



HIDALGO COUNTY
PERSONNEL POLICY MANUAL

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1. INTRODUCTION

Hidalgo County's governmental organization is established by the Constitution of the State of Texas and by state statutes. Its operations are governed by state and federal law and by action of the Commissioners' Court. The Commissioners' Court consists of four County Commissioners, each elected by the voters of a Commissioner's precinct and the County Judge who is the chief executive officer and elected by all voters of Hidalgo County. County operations are conducted through departments administered by an elected official and/or appointed department head.

2. AUTHORITY

The Hidalgo County Personnel Policy Manual ("Manual") is adopted by the Commissioners' Court of Hidalgo County and replaces the previously approved Hidalgo County Personnel Policy Manual effective 10-1-91. The Hidalgo County Civil Service Commission Rules remain in effect. The Manual is subject to change at any time, by direction of the Commissioners' Court. Any amendment, revisions or new personnel policies must be in writing and approved by the Hidalgo County Commissioners' Court at a scheduled meeting of the Court. The Manual does not restrict County departments from establishing other departmental policies and procedures governing the operation of County departments so long as such policies and procedures are not in conflict with the Manual, are consistent with good employment practices and promote equal employment opportunity.

3. PURPOSE AND APPLICABILITY OF PERSONNEL POLICIES

- 3.01** The Manual applies to those County employees excluded from the Hidalgo County Civil Service system as defined in §2.18 of the Civil Service Commission Rules or by law. As of the effective date, the Manual applies to those employees of the departments of the district attorney, auditor, district courts, district clerk, county courts, auxiliary courts, probation (adult and juvenile), master courts, juvenile courts, and justices of the peace. It is provided, however, that there are certain situations where federal or state law or regulations supersede the local personnel policies for a specific group of employees. In such event, such federal or state law or regulations shall substitute for the Manual insofar and only insofar as required to comply with the applicable federal or state law or regulations.
- 3.02** Each Department Head/Elected Official and the Human Resources Department shall maintain the Manual with all revisions for reference purposes. Each Department Head/Elected Official shall provide each employee in his department a copy of the Manual and any revisions thereto. Each Department Head/Elected Official shall be responsible for the administration of personnel policies within his department.

4. DEFINITIONS

- 4.00** **Administrative Leave** is a period of time in which an employee is off work with or without pay granted to an employee by an Elected Official/Department Head. Administrative leave includes leave pending a disciplinary action.
- 4.01** **Administrative Separation** means dismissal of an employee who does not return to work after the employee's Maximum Leave has been exhausted (whether such leave is continuous or intermittent). If an employee is dismissed because of an Administrative Separation, no cause other than the dates of absence need to be cited and the sole basis of a grievance is the inaccurate computation of Maximum Leave. (Adopted April 12, 2005)
- 4.02** **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol (ethanol) or any other low molecular weight alcohol including methyl and isopropyl alcohol.

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- 4.03 **Allotted Sick Leave Pool Hours** has the meaning assigned to such term in Section 8 of these Rules.
- 4.04 **Annual Leave** is a benefit earned by an employee which the employee may use for vacation or other appropriate absences.
- 4.05 **Benefits Committee** means the five member committee established by the Governing Authority to review eligibility decisions made by the Sick Leave Pool Administrator. Each member of the Governing Authority appoints one member to the committee. Vacancies on the Benefits Committee are filled by the member(s) of the Governing Authority who appointed the member responsible for the vacancy. During January of each year, the Benefits Committee will select a chairperson who will serve as chairperson until his or her successor is selected.
- 4.06 **CDL** means Commercial Driver License holders. The County requires certain Employees to maintain a CDL. The DOT regulations (49 CFR Parts 40 and 382) require the County to have a special, mandatory controlled substance and alcohol testing policy for these Employees. All applicable drug and testing procedures shall meet DOT regulations. A copy of the DOT regulations shall be available for inspection and copying in the Human Resources Department.
- 4.07 **Chief Information Officer (CIO)** means the person responsible to Hidalgo County, Texas for management of the agency's information resources. The designation of an agency information resources manager is intended to establish clear accountability of setting policy for information resources management activities, provide for greater coordination of the County's information activities and ensure greater visibility of such activities within and between state agencies. The CIO has been given authority and the accountability by the County of Hidalgo, Texas to implement Security Policies, Procedures, Practice Standards and Guidelines to protect the Information Resources of the agency.
- 4.08 **Commission** means the Hidalgo County, Texas Civil Service Commission established pursuant to the Texas Local Government Code.
- 4.09 **Commissioners' Court** means the Commissioners Court of Hidalgo County, Texas, in its capacity as the governing authority, as applicable, for the County, established pursuant to the constitution and laws of the State of Texas.
- 4.10 **Compensatory Leave** is accrued by an employee when the employee works in excess of the employee's scheduled work hours.
- 4.11 **Contributed Sick Leave Hours** means the number of Sick Leave hours contributed by an employee to the Sick Leave Pool during the Enrollment Period as a condition to such employee's participation in the Sick Leave Pool for the following calendar year. The minimum number of Sick Leave hours to be contributed by an employee during the Enrollment Period is twenty-four hours, and the maximum number of hours is forty hours.
- 4.12 **Controlled Substance** means illegal drugs plus any other substance covered by Schedules I through V of the Federal Controlled Substances Act (21 USC 801, et seq.) or the Texas Controlled Substances Act (Chap. 481, Texas Health and Safety Code). A controlled substance is unauthorized if the employee does not have a valid prescription for that substance at the time of its use or possession.
- 4.13 **Conviction** means a final, non-appealable finding of guilt by either a judge or jury, or a suspension of sentence, probation or deferred adjudication, including a plea of guilty or *no lo contendere*.

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- 4.14 **County** means Hidalgo County, Texas, as organized and existing under the constitution and laws of the State of Texas.
- 4.15 **Court Leave** is a benefit granted to an employee for jury service and to appear as a witness for the County. Court leave is only granted for the actual time served as a juror or witness.
- 4.16 **Department** means a county, district, or precinct office, agency, or board that has jurisdiction and control of designated governmental functions.
- 4.17 **Department Head** means an individual appointed as a supervisor of a department by one of the following: Commissioners' Court, County Judge, a designated representative of the Commissioner's Court, or an Elected Official.
- 4.18 **Detectable** means the measurable presence of an illegal or prohibited drug or substance found in body fluids at an mg/ml level of detection specified by the County's contract with a National Institute of Drug Abuse ("NIDA") certified testing laboratory; such levels will meet the DOT requirements.
- 4.19 **Elected Official** means an individual elected to a position created by the constitution or by statute. The term of an Elected Official is limited by the constitution.
- 4.20 **Employee**, [whether the term is capitalized or not], unless the context clearly indicates otherwise, means any person employed by the County and/or District. The term "employee" excludes:
- a. persons who are exempt from the System under Texas Local Government Code § 158.013 (an elected or appointed officer under the Texas constitution, employees of the criminal district attorney's office, and the official shorthand reporter of a court);
 - b. persons who are authorized by statute to perform governmental functions involving an exercise of discretion in the person's own right, except for deputy sheriffs and deputy constables, who shall be considered Employees;
 - c. a person who holds an office the term of which is limited by the Texas constitution;
 - d. the personal secretary/executive assistant and the chief administrative assistant/deputy of each elected official and appointed official under the Texas constitution;
 - e. justice of the peace and staff, county court at law and district court staff, including bailiffs and court coordinators and assistant bailiffs and assistant court coordinators (Amended November 15, 2000);
 - f. adult and juvenile probation officers and employees of the adult and juvenile probation offices;
 - g. the county auditor, assistant or deputy county auditors and employees of the county auditor;
 - h. the head or chief of each Department; (Amended December 13, 1995); and
 - i. the following positions in the Hidalgo County Sheriff's Department: Commander(s) of Criminal Enforcement, and Commander(s) of Detention, and additional command positions in the department as determined by the Sheriff, not to exceed ten (10) in number. (Amended June 12, 2002; Amended April 22, 2010);

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- j. two (2) additional key positions in each county commissioner precinct as determined by each county Commissioner, not to exceed four (4) in number for each precinct;
- k. deputy clerks and assistant deputy clerks of the Hidalgo County District Clerk's office.
- l. Persons who are offered and accept employment with Hidalgo County under a grant/inter local funded and/or grant/inter local reimbursed position (Amended June 21, 2018)

- 4.21 Enrolled Employee** means an employee who, in any calendar year, has elected to participate in the Sick Leave Pool, and who, during the Enrollment Period, meets all requirements of Section 8 of these Rules with respect to the following calendar year, or with respect to an employee who elects to participate in the Sick Leave Pool after twelve months of County employment, for the remainder of the calendar year following enrollment.
- 4.22 Enrollment Period** with respect to the Sick Leave Pool means: (a) during the month of November in each calendar year; or during the twelfth month of County employment for employees who, based on length of County service, are not eligible to enroll in the Sick Leave Pool during the preceding November.
- 4.23 Family and Medical Leave** means leave available to "eligible employees" pursuant to a leave program adopted by the Governing Authority which complies with 29 U.S.C. 2601-2654, as amended.
- 4.24 Governing Authority** means the Commissioners' Court, in its capacity, as applicable, of the County.
- 4.25 Holidays** means authorized days off from work as declared by the Governing Authority.
- 4.26 Information Resources** means any and all computer printouts, online display devices, magnetic storage media and all computer related activities involving any device capable of receiving e-mail, browsing internet sites or otherwise capable of receiving, storing, managing or transmitting electronic data including, but not limited to: mainframes, servers, personal computers, personal digital assistant (PDA), pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e., embedded technology), telecommunication resources, network environments, telephones, fax machines, printers and service bureaus. Additionally, it is the procedures, equipment, facilities, software and data that are designed, built, operated and maintained to create, collect, record, process, store, retrieve, display and transmit information.
- 4.27 Leave Without Pay** is a period of time without pay designated "Leave Without Pay" which the Elected Official/Department Head may grant to an employee when the employee has no available time left in the employee's applicable leave accounts.
- 4.28 Manual** refers to the Hidalgo County Personnel Policy Manual, adopted by the Commissioners' Court, as amended from time to time.
- 4.29 Primary Sick Leave Pool Benefits** means, in any calendar year, the lesser of: seven hundred and twenty Sick Leave hours; or one-third of the total Sick Leave hours in the Sick Leave Pool on the date an Enrolled Employee submits his or her request for Primary Sick Leave Pool Benefits.
- 4.30 Probationary Period** means: (i) a six (6) month period of actual work following the date a person becomes employed or re-employed by the County; or (ii) a three (3) month period of actual work following the date a County employee is promoted. A Probationary Employee's approved absence from the job during the Probationary Period which exceeds five (5) working days in the aggregate,

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shall automatically extend the Probationary Period by the total period of time such Probationary Employee was absent from the job. In such event, the Probationary Period for such employee does not expire until the Probationary Employee has completed six (6) months or three (3) months, as applicable, of actual work in the position; however, under no circumstances will: (i) a six (6) months probationary period ever extend beyond nine (9) months following the date a person becomes employed or re-employed by the County; or (ii) a three (3) month probationary period ever extended beyond four and one-half (4 1/2) months following the date a County employee is promoted. The Probationary Period does not include time served as a Temporary Employee.

