelligence at Bastrop County. Such artificial intelligence adoption includes use for business efficiencies, operations, and inclusion in Bastrop County's information and services.
2. **Scope:** This Policy is applicable to all Bastrop County directors, managers, elected officials, employees, contractors, representatives, affiliates, agents, and any person or entity performing services for or on behalf of Bastrop County. The IT Security Analyst at Bastrop County is responsible for the enforcement of this Policy.
3. **Definitions:**
  - a. Artificial Intelligence "AI" - the use of machine learning technology, software, automation, and algorithms to perform tasks and make rules or predictions based on existing datasets and instructions.
  - b. Artificial Intelligence Committee - an internal Bastrop County committee tasked with reviewing and approving uses of AI at Bastrop County.
  - c. Artificial Intelligence System - software developed using one or more techniques or approaches from the field of artificial intelligence to enhance business effectiveness and operations. Such a system is capable of generating outputs such as content, predictions, recommendations, or decisions based on human-defined objectives, and can influence the environments with which it interacts.
  - d. Closed AI System - an AI system where the input provided by one user is used to train the AI model. Input data from the user is isolated from other users, and the data is considered more secure.
  - e. Embedded AI Tools - tools embedded in existing software tools approved and used at Bastrop County and which do not require approval for use from the AI Committee.
  - f. Government - the government of a country or subdivision thereof.

- g. Government Entity - any entity controlled by a government in whole or part. This includes Government-owned or controlled (whether whole or partial ownership or control) commercial enterprises, institutions, agencies, departments, instrumentalities, and other public entities, including research institutions and universities.
  - h. Government Official - any officer or employee of a Government Entity, an official of a political party, a candidate for political office, officers and employees of non-governmental international organizations, and any person with responsibility to allocate or influence expenditures of Government funds. This includes data scientists and researchers who are employed by a government or a Government Entity. Employees at government organizations are considered Government Officials regardless of title or position.
  - i. Non-public Bastrop County Data - means any information that, if disclosed, could violate the privacy of individuals, government regulations or statutes, could jeopardize the financial state of Bastrop County, could injure its reputation, or could reduce its computer security.
  - j. Open AI System - AI system where the input provided by all users is used to train the AI model. Input data from all users is not private and may be revealed to other users.
  - k. Personal Information - information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular person or household.
  - l. Bastrop County Representatives - all Bastrop County directors, managers, elected officials, employees, contractors, representatives, affiliates, agents, and any person or entity performing services for or on behalf of Bastrop County.
4. **Guiding Principles:** The intent of this Policy is to provide general guidance on the use of AI at Bastrop County so that Bastrop County can leverage the use of AI as a tool while ensuring it continues to meet legal obligations and act in an ethical manner. The use of AI at Bastrop County should never compromise Bastrop County's core values or introduce undue risk to the organization. Rather, the use of AI at Bastrop County should be focused on improving business efficiencies and enhancing Bastrop County's ability to fulfill its mission.
- a. Bastrop County is a local governmental organization that has entities and staff and provides its products and services to customers locally as well. Accordingly, this Policy provides overarching guidance based on state, local, tribal and territorial (SLTT) standards for the use of AI. Bastrop County Representatives should be cognizant when using AI at Bastrop County that they think about the overall impact of their decision to use AI, as the use of AI in some capacities may not be permitted in others.
  - b. This Policy does not cover every possible use of AI by Bastrop County Representatives. Some departments and functions carry greater risks and require additional consideration. Before using AI, whether for simple tasks like drafting emails or more complex activities such as data analysis, staff should consult their manager and seek appropriate guidance. For specific

restrictions, refer to Section 5: Prohibited Uses, and for sensitive or high-risk applications, see Section 7: High-Risk Use of AI Systems.

