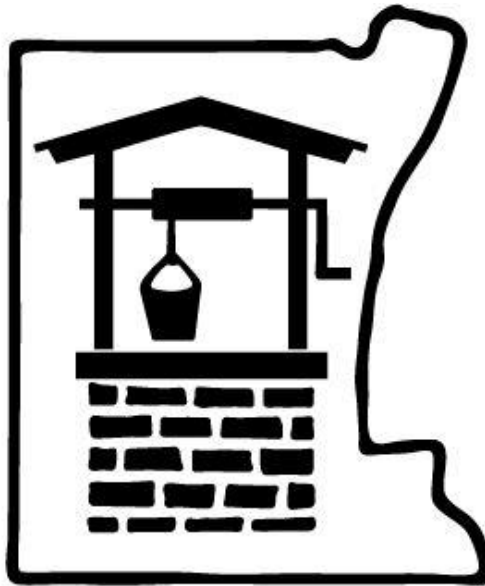


# **Rusk County Groundwater Conservation District**



## **Employee Policy Manual**

*Adopted: August 3, 2015*  
*Amended: August 29, 2016*  
*Amended: April 9, 2018*



## **Table of Contents**

<b>FORWARD</b>	1
<b>EQUAL EMPLOYMENT OPPORTUNITY</b>	1
<b>ORIENTATION/REVIEW PERIOD</b>	2
<b>BUSINESS ETHICS</b>	2
<b>POLICY ON HARASSMENT AND DISRESPECT</b>	3
<b>SEXUAL HARASSMENT POLICY</b>	4
<b>PERSONNEL RECORDS</b>	5
<b>HOURS OF OPERATION</b>	6
LUNCH PERIOD AND REST BREAKS	6
<b>EMPLOYEE CLASSIFICATIONS</b>	6
<b>COMPENSATION</b>	7
TIME SHEETS	7
PAY INFORMATION	7
WAGE OVERPAYMENT/UNDERPAYMENT	8
OVERTIME POLICY	8
<b>EMPLOYEE BENEFITS</b>	9
HEALTH INSURANCE	9
RETIREMENT PROGRAM	9
LIFE INSURANCE	9
VACATION POLICY	9
HOLIDAY POLICY	10
PERSONAL DAY	10
EARNED TIME OFF (ETO)	11
SICK LEAVE POLICY	11
MATERNITY LEAVE	11
PARENTAL LEAVE	11
MEDICAL LEAVES OF ABSENCE	12
LIMITATIONS OF LEAVES OF ABSENCE	12
BEREAVEMENT	12
JURY DUTY	12
MILITARY DUTY	12
FAMILY AND MEDICAL LEAVE	13
WORKERS' COMPENSATION	15

<b>TIME OFF</b>	15
ABSENTEEISM	15
CALL IN PROCEDURE	16
VACATION OR TIME OFF REQUESTS	16
<b>USE OF DISTRICT VEHICLES</b>	16
<b>CELLULAR DEVICES</b>	17
<b>COMMUNICATIONS INCLUDING INTERNET AND E-MAIL</b>	18
<b>NEWS MEDIA</b>	19
<b>EXPENSES</b>	19
MEAL TRAVEL ALLOWANCE	20
TRAVEL EXPENSES	20
<b>JOB PERFORMANCE AND EVALUATION</b>	20
SALARY ALTERATIONS	21
NON-DISCLOSURE OF INFORMATION	21
<b>OUTSIDE EMPLOYMENT POLICY</b>	21
<b>OFFICE CONDUCT</b>	22
REPORTING FOR WORK	22
RESIGNATION	22
<b>GENERAL</b>	23
DRESS CODE	23
CIVIC ORGANIZATIONS	23
SAFETY	23
SMOKING	24
PERSONAL TELEPHONE CALLS & VISITORS	24
<b>DRUG AND ALCOHOL-FREE WORKPLACE POLICY</b>	24
<b>DISCIPLINARY ACTIONS</b>	26
<b>MANAGEMENT POLICY</b>	28
<b>EMPLOYEE ACKNOWLEDGMENT</b>	29

# **RUSK COUNTY GROUNDWATER CONSERVATION DISTRICT**

## **PERSONNEL POLICIES AND PROCEDURES**

### **FORWARD**

This Employee Policy Manual contains important information required by law and should therefore be read in entirety upon receipt. A great deal of information is covered by this manual but it cannot cover all subjects completely. Therefore, if you have any questions about the policies of the Rusk County Groundwater Conservation District ("District"), do not hesitate to ask your immediate supervisor or the General Manager.

Employment with the District is on an at-will basis. This means that the employment relationship is not entitlement, but rather a privilege that may be terminated at any time by either the employee or the District for any reason not expressly prohibited by law. **The contents of this manual do not constitute a contract of employment.** Nothing contained in this handbook should be construed as a guarantee of continued employment or of any particular policy or benefit. The policies, programs and benefits described in this manual may be added to, subtracted from or otherwise amended at any time without advance notice or cause. Interpretations of this policy are reserved to the General Manager or his designee under guidance of the Board of Directors (Board). Any agreement with regard to this or any other policy is invalid unless it is in writing and signed by the General Manager.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The District is committed to fair and equal treatment of all employees and fair and equal consideration of all prospective employees, without regard to race, color, age, religion, gender, ancestry, national origin, or disability which does not interfere with job performance with reasonable accommodation.

The District complies with the equal employment regulations of various governmental entities. The District commits to administering all personnel actions in compliance with such regulations, including such matters as employment, promotions, demotions, transfers, compensation, benefits, training, education, social and recreational programs.

The District is committed to providing a working environment free from racial, religious, sexual, or other forms of discrimination or harassment. Such conduct will not be tolerated and constitutes grounds for dismissal. If you are subject to harassment, you are urged to bring the situation to the attention of your immediate supervisor or the General Manager. All complaints will be treated in strictest confidence and will be promptly investigated.

## **ORIENTATION/REVIEW PERIOD**

Your first 90 calendar days of employment with the District are considered an orientation/review period. During this time, you and the District will evaluate job requirements and performance, District policies and attitudes. Reviews will be made of this period by you and your immediate supervisor. Where the working arrangement is not satisfactory to either party, the employment relationship can be severed at any time. Successful completion of the orientation/review period does not guarantee continued employment in any position and does not alter the at-will employment relationship between you and the District.

## **BUSINESS ETHICS**

The District strives to maintain the highest standards of business conduct and ethic. Your adherence to these standards while carrying out your job is vital.

1. The districts respects your rights to activities outside your employment which is private in nature and which in no way conflict with or reflect upon the integrity or good name of you or the District. Because of potential conflicts of interest, ethical considerations and liability matters, you must advise and discuss the matter with the General Manager before acceptance of any outside employment or engaging in any activities which may result in conflicts of interest or possibly compromising the District's ethical or professional standards;
2. District employees may not use their official position to secure special privileges or exemption for themselves or others;
3. Employees may not grant any special consideration, treatment, or advantage to any citizen, individual, or group beyond those which are available to every other citizen.
4. Employees may not disclose , without proper authorization, confidential information which could adversely affect the property, management of affairs of the District, nor directly or indirectly use any information for their own personal gain or benefit, or for the private interest of others;
5. District employees should not represent, directly or indirectly, or appear on behalf of private interests before the District Board, nor shall they represent any private interest in any action or proceeding involving the District, nor shall they accept a retainer or compensation that is contingent upon a specific action taken by the District.