- 4.31 **Regular, Full-time Employee** means an individual hired by the County to fill a position budgeted and approved by the Governing Authority, which position requires such person to perform work on a regular, on-going schedule of forty (40) hours per seven (7) day work period or eighty (80) hours per fourteen (14) day work period.
- 4.32 **Regular, Part-time Employee** means an individual hired by the County to fill a position budgeted and approved by the Governing Authority, which position requires such person to perform work on a regular, on-going schedule of less than forty (40) hours per seven (7) day work period or eighty (80) hours per fourteen (14) day work period.
- 4.33 **Safety-Sensitive Position** means a position designated by the County as safety-sensitive as it is one where impairment caused by drug or alcohol use would threaten the health or safety of another employee or the public.
- 4.34 **Secondary Sick Leave Pool Benefits** means, in calendar year, up to two hundred and forty Sick Leave Hours available to an Enrolled Employee who, in any calendar year, has received Primary Sick Leave Pool Benefits, and who, prior to submitting a request for Secondary Sick Leave Pool Benefits associated with the same or another catastrophic illness or disability, returned to work for at least one calendar day prior to such Enrolled Employee's application for Secondary Sick Leave Pool Benefits.
- 4.35 **Sick Leave** is a benefit earned by an employee which may be used when the employee is ill or for medical/dental appointments for the employee.
- 4.36 **Sick Leave Pool** means the County voluntary Sick Leave Pool adopted by the Commissioners' Court for Enrolled Employees with a catastrophic illness or disability.
- 4.37 **Sick Leave Pool Administrator** means the County's Human Resources Director, or his or her designee.
- 4.38 **Sick Leave Pool Request** means a request for Sick Leave Pool benefits which meets the requirements of Section 8 of the Rules.
- 4.39 **System Administrator** means the person responsible for the effective operation and maintenance of specific departmental Information Resources, including implementation of standard procedures and controls to enforce the County's security policy.
- 4.40 **Temporary Employee** means an individual hired by the County to fill a position budgeted and approved by the Governing Authority as a "temporary position," which temporary position requires such person to perform work for a limited period of time, generally not to exceed six (6) months. Temporary employees include persons whose work schedule is full-time (forty (40) hours per seven (7) day work period or eighty (80) hours per fourteen (14) day work period) or part-time (less than forty (40) hours per seven (7) day work period or eighty (80) hours per fourteen (14) day work period). Each Elected Official/Department Head, in coordination with the Secretary, shall require

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each Temporary Employee acknowledge, in writing, prior to employment, that such person is being employed on a temporary basis and for a limited duration, generally not to exceed six (6) months.

- 4.41** **Unauthorized Absence** means a period of time an employee is off the job without obtaining permission from the appropriate Elected Official/Department Head. An Unauthorized Absence includes an employee's failure to report for duty after the expiration of any authorized leave.
- 4.42** **User** means a person who is the end client for an application on an information system. The user neither owns the IR resource or the data. Generally, a user is any County employee with access to a computer that is neither IR system administrator, part of the IT staff, Elected Official or Department Head.
- 4.43** **Under the influence** means being unable to perform work in a safe and productive manner, being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, the public or County property, and/or having a measurable presence of an illegal or prohibited drug or substance found in body fluids at an mg/ml level of detection specified by the County's contract with a NIDA certified lab.
- 4.44** **Vacancy or Vacancies** mean(s) a County position, duly created by the Governing Authority, which has not been abolished, which is not occupied, and for which a valid Human Resources Department Requisition Form has been received by the Human Resources Director.
- 4.45** **Workers' Compensation** is a type of benefit for employees who have been injured or become ill in the course and scope of their employment. Workers' Compensation is created and controlled by state statute.

5. EQUAL EMPLOYMENT OPPORTUNITY POLICY/ANTI-HARASSMENT POLICY

- 5.01** It is the County's policy to provide equal employment opportunities to all applicants and to recruit, hire and promote qualified persons for all job positions without regard to race, color, creed/religion, national origin, sex, age, disability, military status or any other legally protected status. The Department Head/Elected Official, however, may establish "bona-fide occupational qualifications" that relate to physical or mental abilities required to perform a job.
- 5.02** No person employed by the County shall discriminate against or harass anyone on the basis of race, color, creed/religion, national origin, sex, age, disability, military status or any other legally protected status, nor shall any employee participate in any function that violates, either directly or indirectly, the civil rights of other employees or any member of the general public. (Amended December 01, 2009)

6. EMPLOYMENT PROCEDURES AND PRACTICES

APPLICATION AND REQUISITION

- 6.01** Any person desiring to be employed by the County and/or District for a position subject to these rules must complete an application ("Application") through the Human Resources Department; or as an option, through the department if the position to be filled is of a judicial nature (i.e. Court Reporter, Court Coordinator, Assistant Court Coordinator, Bailiff). County and/or District employees who apply for another County and/or District are also required to complete an Application so that the Elected Official/Department Head filling a Vacancy is provided the latest information.
- 6.02** Any material misrepresentation of fact or failure to report pertinent data on the Application shall be just cause for dismissal.

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- 6.03** To be eligible for employment with the County and/or District, a person must be able to show proof of citizenship or legal authority to work in the United States. Such proof must be in the form required by the Immigration Reform Act of 1986 (Form I-9), as amended from time to time.
- 6.04** All persons employed by the County and/or District must have attained the minimum age of sixteen (16) years, and must be able to provide proof of age (e.g. driver's license or birth certificate).
- 6.05** Persons below the age of eighteen (18) years of age employed by the County and/or District are permitted to work only as provided for under Fair Labor Standards Act Regulations (29 C.F.R., Part 570), as amended from time to time.
- 6.06** Prospective employees will be required to pass performance tests to qualify for positions which have appropriate tests developed. The Human Resources Department shall be the final judge of the scope and content of such tests.
- 6.06A** Persons selected to fill certain vacancies in the Head Start Program must also undergo and pass a criminal history check during the person's Probationary Period if such investigation is required by the Texas Department of Protective and Regulatory Services and the Department of Health and Human Services as a condition to employment.
- 6.07** The completed Application must be returned to the Human Resources Director. If a Vacancy exists for which the applicant is qualified under the Internal Announcement Procedure and/or the Open Announcement Procedure, the applicant will be referred to the appropriate Elected official/Department Head for review and possibly an interview. Otherwise, the completed Application will be maintained in the Human Resources Director's office for future reference. At the discretion of the Elected Official/Department Head filling a Vacancy, if the Vacancy is not filled from the Applications received after utilizing the Notice of Available Positions - Internal Announcement Procedure and/or the Notice of Available Positions - Open Announcement Procedure, other qualified Applications on file in the Human Resources Director's office may be considered for a Vacancy in the manner authorized in these rules.
- 6.08** A complete, approved Human Resources Department Requisition Form (HCCS-3) must be submitted to the Human Resources Director by the Elected Official/Department Head seeking to fill a Vacancy before the Elected Official/Department Head interviews any potential employee for such Vacancy, and such interviews are limited to the applicants referred by the Human Resources Director to the Elected Official/Department Head (excluding Section 4.20 (d) positions and judicial positions, as listed on Section 6.01, which are hereby excluded from posting procedures). The Human Resources Director will not refer potential employees to an Elected Official/Department Head until the Human Resources Department Requisition Form (HCCS-3) has been received and processed by the Human Resources Director. At the time the Elected Official/Department Head submits the Human Resources Department Requisition Form (HCCS-3) to the Human Resources Director, the Elected Official/Department Head shall indicate on such form whether the Vacancy is to be processed under the Internal Announcement Procedure or the Open Announcement Procedure. The Elected Official/Department Head can, at their option, elect to process the vacancy under the Internal Announcement Procedure and the Open Announcement Procedure concurrently.
- 6.09** The Human Resources Director, upon receipt of a Human Resources Department Requisition Form (HCCS-3), will initially publish the Vacancy utilizing the Internal Announcement Procedure in the following manner:
- a. A notice (the "Notice of Available Positions - Internal Announcement Procedure") summarizing all Personnel Requisitions received by the Human Resources Director during each calendar week which are ready for posting utilizing the Internal

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Announcement Procedure will be posted by the Human Resources Director on the first workday of the following week.

- b. The Notice of Available Positions - Internal Announcement Procedure will be posted at the places at the County courthouse designated by the Commissioners' Court as places for posting notices of Commissioners' Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a listing of the Vacancies announced in the Notice of Available Positions - Internal Announcement Procedure, together with a request that the Elected Official/Department Head make such list accessible to all County and/or District Employees.
- c. Once posted, the Notice of Available Positions - Internal Announcement Procedure will remain posted for five (5) calendar days, excluding County and/or District holidays (the "Internal Announcement Procedure Posting Period").

6.09A The Human Resources Director, upon receipt of a Human Resources Department Requisition Form (HCCS-3) regarding a Vacancy which was not filled utilizing the Internal Announcement Procedure, will publish such Vacancies following the Open Announcement Procedure in the following manner:

- a. A notice (the "Notice of Available Positions - Open Announcement Procedure") summarizing all Personnel Requisitions received by the Human Resources Director during each calendar week which are ready for posting utilizing the Open Announcement Procedure will be posted by the Human Resources Director on the first workday of the following week.
- b. The Notice of Available Positions - Open Announcement Procedure will be posted at the places at the County courthouse designated by the Commissioners' Court as places for posting notices of Commissioners' Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a list of the Notice of Available Positions –Open Announcement Procedure together with a request that the Elected Official/Department Head make such list accessible to all County and/or District Employees.
- c. Once posted, the Notice of Available Positions - Open Announcement Procedure will remain posted for five (5) calendar days, excluding County and/or District holidays (the "Open Announcement Procedure Posting Period").