- c. Some approved Bastrop County software includes Embedded AI Tools that do not require separate approval for use. Use of such embedded tools is permitted as long as they align with the software's traditional business functions. The following is a list of approved embedded application and features:
  - Microsoft Word Spell Checker & Grammar
  - Canva / Microsoft Publisher
  - Azure AI / Microsoft Entra / Purview
  - Microsoft Intune
  - Cisco Umbrella
  - Webex\ Zoom\ Microsoft Teams with AI-Powered Features
  - SentinelOne Purple AI
  - ThreatLocker Protect
  - Arctic Wolf Platform
  - Microsoft Copilot
  - Otter.AI
  - Smartwatch/fitness tracker
  - Autonomous drones
  - Smart speakers
  - Smart phones
  - Next generation radios
  - Automated logic / HVAC controllers
- d. When third-party software, services, or contractors are utilized or employed, any AI usage by software used by these parties or services must be noted and evaluated carefully. Contracted services that utilize AI technology should be considered in the same light as individual AI usage. Consult with the Legal Department about the inclusion of an AI-specific clause in any vendor or contractor agreements.
- e. The following principles must be followed when considering using an AI system at Bastrop County:
  - The use of an AI system should primarily focus on completing departmental goals as directed by company leadership. Except for the use of an Embedded AI Tool in a software system approved for use at Bastrop County, any use of a new AI System at Bastrop County must be approved by the AI Committee.
  - Individuals using an AI system must have expertise in the subject matter for which the AI is used. AI is to be utilized as a tool and is not a substitute for expertise. For example, if using AI for coding, the individual deploying the AI must have expertise in coding.
  - All AI-generated content (writing, datasets, graphs, pictures, etc.) must be thoroughly reviewed by an individual with expertise to evaluate such content for accuracy as well

as general proofing and editing. AI-generated content should be viewed as a starting point, not the finished product. Like any content at Bastrop County, AI-generated content should conform to the look and feel of the Bastrop County brand and voice.

- Any use of an AI system must have clear objectives for AI use as a tool and business-accepted data sets from which the AI draws. If the data sets that the AI is using are not accurate, then the information AI provides will not be accurate.
  - AI systems are trained on data that may contain inherent bias. Users of these systems are responsible for reviewing any AI-produced content for bias and correcting it as necessary.
  - Non-public Bastrop County information must never be put into an open AI system.
  - Bastrop County Representatives are required to maintain documentation of all AI systems they use, including the specific functions those systems support. Documentation is not required for AI tools that are embedded within approved software platforms when used in accordance with their intended purpose. Employees should consult with their department head to understand the appropriate process for tracking and reporting AI system usage.
  - The use of an AI system must meet any terms of use or contractual limitations. Contractual restrictions or terms of use may restrict Bastrop County's use of an AI system that would otherwise be legally compliant and ethically sound. For example, an AI system's terms of use may require the use of certain disclaimers in certain use situations or prohibit the use of the AI system to do certain tasks. Bastrop County Representatives should have all terms of use or contracts for AI systems reviewed by the Legal Department to ensure compliance with contractual obligations in using an AI system.
  - Approval of an AI system does not eliminate the need for other internal approvals required at Bastrop County for the use of technology, such as a security review, privacy review, cost review and spend approval, legal review, human resources review, etc. An AI system should go through the same review and approval process as other software or services at Bastrop County. You should also ensure within your business unit that your business leader is aware of the use of the AI system and has approved any use of the AI system, particularly for AI-generated content that will be relayed externally.
5. **Prohibited Uses:** There are certain uses of AI that are prohibited. Unless otherwise approved by the AI committee and respective department heads, Bastrop County Representatives are prohibited from using AI systems for any of the following activities at any time:
- a. Conducting political lobbying activities is prohibited. Lobbying is defined as any action aimed at influencing a Government, Government Official, or Government Entity for any reason.
  - b. Using AI systems to identify or categorize candidates, employees, contractors, or other affiliated entities based on protected class status is prohibited.