Whenever an employee has a conflict of interest, direct or indirect, in a proposed or actual business transaction in which the District is a party, the employee must inform the District General Manager who will determine whether there is in fact a conflict between the District and the employee's interests and, if so, whether such a conflict will harm the Districts interests.

In this policy statement the term “Employee” includes any relative or spouse of the employee, or any of the spouse’s relatives who share the same home as the employee.

By direct interest this policy means the interest an employee may have in a firm, corporation, or entity of which the employee is an officer or director or in which the employee owns an equity interest. Equity of less than 5% in publicly held companies need not be considered.

The District discourages gratuities of any kind given by anyone doing business with or soliciting business from the District to employees who evaluate or award bids, negotiate contracts or approve changes in contracts. Not included in this understanding of a gratuity is the simple, casual meal offered by a supplier’s representative as a timesaving expediency or normal expression of friendly business relationship. However, the repeated appearance of an employee as the luncheon guest of the same company should be tactfully avoided.

Violations of this policy may result in termination of employment, and reimbursement to the District for any losses suffered as a result of the employee’s interests being given preference to those of the District.

The District prohibits any conduct by any employee which is illegal or unethical. Such conduct will not be tolerated.

Violation of the public trust in any way is a violation of the District’s Ethics Policy and may result in disciplinary action or termination. The Board has established an Ethic’s Policy for all elected or appointed officials, agents, and employees of the District. Please refer to and review, the District’s Ethics Policy found at the end of this document.

## **POLICY ON HARASSMENT AND DISRESPECT**

It is the policy of the District to provide employees with a pleasant environment that encourages efficiency, productivity, and creativity. The District strives to maintain an atmosphere of mutual respect and understanding in the workplace.

The District will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another’s work performance or which creates an intimidating, offensive, or hostile environment. The use of demeaning, belittling, humiliating, insulting, or other forms of disrespectful language toward or about yourself or others is unacceptable.

All forms of harassment and hostility toward others for any reason are prohibited, including sexual harassment and harassment and hostility based on any other protected class in addition to sex. Each supervisor has a responsibility to maintain the workplace free of any form of harassment and hostility.

Actions need not be physical to be offensive and constitute harassment or hostile conduct.

Any employee who believes that the actions or works of a supervisor or fellow employee constitute unwelcome harassment or hostile conduct has a responsibility to immediately report or complain, to his or her supervisor. In no case shall an employee fail to report any such incident later than one (1) week after perceiving the event forming the basis of the complaint. The employee is required to follow the chain of command in reporting any incident of harassment. If the employee perceives that the conduct involves his or her supervisor, he or she must immediately report the actions or words to the General Manager. Only if the employee perceives that the General Manager is involved in the alleged conduct, should he or she report the incident to the Chair of the Board. Employees are required to report all forms of harassment or hostile conduct.

All complaints of harassment will be treated with the utmost urgency and investigated promptly.

Any employee, supervisor, or manager who is found to have engaged in harassment or hostility toward another employee will be subject to disciplinary action, up to and including termination.

## **SEXUAL HARASSMENT POLICY**

It is the policy of the District to provide employees with a pleasant environment that encourages efficiency, productivity, and creativity.

The District will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment.

Though all forms of harassment are prohibited, it is the District's policy to emphasize that sexual harassment is specifically prohibited. Each supervisor has a responsibility to maintain the workplace free of any form of sexual harassment. No supervisor or other employee will threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advance will adversely affect his or her employment, evaluation, wages, advancement, assigned duties or shifts or any other condition of employment or career development.

Sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is also prohibited. Such conduct includes the following:

1. Sexual flirtation, touching, advances, or propositions;
2. Verbal abuse of a sexual nature;
3. Graphic or suggestive comments about an individual's dress or body;
4. Sexually degrading works to describe an individual; and
5. Any display in the workplace of sexually suggestive objects or pictures, including photographs.



An employee who feels that he or she is being sexually harassed should tell the harasser that he or she finds the conduct offensive, and insist that it stop. If the conduct does not stop immediately, the employee should report the matter to his/her immediate supervisor or to the General Manager.

Any employee who believes that the actions or works of a supervisor or fellow employee constitute unwelcome harassment has a responsibility to report or complain as soon as possible, but no later than one (1) week after the incident, to his or her supervisor.

All complaints of harassment will be investigated promptly and in an impartial and confidential manner by the supervisor and General Manager. The employee will be advised of the findings and conclusions.

Any employee, supervisor, or manager who is found, after appropriate investigation, to have engaged in harassment of another employee will be subject to disciplinary action up to and including termination.

Retaliation or reprisal against any employee for complaining of harassment or discrimination of any kind is illegal, and will not be tolerated.

## **PERSONNEL RECORDS**

The District maintains a separate, confidential file for each employee which includes the employment application and/or resume, indicates educational experience, and contains experience records and other pertinent information. These records are used for complying with government regulations, providing information for payroll deductions, determining individual eligibility for insurance and other personnel related matters.

Maintenance to keep data up-to-date in the file is important to you and the district. It is the employee's responsibility to notify the District General Manager or a member of the Board of Directors in writing when changes are necessary. Such information includes changes in name, marital status, address, telephone number, person(s) to be notified in event of emergency, military status (if applicable) and education.

The information contained in an employee's personnel record is kept confidential to the extent allowed by rules of the Texas Open Records Act. Personnel records may be reviewed by a member of the Board in the presence of the General Manager following authorization of the review by the Board at a scheduled meeting of the Board. An Employee's individual records are available to that employee for review upon request and in the presence of the General Manager.

## **HOURS OF OPERATION**

For all full-time employees the basic workweek is 40 hours consisting of five consecutive days per week, which is Monday through Friday. The normal hours of operation are from 8:00 a.m. to 5:00 p.m.

Any request for variation in the regular schedule must be made in writing and approved in writing by the General Manager.

### **LUNCH PERIOD AND REST BREAKS**

Employees are allowed one hour for lunch. Due to the number of employees in the office, the lunch period shall remain flexible. When interrupted by telephone calls, or customer inquiries, the lunch period is to resume to the completion of one hour. Field employees may schedule their lunch period to coincide with jobs in progress, or to begin prior to, or after the completion of jobs. Major changes in the regular lunch routine must be approved by the General Manager.

Employees may take a rest break in the mornings and in the afternoons to secure refreshments and rest, limited to fifteen (15) minutes. Coordinating with District Staff to maintain adequate coverage at all times is necessary. Always be sure to return to work on time at the end of any break. Morning and afternoon rest breaks may not be accumulated or combined into one longer rest break, nor may they be added to a meal period, nor may either rest break be foregone to arrive later than the scheduled starting time or leave earlier than the scheduled quitting time.

## **EMPLOYEE CLASSIFICATIONS**

A Full-time non-exempt employee is a person who has been employed hourly for what is, at the time of hire, a permanent position. Such employee is expected to work forty (40) hours a week.