Elected Officials/Department Heads who desire to also advertise Vacancies published using the Open Announcement Procedure in additional ways, such as in an area newspaper or magazine of general circulation, must submit all proposed job announcements to the Human Resources Director for prior approval.

6.10 The Human Resources Director shall initially utilize the Internal Announcement Procedure to process any Applications received for a Vacancy, unless a concurrent internal/open announcement is requested by the Elected Official/Department Head. The Human Resources Director will review the Applications and schedule appropriate interviews for Applicants who meet the minimum job qualifications under the Announcement Procedure. The Human Resources Director, however, need not schedule interviews for all qualified Applicants unless requested to do so by the Elected Official/Department Head who submitted the Human Resources Department Requisition Form (HCCS-3). Elected Officials/Department Heads may, at their option, request to review the

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Applications and direct the Human Resources Director to schedule appropriate interviews for the selected Applicants who meet the minimum job qualifications under the Announcement Procedure.

- 6.11** In the event that fewer than three (3) qualified applicants are available for any Vacancy announced under the Open Announcement Procedure, the requesting Elected Official/Department Head may elect to interview such number of qualified applicants as are available, or to request that the Human Resources Director take further steps to solicit additional applicants as the Elected Official/Department Head and the Human Resources Director, in their sole discretion, may determine necessary or appropriate.
- 6.12** Except as provided in Rule 6.54 hereof, no applicant shall be considered for a Vacancy, including a Vacancy proposed to be filled with a Temporary Employee, unless referred to the Elected Official/Department Head by the Human Resources Director in accordance with the procedures set forth in this Chapter 6 of the Rules.
- 6.13** Any starting salary above the minimum starting salary must be cleared through: (i) the Department of Budget and Management for availability of budgeted funds; and (ii) the Human Resources Director for compliance with Human Resources Department rules concerning compensation; and such increased starting salary must have the prior approval of the Commissioners' Court.
- 6.14** Following the interviews, the Elected Official/Department Head filling the Vacancy shall notify the Human Resources Director of the applicant selected for the position. Persons selected to fill a Vacancy in the Head Start Program must notify the Human Resources Director of the person selected to fill the Vacancy.
- 6.15** All employment decisions related to an employee shall be made only by the appropriate Department Head/Elected Official, subject to the employee passing a drug test.
- 6.16** Each new employee and each employee filling a Vacancy by promotion will be classified as a Probationary Employee unless otherwise specified at the time of the appointment to the position.
- 6.17** All new employees, after passing a drug test, should report to the Payroll Division of the Treasurer's Office to process all necessary forms as instructed by their hiring Elected Official/Department Head.
- 6.18** Employment of each employee shall be at the will of the appropriate Department Head/Elected Official so that each employee's employment relationship may be terminated at the will of the employee or at the will of the Department Head/Elected Official at any time for any reason or for no reason at all. No person acting or purporting to act for the appropriate Department Head/Elected Official has authority to vary the employment at will relationship, nor to make an oral or written agreement for permanent employment or employment for any specified period of time, except by written order entered in the minutes of the Commissioners' Court.
- 6.19** All employees are subject to assignment and reassignment by the appropriate Department Head/Elected Official at any time.
- 6.20** Each Department Head/Elected Official shall designate an employee who shall be in charge of personnel records for that Department. The designated employee is responsible for recording change of status, salary increases (cost of living), leave of absences, vacation and sick leave, separation forms, as well as maintaining all other information and documentation in the employee's personnel folders for the requisite periods of time required by law. (Amended 09/29/09)

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LATERAL TRANSFERS

- 6.21** A lateral transfer is defined as an employee's movement within a Department or between Departments, from one position into another position, which new position has the same salary grade as the person's previous position, or until salary grades are established, is not budgeted for a higher salary than the employee's existing position.
- 6.22** An employee transferring laterally shall not receive a salary increase or decrease.
- 6.23** Lateral transfers may or may not involve a change in job responsibilities.
- 6.24** Employees may not transfer between Departments without prior approval from both affected Elected Officials/Department Heads and the Human Resources Director.
- 6.25** A lateral transfer of an employee within a Department or from one Department to another within the same job classification is generally discouraged unless it is of benefit to both, the County and/or District and the employee in order to improve productivity or morale.
- 6.26** Requests for lateral transfers must be submitted to the Human Resources Director for a determination that the proposed transfer complies with the provisions of this Chapter. If such a determination is made, a lateral transfer may be made without advertising the Vacancy into which the employee is transferred.

RECLASSIFICATION

- 6.27** Offices and Departments may submit reclassification request at any time during the year, but they will be considered for approval during the annual budget process. If an immediate business necessity exists, a reclassification request may be considered at a time other than the annual budget process, but a Commissioners' Court waiver is required.
- 6.28** Position reclassifications may be required when fundamental changes in the position duties have occurred over a period of time and are the result of required business changes, organizational restructuring or changes in a program or department mission. Reclassifications will only occur when a position's job responsibilities have changed significantly in level and/or scope over an extended period of time compared to the duties and responsibilities listed on the position job description. A reclassification request may or may not result in a change in salary grade and until salary grades are established, a change in salary.
- 6.29** Reclassification request must be submitted on a completed Personnel Adjustment Request Form with a copy of the current job description and a copy of the proposed job description to Department of Budget and Management with a copy to the Human Resources Department.

The Human Resources Department will conduct a job audit (desk audit or on-site audit) of the position to determine if a reclassification is justified, and will make a recommendation on the job title and job description. The Department of Budget and Management will conduct a salary audit of the position to determine the appropriate salary grade and until salary grades are established, the appropriate salary and will make a recommendation on the proposed salary. Both departments will submit their recommendations to the Classification Committee for approval. If approved by the committee, the Elected Official/Department Head will present the requested reclassification to the Commissioners' Court for its approval. All approved adjustments will be effective on the first day of the first full pay period following approval of the Commissioners' Court.

Note: Department Heads/Elected Officials may assign other (additional) duties to an employee in

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addition to those listed in a job description without requiring a reclassification. The job description is intended to provide a general job description with examples of work and duties to be performed and these may change according to the changing needs of a Department and/or the County. A reclassification may be warranted when fundamental changes in the position duties occur over time as defined above.

- 6.30** Employees who occupy a job classification at the time of a reclassification will be subject to meeting the minimum qualifications of the new job classification in order to remain incumbent in said job.
- 6.31** Positions occupied at the time of a reclassification need not be advertised, so long as the incumbent meets the minimum qualifications of the new job classification and provided all procedures provided for reclassifications have been met.
- 6.32** An incumbent in a reclassified position is not subject to a new Probationary Period.
- 6.33** Positions that are Vacant at the time of a reclassification request must be advertised as provided in this Chapter

PROMOTIONS

- 6.34** A promotion is defined as an employee's movement within a Department or between Departments, from one position into another position, which new position results in the employee moving from a lower salary grade to a higher salary grade, or until salary grades are established, results in an increase in salary for such employee, or which new position which is budgeted at a salary higher than the employee's existing position.
- 6.35** Employee promotions must be based on the County and/or District's compliance with the Human Resources Department's policy on advertising Vacancies set forth in this Chapter.
- 6.36** An employee who is promoted is placed on a three (3) month Probationary Period from the effective date of the promotion. During the Probationary Period, the promoted employee must satisfactorily demonstrate his or her ability to perform the duties required. Failure of the employee to satisfactorily complete the three (3) month Probationary Period will result in demotion to the employee's old position and salary, with the affected Elected Official's/Department Head's approval, provided such position is available, or transfer to another suitable Vacancy, or termination in the event no suitable positions are open.

DEMOTIONS

- 6.37** A demotion is defined as an employee's movement within a Department or between Departments, from one position into another position, which new position results in the employee moving from a higher salary grade to a lower salary grade, or until salary grades are established, results in a decrease in salary for such employee, or which moves the employee into a new position which is budgeted at a salary lower than the employee's existing position. Demotions may or may not involve a change in job responsibilities. Acceptable reasons for demotions are:
 - a. the inability of an employee to fulfill the functions of the job;
 - b. the employee's request for such change;
 - c. disciplinary action; or
 - d. reduction-in-force.

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REORGANIZATION AND/OR CONSOLIDATION

- 6.38** A County and/or District reorganization and/or consolidation ("reorganization") occurs when the structure of a single Department or several Departments is changed in such a way as to significantly alter the number of employees and/or level of job classes within that Department. Such changes may be proposed by an Elected Official/Department Head, or in certain instances, initiated by the Commissioners' Court.
- 6.39** All reorganization plans must be submitted, in writing, to the Human Resources Department, and must have attached a completed Personnel Adjustment Request Form with specific changes requested for each affected position.
- 6.40** The Human Resources Director will review and coordinate administrative items such as job descriptions and support documents with requesting Departments, and will forward the completed package to the Human Resources Department for approval.
- 6.41** If the reorganization is approved by the Human Resources Department, the completed package will be forwarded to the Commissioners' Court for its approval, unless the Commissioners' Court is the entity which requested the reorganization.
- 6.42** In all cases, the affected employees must be given at least seven (7) days written notice prior to the implementation of the reorganization.
- 6.43** Promotions resulting from reorganization do not require announcement in accordance with these rules, but the employee so promoted must have completed his or her probationary period.
- 6.44** Any Vacancy resulting from reorganization, or any Vacancy which occurs during reorganization, must be announced in accordance with the provisions of this Chapter.

REDUCTION-IN-FORCE

- 6.45** Whenever it becomes necessary to reduce the number of employees of any Department in the County and/or District, such as through reorganization, or termination or reduction in County and/or District programs based on action of the Commissioners' Court, the Elected Official/Department Head of the affected Department shall communicate, in writing, the following information to the Human Resources Department:
- a. the number of positions to be eliminated;
 - b. the salary grade(s) or, until salary grades are established, the salaries for each position involved;
 - c. the job title(s) of the affected positions; and
 - d. the date the layoffs are to be effective.

Upon receipt of such notice, the Human Resources Director will prepare a reduction in force list, by Department, of all employees affected. Whenever possible, the reduction in force list will group like positions. The reduction in force list will assign an order of layoff to each affected employee and the Department must conform to that order. The intent and purpose of this subsection is to insure fairness and equity in the exercise of employee layoffs.

- 6.46** The order of layoff of employees in the Department in which the reduction in force is to be made shall be:
- a. Temporary Employees;

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- b. Probationary Employees;
- c. Regular, Part-time Employees; and
- d. Regular, Full-time Employees.