- c. Entering trade secrets, confidential information, or personal data about any individual into an open AI system.
  - d. Entering any sensitive information about an individual into any AI system. “Sensitive information” includes medical, financial, political affiliation, racial or ethnic origin, religious beliefs, gender, sexual orientation, disability status, or any other part of a person’s life someone would want to keep private.
  - e. Using an AI system to obtain legal advice.
  - f. Creating intellectual property that Bastrop County desires to register and/or holds significant value to the organization.
6. **Ethical Guidelines:** Bastrop County desires to act in an ethical manner when using AI. Accordingly, there may be uses of AI that are legally permissible, but which do not meet ethical requirements. Any use of an AI system at Bastrop County should conform to the following ethical guidelines:
- a. Informed Consent: Prior to inputting personal information into a closed AI system, ensure that you have obtained informed consent from the individual whose personal information will be input.
  - b. Integrity in Use: All users of AI systems should be honest about how AI helped in getting the work done. Even if using an AI system approved by the AI Committee for an approved use, you should ensure your manager or the department requesting a task for which you are using an AI system is aware of your use of the AI system. Do not pass off AI-generated work as done by you solely. Additionally, you should ask permission if you desire to use an AI system tool to complete a task. For example, you should ask your manager and HR representative if you may use an AI system to assist in writing a performance evaluation.
  - c. Appropriate Content: Do not use company time or resources to generate content using an AI system that would be considered illegal, inappropriate, harmful to Bastrop County’s brand or reputation, or disrespectful to others.
  - d. Unauthorized Use: Do not use company time or resources to generate content using an AI system for personal use without prior approval of the appropriate department leader.
7. **High-Risk Use of AI Systems:** There are certain uses of AI systems that are more high risk than others. As a local government entity, Bastrop County is committed to complying with all AI legal requirements and guidance of the United States in which it operates. The European Union (“EU”) has classified the following potential uses of AI as posing a high risk to the health and safety or fundamental rights of natural persons:
- a. Personal Data in AI Systems: AI should be used with extreme caution when inputting any personal data of an individual into a closed AI system (it is prohibited to put any personal data into an open AI system).

- b. Screening Job Candidates: AI should be used with caution when screening any job applicants to ensure it does not adversely impact protected class members or introduce any bias. Equity and inclusion issues surrounding AI use in job screening are a potential source of litigation.
  - c. Personnel Decisions: AI should be used with caution for any use related to making decisions on promotions, retention, or similar personnel such decisions. Extreme caution should be utilized to ensure that biases (including biases found in existing data sets) are avoided.
  - d. Enrollment Decisions: Extreme caution should be utilized if using AI in any manner related to evaluating potential candidates for admission into an internship or apprenticeship program, or any other Bastrop County program.
8. **General AI System Use Standards and Use Approval**: Prior to submitting a request to the AI Committee to use an AI system, the requester must first obtain approval from their manager. When considering whether to make a request, the requester should also ensure that the proposed AI use aligns with the guidelines outlined in this Policy.

With the exception of Embedded AI Tools in already-approved software, all other AI system uses must be reviewed and approved by the AI Committee prior to implementation. This process ensures that all AI usage aligns with the following core principles:

- a. Lawful: The use of AI systems must comply with all applicable laws and regulations, as well as any contractual obligations, limitations, or restrictions.
  - b. Ethical: The use of AI systems must adhere to ethical principles, be fair, and avoid bias.
  - c. Transparent: There must be clear objectives for the use of an AI system and documented oversight of such use, which is recorded and captured for institutional knowledge. Disclosures of the use of AI in any AI-assisted content generation must be made when required by law or contract, or when required by Bastrop County.
  - d. Necessary: The use of AI systems must be for a valid business purpose to improve Bastrop County's business efficiencies and support the organization's mission. The use of AI is not a substitute for human critical thinking or expertise and should not require Bastrop County to incur an unnecessary expense without any true benefit.
9. **Training**: All Bastrop County Representatives who interact with AI systems must be trained on this Policy. Additionally, specific departments or functions at Bastrop County may require more specific training on the use of AI systems for their department or function when more high-risk.
10. **Reporting Non-Compliance**: Bastrop County directors, managers, employees, and agents aware of any conduct that may violate this Policy have a responsibility to report it. Individuals are encouraged to make reports through normal reporting relationships beginning with their manager. All reports of suspected misconduct or non-compliance will be investigated by the AI Committee, Legal Counsel, Human Resources, or other appropriate parties. Unless acting in bad faith, Bastrop County employees will not be subject to reprisals for reporting potential violations.

If Bastrop County determines that a Bastrop County Representative has failed to comply with this Policy after an investigation concludes, then the Bastrop County Representative will be subject to disciplinary action, up to and including termination.