A Full-time exempt employee is a salaried person who has been employed for what is, at the time of hire, a permanent position. Such employee is expected to work forty (40) hours a week with the understanding that from time to time, additional hours may be required in order to fulfill the requirements of the position.

Full-time non-exempt and exempt employees are eligible for the benefits described in the section “Employee Benefits.”

A Part-time employee is a person who has been employed for a position which, at the time of hire, is expected to require less than twenty-nine (29) hours a week and the position is not slated to be a full time position.

A Part-time employee is not eligible for the benefits described in the section “Employee Benefits.”

A Temporary employee is a person employed for a specific length of time or for the duration of a specific project. Such employee is not eligible for the benefits described in the section "Employee Benefits."

A Contractor is a person who exercises independent control over his or her work and may be hired under contract for a specific project. Such position is not eligible for the benefits described in the section "Employee Benefits."

## **COMPENSATION**

### **TIME SHEETS**

It is the responsibility of each employee to fill out his or her Time Sheet correctly. The Time Sheet should be turned into the General Manager bi-weekly. For Time Sheet purposes, the pay period begins at 12:01 a.m. and ends on Sunday at 12:00 midnight bi-weekly. The Time Sheet must be submitted to the General Manager no later than the Monday before the bi-weekly Friday pay period.

If an employee is going on vacation, when Time Sheets are due, the time sheet must be handed in prior to leaving for vacation.

### **PAY INFORMATION**

The Districts payroll workweek begins on Monday at 12:01 a.m. and ends on Sunday at 12:00 midnight.

The District has twenty-six (26) pay periods per year. Each pay period consists of two (2) work weeks. Payday is normally every other Friday for services performed for the previous two (2) week pay period.

If miscalculations are made on actual hours worked or on appropriate leave for the two week pay period. Proper corrections will be made and reflected on the upcoming two (2) week pay period. If an employee terminates their position and on the last pay period they received an excess of wages for work actually completed the employee/former employee will be required to pay the excess wages back to the District.

When the payday falls on a holiday, paychecks will be distributed on the workday before the holiday.

Any employee who plans to be away from the office on the day the paychecks are issued should make arrangements for the disposition of his or her check.

The paycheck includes regular salary plus any overtime, less withholdings and other authorized deductions. New employees are required to fill out a withholding form along with other pertinent personnel forms on their first day of employment.

## **WAGE OVERPAYMENT/UNDERPAYMENT**

The District takes all reasonable steps to ensure that employees receive the correct amount of pay on each paycheck and that employees are paid promptly on the scheduled paydays.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the General Manager or Payroll Manager so that corrections can be made as quickly as possible. If the employee has been underpaid, the District will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he or she has earned, the employee will need to return the overpayment to the District as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agreed-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid.

## **OVERTIME POLICY**

Due to the nature of this business, it is sometimes necessary to require employees to work overtime. Cooperation of all personnel in this regard is expected.

If your position is classified as non-exempt you will be paid time and one-half your regular rate for all hours worked each week over forty (40) or you have the option of utilizing compensatory time off for each hour worked over the forty (40) hours a week. Overtime work schedules must have prior approval of the General Manager. It is the responsibility of the employee to make certain that overtime has been approved in writing, prior to performing overtime work. Time off for personal reasons, illness, holidays, vacations, etc. will not be considered as hours worked for purposes of computing overtime.

Your pay periods are irrelevant to the overtime calculation. Overtime is calculated based on the recurring, seven-day workweek. If a workweek overlaps two pay periods, overtime due for that workweek will be credited as of the second pay period (when the total hours worked for the workweek are known).

All executive, administrative, and professional employees who are “exempt employees” are exempt from the minimum wage and overtime provisions of the FAIR LABOR STANDARDS ACT. The classification of your position as exempt or non-exempt will be reflected in your personnel file.

## **EMPLOYEE BENEFITS**

### **HEALTH INSURANCE**

The District at this time does not offer a health insurance program.

### **RETIREMENT PROGRAM**

The District is a member of the Texas County and District Retirement System (TCDRS). An employee is vested in the District after 5 years of service. The employee deposit rate is seven (7) percent (%) with the District matching the deposit rate at one hundred-ten (110) percent (%).

A retirement package will be provided to full-time employees upon start of position.

### **LIFE INSURANCE**

The District's membership with TCDRS also provides Life insurance. The District covers the cost of the Life Insurance at no expense to the full-time employee.

Details of the plan will be provided to full-time employees upon start of position.

### **VACATION POLICY**

Vacation is a benefit earned through active service. Employees are not eligible for paid vacation leave until they have successfully completed ninety (90) calendar days of regular full-time employment. Full-time employees are eligible for paid vacation time. Vacation for full-time is calculated according to an employee's anniversary date as follows:

<u>Year of Service</u>	<u>Annual Accrual</u>	<u>Pay period Accrual</u>
0 through 5 years	10 days	3.0769 hours
6 through 10 years	15 days	4.6153 hours
11 or more	20 days	6.154 hours

Full-time employees maximum carryover of vacation time earned from one anniversary date to the next cannot exceed 10 days (80 hours) earned. The maximum amount of vacation accrued and carried over shall not exceed a total of 30 days (240 hours). At the time of the employee's anniversary date any vacation to be carried over to the next year that will exceed a total maximum of 10 days (80 hours) will be lost.

Vacations are taken at a time mutually convenient to the employee and the District. All vacation must be approved by the General Manager for District Employees. Vacation taken by the General Manager must be approved by the Board of Directors or work with the Chair of the Board if the days off will be five (5) or more consecutive days. Not more than one week of vacation can be taken at one time without special management approval.

Vacation is scheduled on a first come, first approved basis and must be submitted in writing at least two weeks in advance. Vacation can be scheduled if the two weeks advance notice is not provided, but is at the discretion of the General Manager or Board of Directors.

Advancing vacation time to an employee is at the discretion of the General Manager, and requires proper notification. Unauthorized absences, will be considered abuse of this policy, and may result in disciplinary action.

Terminated employees will be paid for all vacation accrued and not yet taken as of the effective date of termination (up to a maximum of 30 days (240 hours) provided they have completed twelve (12) calendar months of employment from their anniversary date.

Vacations will not be granted as part of the required two (2) weeks' notice of resignation, or as a device to extend the employment date of a terminating employee.

### **HOLIDAY POLICY**

The District observes ten (10) paid holidays each year as follows:

New Year's Day	Independence Day	Christmas Day
Labor Day	Thanksgiving	Christmas Eve or
Good Friday	Friday after Thanksgiving	the day after Christmas
Memorial Day	MLK Day	

Holidays will be paid as a full workday to all full time employees provided such employee has reported for work on the workdays preceding and following the holiday.

If any scheduled holiday falls on Saturday or Sunday, the General Manager will decide when the holiday will be observed.

Holidays which occur during an employee's vacation will be considered a holiday and will not count against vacation time. Holidays should be reported on the District's Time Sheet.

Holiday time will not be counted in computing overtime.

### **PERSONAL DAY**

Full-time employees are eligible, after ninety days of employment, for eight (8) eight hour paid personal days each year.