- 6.47** Regular, Full-time Employees shall also be laid off according to a layoff rating. Seniority shall be the sole layoff rating, unless two or more affected employees have equal seniority, in which event, performance appraisal ratings shall be taken into consideration in determining an employee's layoff rating. Employees with the lowest ratings will be laid off first. Among employees with equal layoff ratings, the order of layoff shall be determined by the Human Resources Department.
- 6.48** Generally, seniority shall be the sole layoff rating. The seniority rating will be determined simply by such employee's continuous County and/or District service as a Regular, Fulltime Employee. Leaves of Absence shall not be included in computing continuous County and/or District service. An employee who resigns from County and/or District service shall lose all seniority credited to him/her prior thereto for purposes of this layoff formula, and subsequent reemployment of that employee shall not restore the seniority so lost. An employee shall receive two (2) points for each year of continuous County and/or District service. Portions of a year shall be prorated.
- 6.49** The second component of the layoff rating, applicable only to those with equal seniority ratings, will be the performance appraisal rating index derived by averaging the total scores of all "overall ratings" shown on all performance appraisals filed in that individual's official personnel file for the two year period preceding such computation. The value assigned to each "overall rating" shall be: the addition of ten (10) points for the highest possible overall rating (Superior); or five (5) points for the next highest overall rating (Exceeds Requirements); or two (2) points for a rating of "Meets Requirements"; or minus two (-2) points for a "Does Not Meet Requirements" rating.

REINSTATEMENT FOLLOWING REDUCTION-IN-FORCE

- 6.50** If an employee should be laid off as the result of a reduction-in-force, and if within a period of one (1) year thereafter, a Vacancy should occur in the same Department and in the same or in a lower salary grade, the said employee shall be reinstated in the vacant position, provided that such employee is willing to accept the offered employment, and provided further that such employee meets all qualifications for said position. When more than one person qualifies for reinstatement under this Rule, the preference shall be given to the person laid off last.

NEPOTISM

- 6.51** The hiring of County and/or District employees shall not violate Hidalgo County's Nepotism Policy or any applicable federal and state laws against nepotism, including laws contained in the Penal Code of the State of Texas.

No Public Official may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary or supervision of an employee or prospective employee in which he or she is related to such employee or prospective employee in the First, Second, or Third degree of Consanguinity or the First or Second degree of Affinity.

A supervisor may not oversee the job performance and/or duties of an employee who is related to the Supervisor in the degrees described above, regardless whether the Supervisor has the authority to hire, fire, promote, or adjust the salary of the employee.

EQUAL EMPLOYMENT OPPORTUNITY

- 6.52** It is the Human Resources Department's policy to provide equal employment opportunities to all applicants; to that end the Human Resources Department will cause the County and/or District to

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recruit, hire and promote qualified persons for all job positions without regard to race, color, creed, sex, age, national origin, handicap, or political affiliation. The Human Resources Department, however, may establish "bonafide occupational qualifications" that relate to physical or mental abilities required to perform a job.

SPECIAL POSTING PROCEDURES FOR ENTRY LEVEL DEPUTY SHERIFF POSITION

6.53 The posting procedures provided in this Rule 6.53 are an exception to the requirement that all Vacancies first be announced utilizing the Internal Announcement Procedure. Posting of Vacancies under this Rule 6.53 shall be announced utilizing the Open Announcement Procedure, as modified by this Rule. The Sheriff's Department may use the Human Resources Department Requisition Form to request that the Human Resources Director advertise for any job openings which may occur in an entry level deputy sheriff position during the six month period immediately following the posting, even if there are no Vacancies at the time of the request. If such a request is received, the Human Resources Director will publish such request for applications in the following manner:

- a. A notice soliciting applications for any openings which may occur for the entry level deputy sheriff position during the six month period immediately following the posting is posted at the places at the County courthouse designated by the Commissioners Court as places for posting notices of Commissioners Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a copy of the notice soliciting applications pursuant to this Rule 6.53, together with a request that the Elected Official/Department Head make such notice accessible to all County and/or District Employees;

If the notice provided in this Rule has been given, the Sheriff's Department may fill Vacancies in entry level deputy sheriff positions during the six month period immediately following the posting of such notices without further advertising such Vacancies. Such Vacancies are filled by the Sheriff's Department otherwise completing the Human Resources Department Requisition Form required by this Chapter for each Vacancy, complying with all other provisions of this Chapter, and requesting that the Human Resources Director send the Sheriff's Department the names and Applications of those applicants meeting minimum qualifications who responded to the general job announcement permitted by this Rule rather than by posting such Vacancy. If the Human Resources Director, at the request of the Sheriff's Department, has conducted testing of the eligible applicants following testing procedures acceptable to the Sheriff's Department, the Human Resources Director may, at the request of the Sheriff's Department, in lieu of sending the Sheriff's Department a list of all applicants who met the minimum qualifications for the Vacancies, send the Sheriff's Department the names and Applications of the applicants with the highest over-all test scores, and absent good cause, following a personal interview with the Sheriff's Department, and such additional testing as the Sheriff's Department shall determine to be reasonable under the circumstances, such applicant shall be selected to fill such Vacancy.

SPECIAL POSTING PROCEDURES FOR DETENTION OFFICER POSITIONS

6.53A The posting procedures provided in this Rule 6.53A are an exception to the requirement that all Vacancies first be announced utilizing the Internal Announcement Procedure. Posting of Vacancies under this Rule 6.53A shall be announced utilizing the Open Announcement Procedure, as modified by this Rule. The Sheriff's Department may use the Human Resources Department Requisition Form to request that the Human Resources Director advertise for any job openings which may occur in the detention officer positions during the six month period immediately following the posting, even if there are no Vacancies at the time of the request. If such a request is received, the Human Resources Director will publish such request for applications in the following manner:

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- a. A notice soliciting applications for any openings which may occur for the detention officer position during the six month period immediately following the posting is posted at the places at the County courthouse designated by the Commissioners Court as places for posting notices of Commissioners Court meetings. In addition, the Human Resources Director will also forward each Elected Official/Department Head a copy of the notice soliciting applications pursuant to this Rule 6.53A, together with a request that the Elected Official/Department Head make such notice accessible to all County and/or District Employees;

If the notice provided in this Rule has been given, the Sheriff's Department may fill Vacancies in any detention officer positions during the six month period immediately following the posting of such notices without further advertising such Vacancies. Such Vacancies are filled by the Sheriff's Department otherwise completing the Human Resources Department Requisition Form required by this Chapter for each Vacancy, complying with all other provisions of this Chapter, and requesting that the Human Resources Director send the Sheriff's Department the names and Applications of those applicants meeting minimum qualifications who responded to the general job announcement permitted by this Rule rather than by posting such Vacancy. If the Human Resources Director, at the request of the Sheriff's Department, has conducted testing of the eligible applicants following testing procedures acceptable to the Sheriff's Department, the Human Resources Director may, at the request of the Sheriff's Department, in lieu of sending the Sheriff's Department a list of all applicants who met the minimum qualifications for the Vacancies, send the Sheriff's Department the name and Application of the applicant with the highest over-all test score, and absent good cause, following a personal interview with the Sheriff's Department, and such additional testing as the Sheriff's Department shall determine to be reasonable under the circumstances, such applicant shall be selected to fill such Vacancy.

EXCEPTIONS TO EMPLOYMENT PROCEDURES

6.54 The following situations do not require that an Elected Official/Department Head use the employment procedures described in this Chapter 6 to fill a vacancy for:

- a. a position used to settle a complaint, grievance or civil rights complaint, provided the Elected Official/Department Head certifies such fact to the Human Resources Director;
- b. a position to which an individual charged with a crime under a criminal complaint or indictment is transferred pending final resolution of the criminal complaint or indictment, provided the Elected Official/Department Head certifies such fact to the Human Resources Director;
- c. Emergency Appointments;
- d. an upgrade or downgrade of an occupied position as the result of a reclassification, so long as the procedures described in Rule 6.27 through 6.33 hereof have been followed;
- e. a lateral transfer so long as the procedures described in Rules 6.21 through 6.26 hereof have been followed;
- f. a voluntary or involuntary demotion as described in Rule 6.37 hereof;
- g. a reorganization and/or consolidation so long as the procedures described in Rules 6.38 through 6.44 hereof have been followed. If the reorganization and/or consolidation also involves a reduction in force, the procedures described in Rules 6.45 through 6.49 hereof must also be followed;

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- h. an entry level position filled by an individual referred to the Elected Official/Department Head from programs associated with a Workforce Development Board (“WDB Programs”), provided the Elected official/Department Head notifies the Human Resources Director, in writing, prior to the selection of such person, that the Elected Official/Department Head has a vacant position, identified by job number, for the WDB Programs participant, and the Elected Official/Department Head represents to the Human Resources Director that such position will remain vacant until the earlier of: (i) the WDB Programs participant is dismissed; or (ii) funding for the WDB Program position expires, at which time the Elected Official/Department Head shall process the paperwork necessary for such WDB Programs participant to be placed in such position on the County payroll. The WDB Programs participant's Probationary Period with the County begins on the day such participant is first assigned to work for the Elected Official/Department Head, NOT the date such participant is placed on the County payroll;
- i. a position filled based on a specific, prior, written waiver granted by the Commissioners’ Court; or
- j. persons employed in the Head Start Program as “substitute teachers” for a period of twelve months or less so long as such employees are not scheduled to work a regular, recurring schedule, but rather are on call to work as substitute teachers for other employees in the Head Start Program who are not available for work on any particular school day (Amended on September 29, 2009)

7. SCHEDULED WORK/FLSA

- 7.01** County work hours are scheduled so that all County offices are open by 8:00 a.m. and close no earlier than 5:00 p.m., Monday through Friday, except on official Holidays. Each Elected Official/Department Head establishes work hours for employees in his or her Department. In setting work hours, an Elected Official/Department Head considers the needs of the Department and the County, and ensures that any changes in work hours are in the County's best interest.
- 7.02** There are 40 regular work hours in a seven day work period and 80 regular work hours in a fourteen day work period; however, the County schedules employees subject to a fourteen (14) day work period to work a minimum of 80 hours during such work period. The seven (7) day work period commences at 12:01 a.m. on Monday of each week and ends at 12:00 p.m. midnight on the following Sunday.
- 7.03** An employee is required to be present at his or her duty station at the beginning of each workday and be punctual in maintaining work hours.
- 7.04** Every employee is allowed one hour for lunch each workday.
- 7.05** Each Elected Official/Department Head should try and schedule his or her employees each workday for a fifteen (15) minute rest break in the morning and a fifteen (15) minute rest break in the afternoon.
- 7.06** An employee's time and attendance record (Non-Law Enforcement Personnel form and Law Enforcement Personnel form) should coincide with an employee's work period. A completed time and attendance record is completed and turned in to the payroll section of the County Treasurer's office no later than 10:30 a.m. on the first employee work day following two seven day work periods or one fourteen day work period.

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- 7.07** All County employees are paid biweekly on the Friday following the end of two seven day work periods or one fourteen day work period. If that Friday is a holiday, employees will generally receive their pay checks on the last work day which precedes the holiday.
- 7.08** An employee's pay check is based on the hours worked by the employee during the applicable work period(s), plus any eligible hours of paid leave, all as shown on a signed time and attendance record.

Fair Labor Standards Act ("FLSA")

- 7.09** The Fair Labor Standards Act ("FLSA") is the federal law which governs overtime compensation for employees covered by the provisions of that Act. Most County non-management employees are covered by the overtime compensation requirements of the FLSA. An FLSA covered employee receives: (i) time and one-half compensation; or (ii) compensatory leave of one and one-half hours; for each hour physically worked in excess of 40 hours for employees with a seven (7) day work period and 80 hours for those employees with a fourteen (14) day work period. Hours for which an employee receives pay, such as paid leave and holiday hours, but which are not physically worked, are not considered hours worked for purposes of calculating FLSA overtime.
- 7.10** Each Elected Official/Department Head must require that his or her employees keep daily records of time worked and leave taken. Each Elected Official/Department Head must report all additional time worked for FLSA covered employees.
- 7.11** Except in unusual circumstances, the Elected Official/Department Head must have requested and approved, in advance, that an employee work extra hours or overtime hours. An example of an unusual circumstance is when an off-duty worker responds to an emergency. In this case, the employee is required to report the emergency and its circumstances to the Elected Official/Department Head at the beginning of the employee's next workday.
- 7.12** An employee who works extra hours or overtime hours without supervisory approval shall be compensated for the extra or overtime hours, but such employee is subject to disciplinary action.
- 7.13** The Elected Official/Department Head tracks and reports hours worked and leave used using the following forms:
- Time and Attendance Record - Non-Law Enforcement Personnel form;
 - Time and Attendance Record - Law Enforcement Personnel form;
 - Leave Request Form, Form P-1;
 - Summary of Vacation, Sick Leave and Holiday, Form P-2;
 - 12 Month Period Summary of Leave Taken under the Family and Medical Leave Act of 1993 (FMLA), Form P-3;
 - Request to Pay Accumulated Comp-Time, Form P-4;
 - Request for Extended Sick Leave, Form P-5; and
 - Sick Leave Donation, Form P-6.
- 7.14** To minimize the County's liability under FLSA for overtime or extra work hours, each Elected

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Official/Department Head is expected to manage work hours efficiently and effectively. An Elected Official/Department Head may need to adjust work hours for an FLSA covered employee to accomplish work assignments.

- 7.15** When an Elected Official/Department Head allows or requires an FLSA covered employee to work extra hours or overtime hours, the Elected Official/Department Head should make every effort to adjust the work hours during the applicable work period so that the employee does not physically work in excess of 40 hours if the employee is on a seven day work period or in excess of 80 hours if the employee is on a fourteen (14) day work period.

8. LEAVE AND BENEFIT PROGRAMS

- 8.01** The Governing Authority is solely responsible for authorizing compensated leave and benefit programs for County employees and such leave and benefit programs may be changed at any time by appropriate order of the Governing Authority. The County's existing compensated leave and benefit programs are as set forth in this Chapter.
- 8.02** Elected Officials/Department Heads administer the County leave and benefit programs according to law and regulations. Elected Officials/Department Heads are responsible for determining eligibility for paid leave for their employees. Each Elected Official/Department Head is also responsible for insuring that a leave account is established and maintained on each of his/her employees.
- 8.03** An Elected Official/Department Head may designate personnel from his or her office to be responsible for controlling absence and leave administration. Such delegation, however, does not relieve each Elected Official/Department Head of his or her ultimate responsibility for maintaining leave records on his or her employees.
- 8.04** Regular attendance at work is important to the overall operation of all County Departments. Any non-emergency leave, whenever practical, must therefore be scheduled in advance. Each Elected Official/Department Head may establish rules for requesting and scheduling leave not inconsistent with this Chapter. Each employee will be given a copy of any Department leave rules and amendments, and will acknowledge, in writing, receipt of such rules. A copy of the written acknowledgment shall be maintained in the employee's personnel file.
- 8.05** Every request for leave must:
- a. Be submitted to the Department Head/Elected Official, in writing, on a Form P-1 which is signed by the employee;
 - b. Clearly reflect when the requested leave is to begin and end;
 - c. Include a brief explanation setting forth the reasons for taking the requested leave;
 - d. To the extent applicable, be accompanied by any required documentation, such as a doctor's statement or military orders; and
 - e. Be approved or disapproved, in writing, by the employee's supervisor, and if required, by the Department Head/Elected Official and/or the Governing Authority or its representative.
- 8.06** Departments shall respond to leave requests within a reasonable time, generally not to exceed five (5) business days.

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- 8.07** After a leave request (Form P-1) has been approved or disapproved, such completed form is processed as follows:
- a. The original is placed in the employee's personnel file;
 - b. A copy is returned to the employee; and
 - c. A copy is forwarded to the County's Human Resource Department whenever the leave request relates to Family and Medical Leave, Leave Without Pay and/or Military Leave.
- 8.08** Compensatory Leave is controlled by the Fair Labor Standards Act (29 U.S.C. 201-219) ("FLSA"). All Departments must follow FLSA rules and regulations with regard to such leave.
- 8.09** Workers' Compensation claims are controlled by state law. All Departments must follow such statutes and any rules and regulations issued by the County's Insurance Office when dealing with Workers' Compensation issues.
- 8.10** Family and Medical Leave is controlled by the Family and Medical Leave Act. (29 U.S.C. 2601-2654). All Departments must follow such statutes and any rules and regulations issued with regard to such leave.
- 8.11** New Regular, Full-time Employees and new Regular, Part-time Employees who commence employment on the 1st through the 15th days of the month earn the applicable hours of Annual Leave and Sick Leave for that month.
- 8.12** Annual Leave and Sick Leave for each month are earned by an employee on a pro rata basis for each pay period.
- 8.13** All new or re-hired Regular, Full-time Employees and Regular, Part-time Employees are not eligible to use their accumulated Annual Leave or Sick Leave until their Probationary Period has expired. All Regular, Full-time Employees and Regular, Part-time employees, who are placed on a three month Probationary Period due to a promotion or transfer, remain eligible to use their accumulated Annual Leave and/or Sick Leave during their Probationary Period.
- 8.14** All leave is rounded to the nearest fifteen (15) minute increment.
- 8.15** Annual Leave and Sick Leave accumulated over the maximum during a calendar year is not lost until the end of the calendar year.
- 8.16** An Elected Official/Department Head who has reason to believe that an employee is using leave excessively or inappropriately may request that the employee provide a statement attesting to the necessity for the absence.
- 8.17** Temporary Employees are not eligible for Annual Leave, Sick Leave, optional tax method-insurance benefits (cafeteria plan), Court Leave, group health and life insurance, paid Holidays, Leave Without Pay, retirement, and veteran re-employment rights.
- 8.18** Violations of leave policies may result in disciplinary action, which disciplinary action may include termination.
- ABSENCE CONTROL POLICY**
- 8.19** An employee's combined authorized leave, paid or unpaid, from whatever source (excluding leave authorized by the Family and Medical Leave Act), may not exceed fourteen (14) weeks in any

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rolling 12 month period ("Maximum Leave"). Absence from work during any period for which the employee's absence is charged against Family and Medical Leave may not be included in the computation of Maximum Leave. (In other words, if any of the employee's absences are associated with leave granted under the Family and Medical Leave Act, such employee's maximum combined authorized leave, paid or unpaid, continuous or intermittent, may not exceed 26 weeks in any rolling 12-month period.) Any employee who does not return to work after the employee's Maximum Leave has been exhausted (whether such leave is continuous or intermittent), regardless of the reason, will be subject to an Administrative Separation from employment and any accrued annual leave and/or compensatory time (FLSA-covered employees) will be paid to the employee in a lump sum.

- 8.20** This policy does not affect a separation of employment for unauthorized absences nor does this policy override any statutory or constitutional provisions which may affect a law enforcement officer injured in the line of duty or an employee called to military duty by a proper authority. (Adopted April 12, 2005)

ADMINISTRATIVE LEAVE

- 8.21** Administrative Leave may be granted at the discretion of the Elected Official/Department Head or authorized by the Governing Authority. The following is a list of situations in which Administrative Leave may be granted:

- a. registration to vote;
- b. voting;
- c. group dismissals (hereinafter defined);
- d. emergency situations which require the Elected Official/Department Head to get an employee off a work location immediately and before any adverse action has been initiated (this includes situations where there is an immediate threat to County property or the well-being of the employee, a co-worker of the public); and
- e. during investigations into employee wrongdoing when it is in the best interest of the County to have the employee off the job.

- 8.22** A group dismissal occurs when the Governing Authority or a properly authorized official:

- a. suspends normal operations of the County or an office/Department of the County because of events beyond the control of the County;
- b. closes a Department/office of the County for managerial reasons;
- c. allows employees to participate in activities which are encouraged by the County and the dismissal is in the best interest of the public; or
- d. allows all employees to attend the funeral of a government or prominent public official.

ANNUAL LEAVE

- 8.23** County employees traditionally refer to Annual Leave as "vacation leave."

- 8.24** Regular, Full-time Employees accrue Annual Leave each month based on the number of years of continuous employment in accordance with the following formula:

Less than five (5) years of continuous employment - Eight (8) hours per month;

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At least five (5) years, but less than ten (10) years, of continuous employment - Nine (9) hours per month; and

Ten years (10) or more of continuous employment - Ten (10) hours per month.