Personal days are calculated according to the employees' anniversary date each year after the 90 days of employment has been completed. Personal days can be used as vacation time, sick time or to take care of personal matters. To use a personal day, the date wanted must be approved by the General Manager prior to being used and must be used as a full eight hour day.

Personal days cannot be carried over to the following year and employees are not paid in lieu of taking the actual time off. If the personal day is not used by the employees' anniversary date, the time for that year will be lost.

Upon termination, employees are not paid for personal days.

### **EARNED TIME OFF (ETO)**

Many exempt employees work more than the standard 40 hour week. In these instances, exempt employees may be granted time off without any deduction from their accumulated leave balances. In this case, the General Manager and the Board Chair will collaborate and deliberate the General Manager's ETO.

### **SICK LEAVE POLICY**

Employees are not eligible for paid sick leave until they have successfully completed ninety (90) calendar days of regular full-time employment. A non-exempt employee who reports to work then falls ill and makes a request to leave work will be required to report the out-of-work time as sick time on his or her time sheet.

The District realizes that, on occasion, an employee may need to be absent from work because of personal illness. To provide for salary continuation in the event of personal illness, regular full-time employees at the District are allowed paid sick leave on event of an illness.

Sick leave is to be utilized only in the event of medical necessity during which the employee is temporarily incapacitated due to illness, injury, or surgery, including incapacity related to pregnancy or childbirth; infection with or exposure to a contagious disease such that his or her presence on the job might jeopardize the health of others; and/or for a medical appointment that cannot reasonably be scheduled during non-work hours.

Employees will also be allowed to use sick leave to take time off from work for the illness of an immediate family member. Immediate family members include the following:

- Spouse, Parents and Grandparents, Children and Grandchildren, Brothers and Sisters, Mothers in law and Fathers in law, Daughters in law and Sons in law, Brothers in law and Sisters in law, Adopted, half, or step relations.

In order to be compensated for a sick day, an employee must notify the General Manager before 8:30 a.m. on each day of the illness. An employee who does not call in when sick will not be paid for the day, even though he would otherwise be eligible for sick leave. In addition, the District may, at any time, require an employee to present a doctor's certificate confirming the illness prior to approval of sick leave.

Doctor appointments may be scheduled during the normal workweek with approval of the General Manager. Full-time employees may utilize sick leave toward doctor appointments.

Sick leave must be reported on the District's Time Sheet.

### **MATERNITY LEAVE**

Maternity leave is treated as any sick leave or leave of absence.

### **PARENTAL LEAVE**

The General Manager, contingent upon Board approval, may grant parental paid time off, to an employee of the District. The purpose of paid time off is to protect district employees from

financial hardship under extenuating circumstances involving the birth of a child. The General Manager and/or the Board of Directors may discuss providing paid parental leave.

### **MEDICAL LEAVES OF ABSENCE**

The General Manager, contingent upon Board approval, may grant paid or unpaid time off, or a combination of both, to an employee of the District. The purpose of paid time off is to protect district employees from financial hardship under extenuating circumstances involving sickness or distress. The General Manger and/or the Board of Directors must require the employee to provide documentation of illness, medical treatment, or distress before granting paid time off.

### **LIMITATIONS OF LEAVES OF ABSENCE**

With the exception of leaves of absence for military duty, no leave of absence or other period of inability or failure to perform full-duty work, by itself or in combination with other periods of leave, may last longer than six months. Any employee who, for any reason or combination of reasons, misses a total of six months of full-duty work in a twelve-month period, or a total of nine months of full-duty work in an 18-month period, will be separated from employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

### **BEREAVEMENT**

In the event of the death of a member of the employee's family, the employee, who has completed ninety (90) days of continuous service, will be allowed up to three (3) consecutive workdays' absence with pay for a local funeral. If additional days are required, they may be taken without pay or deducted from the employee's vacation.

For the purpose of this policy, family members will include immediate family members as defined under sick leave.

To attend the funeral of any other close family member, the employee may use accrued vacation or take up to three days off without pay with the General Manager's approval.

### **JURY DUTY**

The District respects an employee's duty as a citizen to serve on juries when requested to do so, if at all possible. Any full-time employee receiving a notice to appear for jury duty should notify the General Manager immediately and provide proof of service. When serving on jury duty, the employee will receive pay for the time spent on jury duty during normal working hours, Monday through Friday.

### **MILITARY DUTY**

The District complies with the UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) which prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve.



An employee who is a member of the state military forces or of reserve components of the United States Armed Forces is entitled to a leave of absence from duties without loss of vacation time, or salary, for all days engaged in authorized training or duty for no more than fifteen (15) days in one Federal fiscal year. The fifteen (15) days need not be consecutive calendar days. After the fifteen (15) days of military leave have been exhausted, the employee may elect to: use accrued vacation leave to the extent available; be placed on leave without pay status; or some combination of the above, for the remainder of the active duty period.

Unused military leave in one calendar year cannot be carried over to a subsequent year.

A copy of the military orders will be attached to the employee's request for military leave. Leave will be requested in advance, if possible.

Upon completion of the military duty, an employee is entitled to return to the same or similar employment previously held unless work-related circumstances have changed during the time of active duty that make re-employment to the same position impossible or unreasonable.

Check with the General Manager on information regarding health and retirement plan coverage for service members and FMLA coverage for service members and their family.

## **FAMILY AND MEDICAL LEAVE**

The District complies with requirements of the FAMILY AND MEDICAL LEAVE ACT of 1993 (FMLA). Eligible employees are entitled to take up to 12 weeks of unpaid, job-protected leave in a rolling 12 month period for specified family and medical reasons and for any "qualifying exigency" arising out of a covered military member. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

Eligibility: The Employee must have worked for the District for a total of 12 months, or 52 weeks. The twelve months, or 52 weeks, need not have been consecutive, but the Employee must have worked 1,250 hours or more over the previous 12 month period to be eligible for "unpaid family and medical leave."

### Type of Leave Covered:

#### ENTITLEMENT TO LEAVE

##### (a) IN GENERAL

- (1) Up to 12 workweeks of unpaid leave will be granted for the following reasons:
  - (A) for the birth and care of a newborn child of the employee;
  - (B) for the placement with the employee of a son or daughter for adoption or foster care ;
  - (C) to care for a spouse, son, daughter or parent with a serious health condition;
  - (D) to take medical leave when the employee is unable to work because of a serious health condition;
  - (E) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or call to active duty status as a member of the National guard or Reserves in support of a contingency operation.

(2) EXPIRATION OF ENTITLEMENT.--The entitlement to leave under subparagraphs (a) and (b) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(3) SERVICEMEMBER FAMILY LEAVE.—An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.

(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

(A) an overnight stay in a hospital, hospice, or residential medical-care facility including any incapacity or subsequent treatment in connection with such inpatient care; or,

(B) continuing treatment by a health care provider, which includes:

(1) a period of incapacity lasting more than three consecutive, full calendar days and any certain subsequent treatment or period of incapacity relating to that same condition or;

(2) any period of incapacity related to pregnancy or for prenatal care; or

(3) any period of incapacity or treatment for a chronic health condition which continues over an extended period of time and requires periodic visits to a health-care provider; or

(4) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or

(5) an absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Leave under subparagraph (A) or (B) of subsection (a)(1) shall not be taken by an employee intermittently or on a reduced leave schedule without the approval of the General Manager.

If an employee has accrued paid leave, the employee must first use paid leave concurrently and take the remainder of the 12 weeks as unpaid leave. Pay deductions will be made for any portion of unpaid leave taken pursuant to the FMLA, including intermittent or partial day leave. An exempt employee’s partial day absence will be deducted in half-day increments.

When an employee seeks leave for an FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. However, when an employee seeks leave for an FMLA-qualifying event for which the District has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

While an employee is on leave, the District will continue the employee’s health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a

continued serious health condition, the District will require the employee to reimburse the District the amount it paid for the employee's health insurance premium during the leave period.

Because employee and employer contributions to the Retirement Program are based on earnings received, no contributions will be accepted or made during the entire non-paid period of the approved leave of absence.

Vacation and sick leave do not accrue while an employee is on FMLA leave. Vehicle reimbursement will not be paid during FMLA leave.

Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to the General Manager. When an employee plans to take leave under this policy, the employee must give the District 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practical. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the District's operation.

The District will place an employee returning from FMLA leave in the same job or a job with equivalent pay, benefits and other terms and conditions of employment. The position in which the returning employee will be placed will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority, unless unavailable due to the size of the District's staff and substantial and grievous economic injury to the operations of the District.

The district requires that an employee's leave request due to a serious health condition of the employee or family member be supported by certification from a health care provider. If safety concerns exist, the District may require certification for an employee returning from intermittent FMLA leave.

### **WORKERS' COMPENSATION**

The Workers' Compensation Law is designed to provide benefits for any injury, which an employee may suffer in connection with employment. Under the provisions of the law, an employee injured while at work, is eligible to apply for Workers' Compensation.

All injuries no matter how slight, must be reported immediately the General Manager to assure consideration of Workers' Compensation. The employee must inform the General Manager of what, where, when, and how it happened. Enough information must be provided so that medical treatment can be arranged. Prompt reporting is key. Nothing can happen until the employer is informed of the injury.

## **TIME OFF**

### **ABSENTEEISM**

Good attendance is essential for the success of the District. Unnecessary absences and tardiness are disruptive and place an unfair burden on fellow employees as well as the District.

Unsatisfactory attendance will result in disciplinary action including warnings, suspensions or discharge. Repeated tardiness will also subject an employee to the same disciplinary actions.

### **CALL IN PROCEDURE**

If an employee is going to be late or absent from work for any reason, the employee should call in and inform the General Manager before 8:30 a.m. in the workday. It is the employees' responsibility to contact the General Manager directly. Leaving a message with a fellow employee is unacceptable, and the absence would be considered un-excused. Failure to call in will result in an un-excused absence and will result in written disciplinary action.

If an employee is going to be out on consecutive sick days, they must contact the General Manager each day before 8:30 in the workday.

**FAILURE TO CALL IN FOR THREE (3) CONSECUTIVE DAYS WILL BE CONSIDERED AS VOLUNTARY TERMINATION ON THE PART OF THE EMPLOYEE.**

### **VACATION OR TIME OFF REQUESTS**

It is your responsibility to inform the General Manager, in writing, at least two weeks prior to an anticipated vacation or the need for time away from work. In the event of an emergency situation, the circumstances of the situation will be evaluated. Requests for vacation will be approved on a "first come, first served" basis. The General Manager has the right to deny or request rescheduling of a vacation that interferes with any ongoing or upcoming project or meeting.

## **USE OF DISTRICT VEHICLES**

The District may provide vehicles to certain Employees for business use during the course and scope of employment while employed by the District. District vehicles are the property of the Rusk County Groundwater Conservation District and shall be immediately returned to the District upon request of the General Manager or the Board of Directors.

District vehicles shall only be used for District business, and is not authorized for personal use. With the General Manager's approval, a District vehicle may be left overnight at a District employee's house for efficient District business use.

Passengers shall ride in District vehicles for District-related business only. Minor children may not be passengers in District vehicles.

An Employee who is provided a District vehicle is required to maintain the vehicle in a reasonably clean and presentable state. This shall include regular engine oil and filter change, lubrications, wash the exterior, and vacuum the interior. It is the responsibility of the Employee to see that the State Inspection is current and that a copy of the proof of insurance is current and in the vehicle. In addition, it is the responsibility of the Employee to see that needed repairs to the vehicle are made or are scheduled to be made. The expense of maintaining the vehicle shall

be borne by the District. Repairs, except in the case of an emergency, must be approved by the General Manager prior to the completion of the repair work.

Only Employees with good driving records will be authorized to drive District vehicles. The General Manager reserves the right to determine which Employees are eligible for the use of District vehicles, and that eligibility may be withdrawn at any time for any reason, with or without notice.

Driving reports from the Department of Motor Vehicles may be obtained each year on each Employee who uses a District vehicle or uses a personal vehicle during the course and scope of District business. Reports showing moving violations, reckless driving, or driving under the influence may result in an immediate loss of driving privileges for that Employee and possible termination of employment.

Employees receiving moving violations or violations for expired State Inspection sticker and/or no proof of insurance while using a District vehicle shall be solely responsible for payment of all fines incurred for these violations. Employees with repeated violations may face revocation of District driving privileges and disciplinary action, up to and including termination of employment.

Employees whose business duties regularly involve driving are required to maintain good driving records. Such an Employee whose insurance is dropped or whose license is suspended or revoked may face disciplinary action, up to and including termination of employment.

Employees must be aware and alert regarding vehicle operation and maintenance. When a District vehicle needs maintenance, the Employee is required to have it done in a timely manner.

All repair work, except emergency repair work, must be authorized in advance by the General Manager. Receipts for repairs shall be submitted to the Bookkeeper within five days of completion of the work.

If an Employee is involved in an accident while acting in the course and scope of District business, the Employee must immediately notify the General Manager. The employee is required to call the police in this event and request that a police report be completed before leaving the accident site. The employee is required to obtain the name of each police officer who arrives at the accident scene and report this to the General Manager. Any fines issued to the Employee in connection with the accident while on District business are the Employee's sole responsibility.

## **CELLULAR DEVICES**

The use of personal cell phones or other cellular devices while at work may present a hazard or distraction to the user and/or co-employees. This policy is meant to ensure that cell phone or other cellular devices use while at work is both safe and does not disrupt business operations.

To avoid office distractions, employees are required to keep cell phones or other cellular devices on low volume for incoming calls or vibrate mode during regular office hours.

Use of your personal cell phone or cellular device should be kept to a minimum during working hours.

To ensure the effectiveness of meetings, employees are asked to leave all cell phones or other cellular devices at their desks. Or, on the unusual occasion of an emergency that requires immediate attention, the cell phone or cellular device may be carried in vibrate mode.

The District prohibits employee use of cellular phones or cellular devices, for any purposes, when driving while on district business, unless the employee is utilizing a cellular hands free device.

We recognize that other distractions occur while driving, however, eliminating the use of cell phones or other cellular devices, while driving, is one way to minimize the risk of accidents for our employees. Therefore, you are required to stop your vehicle so that you can safely use your cell phone or cellular device if no hands free device is utilized, or contact the caller at a better and safer time.