- 8.25** Regular, Part-time Employees accrue Annual Leave on a pro rata basis, based on the number of years of continuous service listed in Rule 8.24, at a rate equal to the number of hours such employee works in a month bears to 173.33 hours. For example, if a Regular, Part-time Employee with less than five (5) years of continuous service, works twenty (20) hours a week, or 86.67 hours a month, such employee earns four (4) hours of Annual Leave per month $[(86.67 \text{ hours per month}/173.33 \text{ hours per month}) \times 8 = 4]$.
- 8.26** Temporary Employees do not accrue Annual Leave.
- 8.27** A Regular, Full-time Employee and a Regular, Part-time Employee with less than ten (10) years of continuous service may maintain an accrued Annual Leave reserve not to exceed one hundred sixty (160) hours, or the equivalent of twenty (20), eight (8) hour, work days.
- 8.28** A Regular, Full-time Employee and a Regular, Part-time Employee with ten (10) or more years of continuous service, but less than fifteen (15) years of continuous service, may maintain an accrued Annual Leave reserve not to exceed two hundred forty (240) hours, or the equivalent of thirty (30), eight (8) hour, work days.
- 8.29** A Regular, Full-time Employee and a Regular, Part-time Employee with fifteen (15) or more years of continuous service may maintain an accrued Annual Leave reserve not to exceed three hundred twenty (320) hours, or the equivalent of forty (40), eight (8) hour, work days.
- 8.30** Elected Officials/Department Heads are responsible for determining when Annual Leave may be taken. Annual Leave will be scheduled considering the needs of the County, the Department and the requests of the employee. However, all reasonable accommodation shall be given to the employee in determining when Annual Leave may be taken. Notwithstanding the foregoing, any request for extended, consecutive days, Annual Leave, i.e. requests submitted by an employee to take eleven (11) or more consecutive work days of Annual Leave in any twelve month period, may be granted or denied by the employee's Elected Official/Department Head, in such Elected Official's/Department Head's sole and absolute discretion.
- 8.31** Annual Leave requests for five (5) days or less generally require at least seven (7) days' notice. Annual Leave requests for six (6) or more days should be submitted at least fifteen (15) days in advance.
- 8.32** Elected Officials/Department Heads and employees should ensure that, whenever possible, Annual Leave is scheduled for use by an employee in order to prevent any loss of accrued Annual Leave at the end of the calendar year.
- 8.33** On separation from employment, an employee will be paid in a lump sum for accrued Annual Leave up to the maximum accumulation.

BEREAVEMENT LEAVE

- 8.34** Bereavement Leave, up to three (3) days, with pay, is available in the case of death of a member of an employee's immediate family. For purposes of this Section, "immediate family" means the employee's spouse, mother, father, brother, sister, and employee's children, foster children or legal wards, and includes the mother/father of the spouse, brother and/or sister of the spouse, employee's grandparents and grandchildren. (Adopted June 13, 2001)

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8.35 An employee on Leave without Pay status or unpaid Family and Medical Leave is not eligible for Bereavement Leave. (Adopted June 13, 2001)

8.36 Bereavement Leave is only granted for the time reasonably needed to attend the funeral of the deceased and to assist with the affairs of the deceased member's family. (Adopted June 13, 2001)

COMPENSATORY LEAVE - FLSA COVERED EMPLOYEES

8.37 Compensatory Leave, on an hour for hour basis, for an FLSA covered employee is earned:

- a. by law enforcement personnel who actually work in excess of 80 hours, but no more than 80 hours, in a fourteen (14) day work period; or
- b. by any employee, including law enforcement personnel, when the total of hours actually worked is less than 40 hours for an employee who has a seven day work period or 80 hours for an employee who has a fourteen day work period, but the total of such hours actually worked, plus paid leave used, and official Holiday hours, exceeds 40 hours for an employee who has a seven day work period or 80 hours for an employee who has a fourteen day work period.

8.38 An FLSA covered employee earns Compensatory Leave for overtime hours worked when the employee physically works more than 40 hours if the employee has a seven (7) day work period or 80 hours if the employee has a fourteen (14) day work period. When this occurs, the employee is credited with time and one-half leave (converted overtime) for each hour of overtime.

8.39 Unless authorized by the Elected Official/Department Head, an FLSA covered employee is expected to avoid working extra hours or overtime hours. Failure to secure prior approval subjects an employee to disciplinary action.

8.40 An employee receives compensation for extra hours or overtime hours as follows:

Upon approval of the Governing Authority, wages for extra hours or overtime hours may be paid in cash and included in the employee's pay check for the work period in which the extra hours or overtime hours occurred or in the pay check following such work period. If no such approval is given, the employee is credited with Compensatory Leave as provided in this Chapter.

8.41 The maximum amount of Compensatory Leave an employee may accrue is 240 hours if the employee has a seven (7) day work period and 480 hours if the employee has a fourteen (14) day work period.

8.42 If an employee's Compensatory Leave balance exceeds the applicable maximum at the end of a pay period, the employee must receive a cash payment for the number of hours over the applicable maximum.

8.43 A separating FLSA covered employee must receive a cash payment for any balance of Compensatory Leave.

8.44 When a cash payment for extra or overtime hours or any accrued Compensatory Leave is required or requested, the Elected Official/Department Head submits a Request to Pay Accumulated Comp-Time, Form P-4, to the Governing Authority. The original is sent to the County Judge, or comparable official within the County, a copy is provided to the employee, and a copy is placed in the employee's personnel file.

8.45 An FLSA covered employee must obtain Elected Official/Department Head approval to use

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Compensatory Leave. The employee should use the leave as soon as possible after it is earned. The Elected Official/Department Head should allow an employee to use Compensatory Leave within a reasonable time provided it does not disrupt Department and/or County operations.

8.46 An Elected Official/Department Head may require an FLSA covered employee to use Compensatory Leave when it is in the best interest of the Department. The Elected Official/Department Head considers the employee's preference when making decisions about the use of Compensatory Leave.

8.47 The Elected Official/Department Head may not require an employee to use Compensatory Leave in lieu of Sick Leave if an employee is ill or injured and the employee wishes to use available Sick Leave.

8.48 The following are examples of situations in which a FLSA covered employee earns Compensatory Leave:

Example No. 1

A covered employee's regular work hours are 8 a.m. to noon and 1 p.m. to 5:00 p.m., Monday through Friday, and the employee is on a 40 hour, seven day work period. The Elected Official/Department Head requires the employee to work an additional two hours each day (5 p.m. to 7 p.m.) on Monday and Tuesday. The Elected Official/Department Head may adjust the employee's work hours by requiring the employee to take off work at noon on Friday so that the employee works 40 hours during the work period. Even though the employee worked a total of four extra hours on Monday and Tuesday, there is no overtime or extra work hours for the seven day work period.

Example No. 2

A covered employee's regular work hours are 8 a.m. to noon and 1 p.m. to 5 p.m., Monday through Friday, and the employee is on a fourteen day work period. The Elected Official/Department Head knows in advance that the need exists for the employee to work from 5 p.m. to 7 p.m. each day on Thursday and Friday of the first week in the fourteen day work period. The Elected Official/Department Head may instruct the employee to take off work on Monday of the second week in the fourteen day work period from 8 a.m. to noon. Because this adjustment results in the employee working 80 hours for the fourteen day work period, there is no overtime or extra work hours for the fourteen day work period.

Example No. 3

An FLSA covered employee's regular work hours are 8 a.m. to noon and 1 p.m. to 5 p.m., Monday through Friday, and the employee is on a 40 hour, seven day work period. The employee works regularly scheduled hours except the employee takes eight hours of Sick Leave on Tuesday. The Elected Official/Department Head requires the employee to work two extra hours on Thursday from 5 p.m. to 7 p.m. The employee physically works 34 hours during the 40 hour work period and earns two hours of Compensatory Leave (34 hours worked, plus eight hours sick leave, equal 42 hours minus the standard 40 hour work period equals two hours of Compensatory Leave earned). This Compensatory Leave is earned hour for hour because the number of hours actually worked is less than 40 hours.

Example No. 4

An FLSA covered employee's regular work hours are 8 a.m. to noon and 1 p.m. to 5 p.m., Monday through Friday, and the employee, a law enforcement officer, has an 80 hour, fourteen (14) day work period. This employee has no balance of Compensatory Leave. The Elected Official/Department Head requires the employee to work extra hours on Sunday from 1 p.m. to 4 p.m., but the Elected Official/Department Head is unable to adjust the employee's work hours during the 14 day work period. The employee works the regular 80 hour work period.

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The employee physically works a total of 83 hours. In this case, the employee receives additional pay for the three hours at one and one-half times the employee's regular rate if the Governing Authority elects to immediately pay the employee for the extra work or the employee earns 4½ hours of Compensatory Leave for the three extra hours worked (83 hours worked minus the 80 standard work hours = three extra work hours).

Example No. 5

An FLSA covered employee's regular work hours are 8 a.m. to noon and 1:00 p.m. to 5 p.m., Monday through Friday and the employee has a 40 hour, seven (7) day work period. This employee has a current balance of 237 hours of Compensatory Leave. The Elected Official/Department Head requires the employee to work extra hours on Sunday from 8 a.m. to 4 p.m., with a one hour lunch break, but is unable to adjust the employee's work hours during the remainder of the work period. The employee works the regular 40-hour work period. The employee physically works a total of 47 hours.

In this case, assuming the Governing Authority again did not direct that the employee was to be paid immediately for the overtime work, the employee earns 10 hours and 30 minutes of Compensatory Leave for the seven hours of overtime (47 hours worked minus the 40-hour standard work hours = seven hours overtime multiplied by 1.5 = 10 hours and thirty minutes of converted overtime). Because of the 10:30 converted overtime, the employee exceeds the 240-hour Compensatory Leave maximum at the end of the pay period. The previous balance of 237 hours of Compensatory Leave plus 10:30 converted overtime = 247:30 minus the 240-hour maximum = 7:30 for which the employee must be paid at the regular hourly rate. The remaining balance of Compensatory Leave for the employee is 240 hours.

COMPENSATORY LEAVE - FLSA NON-COVERED EMPLOYEES

- 8.49 An FLSA non-covered employee is one whose job functions are executive, administrative, or professional, or otherwise exempt, as defined by the FLSA or who qualify for the special exemption for employees of political subdivisions. An FLSA non-covered employee is not subject to the overtime compensation requirements of the FLSA and may not accrue Compensatory Leave.
- 8.50 County employees who are classified as "exempt" by the FLSA and regulations issued pursuant thereto therefore are not eligible to receive Compensatory Leave for extra hours, overtime pay or converted overtime hours for hours actually worked in excess of their standard work hours in their applicable work period.
- 8.51 In the event that an FLSA non-covered employee works extra hours or overtime hours, that employee's Elected Official/Department Head may, but is not required to, grant that employee comparable time off for those hours worked by that employee.