Employees who violate this policy may be subject to disciplinary actions, up to and including employment termination.

The District may provide certain Employees with cell phones for use while conducting business of the District. The cell phone is provided to the Employee in an effort to save other expenses in regard to travel and providing the other District Employees and residents of the District the ability to communicate with an Employee when they are away from the District office. The Employee is allowed to use the cell phone for limited personal use. However, if the monthly contracted minutes are exceeded, an audit of the minutes used for personal and non-personal use will be made. The Employee will be required to repay the District for the personal use of the cell phone if the excess is determined to be due to personal use of the cell phone.

## **COMMUNICATIONS INCLUDING INTERNET AND E-MAIL**

All business equipment and electronic and telephone communication systems are District property and are to be used for conducting District business only, except as otherwise provided by this policy. The District may monitor the use of such systems to determine that the equipment is being used accordingly. Communication systems may also be monitored to verify that the District is serving its constituents efficiently and courteously. Communications may be recorded to provide a record of the location of system failures and accidents and to ensure the safe and efficient operation of the District. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the District and may only be used for business purposes, including but not limited to e-mail communications and telecommunication systems use.

- The District is not responsible for the content or tone of any e-mail sent by any of its employees, however, the District will investigate instances that may be reported by those who believe they are being subjected to potentially unlawful harassment by e-mail;
- The District is not responsible for material viewed or downloaded by users from the internet. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In the event you encounter inappropriate or sexually explicit material while on the internet, immediately disconnect from the site;
- All business equipment, electronic and telecommunication systems, computer passwords, etc. are District property;
- All communications and information transmitted, stored or received over or in the District's business equipment and electronic and telecommunication systems are District property and subject to the provisions of the Texas Open Records Act;
- The District business equipment and electronic and telecommunication systems are to be used for District business only, except as otherwise provided by this policy;
- The District may monitor the use of its business equipment and electronic and telecommunication systems, including e-mail;
- Employees may not use passwords, access files or retrieve stored information which they are not authorized to use, access, or retrieve;
- Incoming and outgoing telephone calls, e-mails and internet searches may be monitored at any time by the General Manager.

Employees who violate this policy are subject to discipline, up to and including termination.

## **NEWS MEDIA**

If you are contacted by anyone representing the media, do not attempt to answer questions yourself. Refer the call to the General Manager.

## **EXPENSES**

Employees are reimbursed for all ordinary and necessary business and travel expenses.

If an employee is required to use his or her personal car on District assignment, they will be reimbursed at the rate per mile given by the Texas Comptroller of Public Accounts. Such reimbursements take into consideration gas, oil, insurance and wear and tear on the automobile.

All reimbursement expenses should be accurately recorded on the District's Expense Report form. Receipts for commercial plane travel, automobile rental, parking, room rental, are to be included with the expense report as required by the Internal Revenue Service. All expenses must be approved by the General Manager, and are subject to scrutiny.

### **MEAL TRAVEL ALLOWANCE**

Employees who must travel on District business and anticipate significant expenses may receive a meal travel allowance as given by the Texas Comptroller of Public Accounts. All allowances will be provided at least three days in advance of departure.

The employee is responsible for covering any meal costs outside of the meal travel allowance the District provides.

### **TRAVEL EXPENSES**

Arrangements for payment for an employee while traveling such as a hotel room, car rental, air travel, etc. shall be handled by the General Manager or Office Manager prior to the employee's departure.

In some cases the District's purchase card may be utilized by the employee traveling for approved business expenses only. Before purchases are made on the District purchase card by the employee it must be approved by the General Manager unless an immediate emergency arises. In the case of unauthorized or non-business related purchases are made with the District's purchase card the employee will be required to pay the District back for those purchases and may be subject to disciplinary action.

## **JOB PERFORMANCE AND EVALUATION**

Every employee of the District will have a clearly defined job description for their position. This job description shall provide concise information related to the duties and responsibilities expected of the employee and should be used as part of the criteria for annual performance evaluation. At a minimum, the job description should provide clear designation of a Job Title, Employee's Direct Supervisor, Salary scale and Basic Job Duties. Job descriptions should be signed by the employee and General Manager at the time of employment, dated and placed in the employees personnel file.

Annual evaluations should also include the employee's accomplishments from the past year along with any areas that may need improvement or recommendations for future training or assignments.

An evaluation of your job performance will be conducted at the completion of your first three (3) months of employment. Performance appraisals will be annually thereafter. A current performance and evaluation will be completed prior to any major change in employment status. The purpose of these evaluations is to provide the opportunity for the General Manager and employee to discuss the employee's performance along with career goals and opportunities. These evaluations may not be for the purpose of salary adjustments. The General Manager will



make recommendations to the Board of Directors during the budget review and approval process should any salary adjustments be in order.

The annual evaluation should be used as a tool to improve services, correct short comings and define expectations for the new year. Annual evaluations should be signed by the employee and the General Manager, dated and placed in the employees personnel file.

### **SALARY ALTERATIONS**

Salary increases are to be discussed between the employee and the General Manager. Salary increases are to be considered annually on the basis of merit as determined by an evaluation of the employee's record during the preceding year. Your salary is not to be discussed with other employees. Your salary is determined by the nature of the work involved, efficiency, competency, helpfulness, attitude, skills and complexity of the job are all taken under consideration when salary adjustments are addressed.

### **NON-DISCLOSURE OF INFORMATION**

Confidential Information: Subject to the Texas Open Records Act, no employee of the District will disclose confidential information concerning the property, operations, policies or affairs of the District, or its customers, or use such confidential information to advance the personal interests, financial or otherwise, of such employee, or accept employment or engage in any business or professional activity which such employee might reasonably expect would require or induce him or her to disclose confidential information acquired through or by reason of his or her position with the District.

**(Employees must remember that the District's business is confidential and should not be discussed with anyone. Caution should be taken so as not to disclose any information relative to a project to anyone except other employees or current members of the Board of Directors who are entitled to receive such information. )**

Any employee who violates our confidentiality rules will be subject to discipline, up to and including immediate discharge. We also reserve the right to seek legal recourse for violations of our confidentiality policy by employees or former employees.

### **OUTSIDE EMPLOYMENT POLICY**

The Rusk County Groundwater Conservation District must be all full-time employees' first priority. If a full-time Employee desires to work outside this employment, they may do so, only with advance written approval from the General Manager, and only so long as it does not interfere with their work schedule or performance for the District. Outside employment other than military service that affects attendance, work performance, productivity, or conduct, either directly or indirectly, or that creates a conflict of interest of any kind, is strictly prohibited.

Schedules will not be adjusted and special considerations will not be made for Employees who have outside employment.

**Prohibited outside employment includes:**

- Performing services for or acting as an agent, officer, employee, director, consultant, partner, or share holder for any entity which could reasonably be considered a conflict of interest between the Employee and the Employee's duties.
- Receiving personal income or material gain from outside individuals or companies for producing materials or rendering services either during or after working hours, on District premises, using District property, or at any time while performing services on the District's behalf.
- Promoting a personal business at any time during working hours, while using District property, while on District premises, or at any time while representing the District.
- Using the District name as part of any outside promotional campaign or other business endeavor without express knowledge and approval of the General Manager.

**OFFICE CONDUCT**

**REPORTING FOR WORK**

Employment carries with it the personal responsibility of each employee to be on the job, on time, every scheduled workday. If an employee knows that he or she is going to be absent or late, he or she should advise the General Manager/Supervisor accordingly by telephone. Failure to report, reporting late, and habitual, excessive absences will not be tolerated.

**RESIGNATION**

A two (2) week written notice is requested of all employees who voluntarily terminate. Such resignation should specify the actual reasons for leaving the District. All expense account balances must be repaid, and all keys and all District property must be returned before the last working day.

A resigning employee, in addition to being eligible for payment of earned wages up through the last day worked, will also be entitled to any accrued and unused vacation (up to a maximum of four (4) weeks without the approval of the General Manager), provided such employee has completed at least twelve (12) months of active service.

All accrued sick leave, insurance coverage, and retirement is automatically canceled effective with the last day of active employment when an employee's services with the District are terminated, whether voluntarily or involuntarily.

## GENERAL

### DRESS CODE

In the interest of presenting a professional image to our customers, we ask that all of our employees observe good habits and *personal hygiene*. Please dress conservatively and professionally in an appropriate manner for a business office and your specific job.

A businesslike, professional appearance is a requirement of the District and consistent with the image we want to project. It is expected that all employees exercise good judgment and dress appropriately. Employee appearance should reflect good taste, pride, and professionalism conducive to a productive and positive work environment.

If inappropriate attire is worn to work the General Manager has the right to address the employee. The employee can be sent home to change attire not at the District's expense, but, on the employee's own leave.

### CIVIC ORGANIZATIONS

The District encourages employee participation in civic, community, and service related organizations.

### SAFETY

The District makes every effort to keep your work area safe and free from hazard. Your supervisor will assist you with safety and health requirements. You are expected to observe all applicable safety requirements and report immediately any unsafe or hazardous condition to the General Manager.

If, in spite of precautions, you should be injured on the job, you should immediately notify the General Manager, who is responsible for notifying the District's insurance carrier. The District's workers' compensation insurance carrier covers job-related injuries. If you are involved in a business-related automobile accident, notify the General Manager immediately.

### Personal Protective Equipment (PPE)

Though the District is exempt from the Occupational Safety and Health Act of 1970 (OSHA) standards as a political subdivision of Texas, it is in the best interest of both the District and its employees to follow OSHA regulations and the Texas Health and Safety Code.

Therefore, Personal Protective Equipment (PPE) will be provided by the District that comply with OSHA standards and parameters of the rule if PPE is required. Though it is not required of the District to provide safety-toe footwear (OSHA 1910.132(h)(2)), the District will maintain a Safety-Toe Footwear Reimbursement Program. The Employee must provide proof of purchase, proof of certified ASTM or ANSI safety toe, submit required information on a District provided form, and must be verified by the General Manager or Supervisor. The employee may apply for the safety-toe footwear reimbursement once a year, the District may contribute up to no more than eighty dollars (\$80) for safety-toe footwear. If safety-toe footwear cost is less than \$80 then a full reimbursement of purchase is applicable. The board may choose at any time to change the amount of reimbursement.

## **SMOKING**

The District provides a smoke free work environment. Smoking is prohibited inside the District office and District vehicles. As well as door entrances and exits to all District buildings.

## **PERSONAL TELEPHONE CALLS & VISITORS**

Employees are expected to minimize their use of office telephones for personal calls. Personal calls, both incoming and outgoing, must be limited to only those that are essential and limited to a reasonable length of time. Using the work telephone for prolonged personal calls creates a gap in communications. Disregard for this rule may result in termination of all personal calls. Work should not be interrupted by incoming and out-going personal calls except in the case of necessity or emergency. Under no circumstances are personal long distance calls to be charged to the District.

In order to ensure District security, to reduce potential liability for injury to outsiders, and to ensure that assigned work is completed in a timely manner, non-business visitors are to be kept to an absolute minimum. If someone does visit you at your work location, please make it as brief as possible.

## **DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

The District believes that all employees have a right to work in a drug-free and alcohol-free environment. Persons under the influence of drugs and alcohol on the job may pose serious safety, health and security risks to citizens and employees.

**Definition of Prohibited Drug:** (i) prescription drugs or over-the-counter drugs that are not being used as intended, or which were obtained under false pretenses; (ii) prescription drugs that were not prescribed to the affected employee by a licensed physician; (iii) controlled substances (as defined in either the federal or Texas Controlled Substances Acts; (iv) alcohol; and (v) inhalants.

**Prohibited Conduct:** The manufacture, distribution, possession, sale or use of a Prohibited Drug by an employee in a manner not authorized by law is prohibited. Additionally, being at work under the influence of prohibited drugs or controlled substances is prohibited. Violation of this policy may result in termination.

**Law Enforcement Involvement:** Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken by the District. Should an employee be convicted under a criminal drug statute for a violation occurring in the workplace, the employee must, as a condition of continued employment, notify the District in writing no later than five calendar days after such conviction.

**Proper Use of Prescription Drugs:** If the medically approved and appropriate use of a prescription drug or over-the-counter drug adversely affects the employee's work performance or

the safety of the employee or others, the District reserves the right to limit, suspend or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk.

**Condition of Employment:** Compliance with the District's Drug and Alcohol-Free Workplace Policy is a condition of employment. The failure or refusal of an employee to cooperate fully, to sign any document required in the implementation of this policy or to submit to any inspection or test, will be grounds for termination.

**Searches and Inspections:** The District reserves the right to conduct searches or inspections of all District property, personal property which is located on District premises. Such searches and inspections may be conducted without prior notice. Failure of an employee to cooperate in the implementation of this policy may result in termination.

**Workplace Intervention:** When an employee's ability to perform the job may be impaired by drugs or alcohol, it is the responsibility of the General Manager or designee to remove such employee from the work environment to prevent the endangerment of the employee, fellow employees, and/or the public. If the impaired employee is the General Manager, then the Board President or designee shall perform the General Manager's intervention role under this Policy.

In the event there is a reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol, the General Manager or designee shall directly observe the employee's behavior and document the behavior. Indications of impaired behavior include, but are not limited to, staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, or unusual or abnormal behavior.

The General Manager or designee shall make a determination as to whether the employee's behavior is impaired, and has the discretion to relieve the employee of duties and/or to require the employee to undergo drug testing and/or other medical examination, at District expense. Failure of the employee to take a drug test(s) immediately upon request may be cause for disciplinary action. If the drug tests reveal positive results, the employee may be terminated or face other disciplinary measures. Drug testing and test results shall be kept in the strictest confidence as required by law. Drug testing or a positive drug test is a tool but is not essential to the District's determination of a violation of this Policy.