COURT LEAVE

- 8.52 Court Leave is available when an employee is called as a prospective juror, is selected as a juror or is asked by the County to be a witness for the County. Any time taken by an employee to serve as a witness, other than as provided in this Section, must be without pay or charged to Annual Leave or Compensatory Leave. Court Leave does not include any time spent in Court as an employee whose job duties include the possibility that such employee will be testifying as a witness as a part of such employee's regular job assignment, such as an employee in law enforcement.
- 8.53 An employee on Leave Without Pay status or unpaid Family and Medical Leave is not eligible for Court Leave.
- 8.54 When an employee is called for jury duty or to be a witness for the County and that employee is on

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Annual Leave or Compensatory Leave, the Elected Official/Department Head shall substitute Court Leave for such leave upon request and proper documentation from the employee.

- 8.55** Court Leave is only granted for the hours actually served by the employee. If there is sufficient time before the work day ends, the employee must report to work when released by the Court, even if the employee has to report to Court the next day. An employee may be required to give the employee's Elected Official/Department Head documentation of the amount of time spent in Court and any release time(s) from Court.
- 8.56** An employee is not required to account for compensation time(s) received from the Court for jury service.

FAMILY AND MEDICAL LEAVE

- 8.57A** The Elected Official/Department Head tracks and reports requests for FMLA using the following forms:
- Family/Medical Leave Employee Request for Leave (HR-1)
 - Employer Response to Employee Request for Family or Medical Leave (HR-2)
 - Certification of Physician or Practitioner (HR-3)
- 8.57** The Family and Medical Leave Act is a federal law that requires the County provide "eligible employees" (as defined in Rule 8.58) up to twelve (12) work weeks of unpaid leave ("Family and Medical Leave") within a twelve (12) month period and to restore the employee to the same or an equivalent position upon return from leave.
- 8.58** An "eligible employee" is a person who has worked for the County at least 1,250 hours during the preceding twelve (12) month period.
- 8.59** The County uses a "rolling" twelve (12) month period measured forward from an employee's first use of Family and Medical Leave for purposes of computing the twelve (12) work weeks of Family and Medical Leave entitlement.
- 8.60** It is the County's responsibility, through the Elected Official/Department Head, to designate paid and unpaid leave as qualifying for Family and Medical Leave based on information provided by the employee.
- 8.61** The Elected Official/Department Head should immediately notify the employee that leave is designated as Family and Medical Leave, and that such leave will be counted as Family and Medical Leave. Generally, a determination as to the designation of leave as Family and Medical Leave occurs prior to or while the leave is being taken.
- 8.62** An employee may take Family and Medical Leave for any of the following reasons:
- a. the birth of a child and in order to care for such child;
 - b. the placement of a child with the employee for adoption or foster care;
 - c. to care for a spouse, child, or parent with a serious health condition; or
 - d. because of the employee's own serious health condition which renders the employee unable to perform the essential functions of the position.

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Family and Medical Leave because of reasons (a) or (b) must be completed within the twelve (12) month period beginning on the date of birth or placement. In addition, spouses who are both employed by the County and who both request leave because of reasons (a) or (b), or to care for a parent (but not a parent "in-law") with a serious health condition, may only take a combined total of twelve (12) weeks leave during a twelve (12) month period. Where the husband and wife both use a portion of the twelve (12) weeks of Family and Medical Leave because of reasons (a) or (b), or to care for a parent (but not a parent "in law") with a serious health condition, each spouse is entitled to the difference between the amount he or she has taken individually and twelve (12) weeks of Family and Medical Leave for other reasons. For example, if each spouse took six weeks of leave for the birth of a child, each could later use an additional six weeks due to a personal illness or to care for a sick child.

- 8.63** Generally, Family and Medical Leave is unpaid, unless the employee has available paid leave. In such event, available paid leave must be used prior to the employee using unpaid Family and Medical Leave.
- 8.64** Where an employee has accrued Annual Leave or Compensatory Leave, the County requires that the employee use all that leave before using unpaid Family and Medical Leave relating to the birth, adoption and foster care placement of a child, or care for a family member or to care for a family member.
- 8.65** Where an employee has accrued Annual Leave, Sick Leave or Compensatory Leave, the County requires that the employee use all that leave before using unpaid Family and Medical Leave to care for the employee's own serious health condition.
- 8.66** Using paid leave as part of Family and Medical Leave does not extend the 12 week leave period.
- 8.67** If an employee's need for Family and Medical Leave is foreseeable, the employee must give the County at least thirty (30) days prior written notice. If this is not possible, the employee must at least give notice as soon as practicable. Failure to provide such notice may be grounds for delay of Family and Medical Leave.
- 8.68** Where the need for Family and Medical Leave is not foreseeable, the employee is expected to notify the employee's Elected Official/Department Head within one to two work days of learning of the need for such leave, except in extraordinary circumstances.
- 8.69** If an employee is requesting Family and Medical Leave because of the employee's own or an eligible relative's serious health condition, the employee and the relevant health care provider may be asked to supply appropriate medical certification using Form HR-3, Certification of Physician or Practitioner. When the employee requests Family and Medical Leave, the Elected Official/Department Head will notify the employee of the requirement for medical certification and when it is due. Failure to provide requested medical certification in a timely manner may result in denial of Family and Medical Leave until it is provided.
- 8.70** The County, at its expense, may require an examination by a second health care provider designated by the County, if it reasonably doubts the medical certification the employee initially provided. If the second health care provider's opinion conflicts with the original medical certification, the County, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.
- 8.71** The County requires that the employee periodically report, generally once every thirty (30) days, on the employee's status while on Family and Medical Leave, and the employee's intent to return to work. The County may, under certain circumstances, require medical recertification at reasonable intervals, but not more often than once every thirty (30) days.

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- 8.72** All employees whose Family and Medical Leave was due to their own serious health condition which prevented the employee from performing the employee's job, must provide the County with medical certification of their ability to resume work. The certification applies only with regard to the particular health condition that caused the employee's need for Family and Medical Leave.
- 8.73** Family and Medical Leave may be taken intermittently or on a reduced work schedule. Where Family and Medical Leave is taken because of a birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced work schedule only if the Elected Official/Department Head approves. Where Family and Medical Leave is taken to care for a sick family member or for an employee's own serious health condition, Family and Medical Leave may be taken intermittently or on a reduced work schedule when medically necessary.
- 8.74** "Intermittent Leave" is leave taken in separate blocks of time due to a single illness, rather than one continuous period of time, and may include leave periods from an hour or more to several weeks.
- 8.75** A "reduced work schedule" is a work schedule that reduces an employee's usual number of working hours per work period, or hours per workday.
- 8.76** Employees planning medical treatment of an on-going nature, and employees needing intermittent Family and Medical Leave or leave on a reduced work schedule, must attempt to schedule their leave so as not to disrupt the County's operations. In addition, while the employee is on an intermittent or reduced work schedule, the County may temporarily transfer the employee to an alternative position which better accommodates the employee's recurring Family and Medical Leave needs and which has equivalent pay and benefits.
- 8.77** For purposes of Family and Medical Leave, the terms "spouse," "child" and "parent" means:
- a. The term "spouse" means a husband or wife, as the case may be;
 - b. The term "child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in place of a parent who is under 18 years of age, or 18 years of age or older and incapable of self-care because of mental or physical disability; and
 - c. The term "parent" means the biological parent of an employee or an individual who stands or stood in place of a parent to an employee when the employee was a child. The term does not include parents "in-law."
- 8.78** For purposes of Family and Medical Leave, the term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
- a. Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility;
 - b. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days, where the patient is also under continuing treatment by or under the supervision of a health care provider;
 - c. Continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or
 - d. Prenatal care.

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- 8.79** For purposes of Family and Medical Leave, a "health care provider" is defined as any of the following:
- a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices;
 - b. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice as defined by state law;
 - c. Nurse practitioners and nurse-midwives authorized to practice under state law and performing within the scope of their practice as defined by state law; and
 - d. Christian Science practitioners who are listed with the First Church of Christ, Scientist in Boston, Massachusetts.
- 8.80** On return from Family and Medical Leave, an employee is generally entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment; however, under certain special circumstances, the County may be justified in not permitting the employee to return to work.
- 8.81** Ordinarily, an employee will be restored to the same position the employee held prior to the Family and Medical Leave, with the same pay and benefits, if the position remains available. An employee, however, has no right to return to the same position, or any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the Family and Medical Leave period.
- 8.82** The Family and Medical Leave Act allows the County the right to refuse to allow an employee on Family and Medical Leave the right to return to work, if that employee is classified as a "key employee" (as defined in Rule 8.83), and such refusal to allow the employee the right to return to work is necessary to prevent substantial and grievous economic injury to the County's operations.
- 8.83** A "key employee" is a salaried employee who is eligible for Family and Medical Leave and who is among the highest paid 10 percent of all County employees employed by the County within 75 miles of the employee's worksite. Key employees may be denied restoration to their original or equivalent positions under the following conditions:
- a. The employee is provided written notice (on the earlier of the date Family and Medical leave is requested or FMLA Leave begins) that he or she is a "key employee," and informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the County determines that substantial and grievous economic injury will result to County operations if the employee is reinstated from Family and Medical Leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it must be given as soon as practicable after receipt of a request for leave or the commencement of leave, if earlier;
 - b. The Governing Authority determines, based on the facts available, that denial of restoration is necessary to prevent substantial and grievous economic injury to the County;
 - c. On making the determination that injury would occur, the County shall notify the employee, in writing, either in person or by certified mail, (i) of such determination, (ii) that it cannot deny Family and Medical Leave and (iii) that it intends to deny restoration

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to employment on completion of Family and Medical Leave. The notice must explain the basis for the Governing Authority's finding of injury and must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of leave and the urgency of the need for the employee's need to return to work;

- d. If the employee does not return to work in response to the County's notice, the employee continues to be entitled to maintenance of health benefits at the County's expense during Family and Medical Leave, and the County may not recover its cost of health insurance premiums. The employee's Family and Medical Leave rights continue unless and until the employee gives notice he or she no longer wishes to return to duty or the County actually denies restoration at the end of the Family and Medical Leave period; and
- e. The employee who received notice as set out in this section is still entitled to request reinstatement at the end of the Family and Medical Leave period. The County must then determine whether it will suffer substantial and grievous economic injury from reinstatement based on the facts at that time. If such a determination is made, the County shall notify the employee in writing (in person or by certified mail) of denial of restoration.