**Reasons for Drug Testing:** Testing is not necessarily limited to these circumstances, but the following are examples of situations where an employee may expect to be tested:

- Pre-employment;
- Post Accident;
- Reasonable Suspicion
  - Direct observation of drug use or the physical symptoms of being under the influence of a drug or alcohol;
  - Abnormal conduct or erratic behavior while at work;
  - Absenteeism, tardiness, or deterioration in work performance which is continuous and repeated over time; or

- Discovery by the District of drug paraphernalia or any detectable amount of a prohibited drug in a place which would lead to the reasonable suspicion that it was under the employee's ownership, control, or use, or that the employee had failed to report knowledge of the drug paraphernalia or prohibited drug;
- Post Substance Abuse Rehabilitation or Treatment – upon re-entry or periodic thereafter;
- Random
  - The District reserves the right to perform random testing on safety sensitive positions;
  - Pursuant to Department of Transportation (DOT) requirements for any District positions that require a commercial driver's license and the operation of: a) vehicles over 26,000 lbs.; b) vehicles requiring "hazardous" placards; or c) vehicles carrying 16 or more passengers, including the driver.

**Voluntary Self-Identification:** The District encourages any employee who has an alcohol or other drug problem to seek treatment before the problem manifests itself in a violation of this Policy. Employees are encouraged to voluntarily seek confidential assistance for alcohol or other drug problems. To avoid disciplinary action/termination, an employee must give notification and seek treatment with an approved rehabilitation program before the District discovers the employee has violated this Policy.

Any cost of such treatment shall be the sole responsibility of the employee, and the District shall have no obligation to pay any part of the cost of treatment.

An employee who is being treated for a substance problem may be placed on medical leave of absence by the District, and will be subject to all rules, policies, and procedures governing such leaves of absence.

These guidelines apply to only one requested leave of absence. Any request for an additional leave of absence under this provision will be handled on a case-by-case basis and granted only at the sole discretion of the General Manager, and as required by law.

## **DISCIPLINARY ACTIONS**

Discipline involves self-control, which the District expects of each of its employees. You are required to abide by certain rules and regulations which have been established to protect you, other employees and the District from injury or other threats and to promote harmonious, efficient working practices. Failure to observe established rules and practices can lead to disciplinary action, including warnings, suspension, probation and/or discharge.

The District's normal practice is to help you identify problems and to improve your performance and behavior. The specific disciplinary action will normally be based on an assessment of the offense, the circumstances, and your previous record. The District reserves the right to take whatever disciplinary measures it deems to be appropriate, including discharge, if in the judgment of responsible supervisors and managers, the employee's conduct cannot be corrected, or it seriously threatens the well-being of the District or other employees.

Employees who think that they have been disciplined unfairly, too harshly, or inappropriately may appeal the discipline within ten (10) working days by filing a complaint with the District General Manager.

Employees who commit acts of violence or other flagrant misconduct or serious safety violations may be suspended at the time of the incident pending a management investigation and review of the matter. Employees found guilty of the charges against them may be discharged, effective immediately.

Further, the District supports vigorous enforcement concerning certain criminal actions and if called for, will request local law enforcement agencies to take over investigations and to proceed with the full prosecution of violators of the law.

Nothing herein creates any contractual right nor does it provide for specified procedures.

## **CORRECTIVE ACTIONS**

Under normal circumstances, the General Manager is to follow the three-step procedure outlines below. There may be particular situations, however, where the seriousness of the offense justifies the omission of one or more of the steps in the procedure. Also, there may be times when the District may decide to repeat a corrective step.

### **1. Step One: Verbal Counseling**

The employee's supervisor or the General Manager will meet with the employee to discuss the problem, making sure the employee understands the nature of the problem or violation and the expected remedy. The purpose of the conversation is to remind the employee of exactly what the rule or performance expectations is and also remind them that it is their responsibility to meet that expectation.

The employee will be informed that the verbal reminder is the first step of the corrective procedure. The supervisor or General Manager will fully document the verbal counseling, which will include suggestions for improving the employee's performance and/or behavior.

### **2. Step Two: Written Counseling**

If the employee's performance does not improve or if there are again violations of District practices, the General Manager, after reviewing the situation, will discuss the problem with the employee, emphasizing the seriousness of the problem and the need for the employee to immediately remedy the problem.

Following the conversation, the General Manger will write a memo to the employee summarizing the discussion. A copy will be given to the employee and the original placed in the employee's personnel record.

### **3. Step Three: Suspension, Leave without pay or Termination**

Contingent upon the Board, the General Manager has the discretion to administer suspension, leave without pay or termination based on the seriousness of the situation and repeated violations.

## **MANAGEMENT POLICY**

### **DISTRICT GENERAL MANAGER**

The District's General Manager is responsible for all daily operations of the District, office and fieldwork. All employees of the District work directly for the General Manager. The General Manager shall assign duties for all office and field personnel as required to complete the workload of the District. Employees are expected to cooperate and coordinate in a manner to produce an effective and efficient work force.

In order to reduce confusion between the General Manager and Board of Directors, the General Manager will work primarily with the President of the Board of Directors unless otherwise directed. Should an emergency arise, the President of the Board is to be notified. If the President is unavailable, the General Manager is to contact any other member of the Board.

The General Manager will make requests for all major supplies, staff variations, etc. directly to the Board of Directors. The General Manager without the need for further authorization will approve petty cash purchases and routine office and field operating supplies. Emergency purchases are to be approved by either an individual Board member or the joint Board depending on the dollar amount. Requests for such purchases may be made verbally or in writing. The urgency of the purchase may require notification to the Board after the purchase has been made. The degree of the urgency and resulting method of notification will be left to the discretion of the General Manager as to ensure the continued operation, safety and integrity of the services and facilities.

The General Manager is responsible for personnel evaluations prior to finalization of the District budget. The General Manager will present recommendations for changes in employment status and monetary compensation variations to the Board of Directors for review. Request for termination of an employee will be presented to the Board of Directors, unless immediate termination and ejection from District property is warranted. This shall be the decision of the General Manager.

The General Manager's schedule shall remain flexible, due to the overtime meetings, out of office duties and general requirements of the position. The General Manager is required to request, in writing and with appropriate notice, vacation time as specified in the District's vacation policy. In addition, the General Manager is not to schedule vacation time that will cause his or her absence at a regularly scheduled meeting of the Board. In the absence of the General Manager, no employee may assume the position of supervisor over the remaining employees or over the office or field personnel without prior approval of the General Manager or the Board of Directors.



**EMPLOYEE ACKNOWLEDGMENT**

**“MY SIGNATURE HEREON INDICATES THAT I HAVE RECEIVED A COPY OF THE PERSONNEL POLICIES AND PROCEDURES PERTAINING TO THE DISTRICT’S EMPLOYEES. I AFFIRM I HAVE READ AND I UNDERSTAND THE POLICY MANUAL AND THERETO (Texas Open Records Act) AND I WILL ABIDE BY ITS RULES AND PROCEDURES. I FURTHER UNDERSTAND THAT IT IS MY RESPONSIBILITY TO REQUEST CLARIFICATION FROM MY SUPERVISOR OR THE GENERAL MANAGER IF I HAVE ANY QUESTIONS OR DO NOT UNDERSTAND ANY OF THE CONTENTS OF THESE POLICIES AND PROCEDURES.”**

---

**EMPLOYEE’S SIGNATURE**

**DATE**

---

**EMPLOYEE’S PRINTED NAME**