GROUP HEALTH AND LIFE INSURANCE

- 8.84** All Regular, Full-time Employees, and Regular, Part-time Employees who work 1,040 or more hours per year, are provided health and term life insurance under the County's group insurance plan. Premiums for such employees are generally paid by the County, subject to certain exceptions for certain kinds of leave described in the Manual.
- 8.85** Health and term life insurance coverage is effective from the date of employment.
- 8.86** All Regular, Full-time Employees, and Regular, Part-time Employees who work 1,040 or more hours each year, may purchase dependent health insurance coverage through the County's group insurance plan by making an application for such dependent coverage through the County.
- 8.87** Except as provided in section 8.88, an employee on Leave Without Pay status may elect to continue employee and/or dependent health insurance coverage by arranging to make timely payment directly to the County Insurance Office. "Timely payment" means the payment is received at least three (3) days prior to the date such health insurance premium is otherwise due from all other County employees electing to purchase dependent coverage. Coverage is canceled if the employee fails to pay the premium within the required time.
- 8.88** An employee on Family and Medical Leave continues to have his/her health insurance premium paid by the County, and such employee may elect to continue dependent health insurance by arranging to make timely payments to the County Insurance Office. If an employee gives unequivocal notice of intent not to return to work, the County's obligations under the Family and Medical Leave Act to maintain health benefits ceases.
- 8.89** The County may recover its share of health care premiums paid on behalf of an employee during a period of unpaid Family and Medical Leave if the employee fails to return to work after his or her Family and Medical Leave entitlement has been exhausted or expires, unless one of the following conditions exists:
 - a. The continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave under Family and Medical Leave; or

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b. Other circumstance beyond the employee's control.

8.90 When an employee fails to return to work from Family and Medical Leave, except for the reasons stated in Section 8.89, health premiums paid by the County during a period of unpaid Family and Medical Leave are a debt owed to the County by the non-returning employee, and such amounts may be recovered by the County through deduction of any sums due to the employee or through legal action.

8.91 For further information concerning benefits available under the County's group health and life insurance program, the procedures to use in filing insurance claims and/or to obtain copies of claim forms, contact the County Insurance Office.

HOLIDAYS

8.92 Holidays declared by Governing Authority order are authorized days off from work for all County employees. The County Holiday schedule is planned and granted by the Governing Authority from year to year, or may be omitted from one year to the next. Upon adoption by the Governing Authority, Holiday schedules apply to all employees.

8.93 Only Regular, Full-time Employees and Regular, Part-time employees receive paid Holidays.

8.94 The County Courthouse and County offices are closed for business during Holidays. However, to facilitate ongoing essential County services such as law enforcement, Department Heads/Elected Officials may adjust Holiday schedules for "essential personnel." An employee who works on a holiday receives his or her pay for working on the holiday and is also credited with compensatory time for the number of hours in that employee's regular work day.

8.95 Holidays immediately preceding/immediately following an employee's use of Annual Leave, Sick Leave or Compensatory Leave, or wholly within a period when an employee is on Annual Leave, Sick Leave or Compensatory Leave, are not charged against such leave.

LEAVE WITHOUT PAY

8.96 In an emergency or in special circumstances, if an employee has exhausted all Sick Leave, Annual Leave and Compensatory Leave, an employee may apply to the Elected Official/Department Head for Leave Without Pay.

8.97 Authorized Leave Without Pay is a matter of administrative discretion and no employee may demand that such leave be granted.

8.98 Leave Without Pay is generally discouraged because it deprives a Department of needed services; however, Elected Officials/Department Heads should carefully consider reasonable requests for Leave Without Pay.

8.99 An Elected Official/Department Head should not recommend approval of a request for Leave Without Pay unless the Elected Official/Department Head can recommend the employee for the leave without reservation, and the Elected Official/Department Head is willing to keep the employee's job available for that employee when the Leave Without Pay ends. An Elected Official/Department Head may, subject to obtaining all necessary approvals as described in this Section, subsequently elect not to continue to keep an employee's job available if:

- a. the employee is subsequently scheduled for separation because of a reduction in force; or
- b. it is subsequently discovered that the employee's performance did not meet

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requirements or the employee's conduct before being granted Leave Without Pay makes the employee ineligible to return; or

- c. the employee engages in conduct while on Leave Without Pay which would interfere with the performance of duties, operations of the office, or the goals and objectives of the County.

An Elected Official/Department Head must appropriately document any reason not to continue to keep an employee's job available or to deny an employee a position when the employee's Leave Without Pay ends, and such Elected Official/Department Head must obtain all approvals necessary to process an adverse disciplinary action against such employee prior to taking such action.

8.100 Generally, an employee must have exhausted all Sick Leave, Annual Leave, Personal Leave and Compensatory Leave before being granted Leave Without Pay. In addition, an employee must: (i) be meeting job performance requirements and observing work rules; and (ii) have appropriately used Sick Leave if the requested leave involves a reason for which Sick Leave is authorized.

8.101 An employee is not required to exhaust all forms of paid leave under the following circumstances:

- a. An employee is not required to exhaust all Sick Leave prior to being granted Leave Without Pay if the reason for such leave has nothing to do with illness;
- b. An employee is not required to exhaust all Annual, Compensatory or Sick Leave when off work due to a workers' compensation injury or illness; and
- c. An employee is not permitted to use other types of leave in case of a disciplinary suspension without pay.

8.102 An employee who is on Leave Without Pay for the full calendar month does not accrue Annual Leave or Sick Leave for that month. An employee who is on Leave Without Pay for a portion of a month does, however, accrue Sick Leave and Annual Leave for the month if, for any day during the month, the employee is entitled to a pay check for paid leave or hours actually worked.

EMPLOYEE CANDIDACY FOR PUBLIC OFFICE

8.103 An Employee may not:

- a. Use any County-owned vehicle, equipment, telephone, materials, or time in connection with any type of political campaign;
- b. Use local, state or federal funds under the Employee's control to directly or indirectly hire employees or in any other way fund or support candidates for the legislative, executive or judicial branches of government of the State of Texas or the United States of America;
- c. Use the Employee's official authority or influence or permit the use of the programs administered by the County for the purpose of interfering with or affecting the results of an election or for any political purpose;
- d. Coerce, command, restrict, attempt to coerce or restrict, or prevent the payment, loan or contribution of anything of value to a person or political organization for a political purpose;
- e. Be a paid lobbyist of any individual, firm, association or corporation; or

- f. Wear or display political badges, buttons, or stickers while on duty if the Employee has contact with the public or if these activities interfere with the proper performance of duties or office operations.

MILITARY LEAVE

- 8.106** Every employee of the County who is a member of the state military forces or a reserve component of the armed forces is entitled to a leave from duties, for authorized military duty or training, without loss of pay, time, accrued leave, or efficiency rating, for up to fifteen (15) calendar days in any federal government fiscal year (October 1 through September 30). A copy of the military orders must accompany a request for military leave.
- 8.107** Employees who are ordered to military duty by proper authority shall be restored, when relieved from duty, to the position held by such employees when ordered to duty.

OPTIONAL TAX METHOD - INSURANCE BENEFITS (CAFETERIA PLAN)

- 8.108** The County has traditionally deducted the cost of dependent health insurance from an employee's paycheck on an after tax basis. Regular, Full-time Employees and Regular, Part-time Employees who work 1,040 or more hours each year may, however, choose to have the same payroll deduction made before the employee's taxes are withheld.
- 8.109** Information and forms on the County's "Cafeteria Plan" program may be obtained from the County Insurance Office.

RELIGIOUS OBSERVANCES

- 8.110** Elected Officials/Department Heads shall reasonably accommodate an employee's request for time off from work to participate in religious observances and practices, so long as the employee's absence from work does not impose an undue hardship on the Department's ability to conduct County business. Such time off from work shall be without pay unless the employee uses an available and appropriate form of leave.

RETIREMENT SYSTEM

- 8.111** All Regular, Full-time Employees and Regular, Part-time Employees who work 900 or more hours per year must become members of the Texas County Retirement System. Each member, under either retirement system, contributes 7% of his or her salary each pay period to the retirement system. The employee's contribution is matched by the County.
- 8.112** Information and forms on the Retirement System may be obtained from the County Treasurer's Office.

SICK LEAVE

- 8.113** Sick Leave accrues at the rate of eight (8) hours per month for Regular, Full-time Employees.
- 8.114** Regular, Part-time Employees accrue Sick Leave at the rate of four (4) hours per month.
- 8.115** Temporary Employees do not accrue Sick Leave.
- 8.116** A Regular, Full-time Employee may maintain an accrued Sick Leave reserve not to exceed three hundred sixty (360) hours.

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- 8.117** A Regular, Part-time Employee may maintain an accrued Sick Leave reserve not to exceed three hundred sixty (360) hours.
- 8.118** Hidalgo County provides employees with sick leave to be granted when they are unable to perform their duties for (1) non-job related health illness; injury, pregnancy; childbirth or related medical conditions; or (2) when absent for the purpose of obtaining health-related services not available outside of regular working hours, such as medical, dental or optical appointments. An employee may use sick leave for illnesses, injuries or health appointments of family members when the employee's presence is required. Office and departments may require employees or request sick leave in advance for prearranged doctor's appointments, whenever possible.

For purposes of taking regular sick leave with pay, the following persons are considered family members:

- An individual who resides in the same household as the employee and is the employee's child (including stepchild or foster child legally placed by a State agency), spouse, father, mother, grandfather or grandmother, or grandchild; and
- A minor child of the employee and the employee's father or mother regardless of whether the child, father or mother lives in the same household.

Sick leave accrued prior to September 25, 2007 may be used prospectively for the care of family members as defined above. However, any vacation time, compensatory time or other form of time which may have been used by an employee for the care of a family member, prior to September 25, 2007, may not be converted to sick leave in order to recoup other forms of leave already used. (Amended 09/25/07)

- 8.119** Pregnancy is treated as any other condition warranting use of Sick
- 8.120** All employees will apply in advance for Sick Leave for prearranged medical, dental and optical appointments, when possible.
- 8.121** All employees must furnish their Elected Official/Department Head with a written physician's statement indicating the onset and duration of the illness prior to returning to work when the employee has used sick for a period of three (3) or more consecutive days. A physician's statement is also required for any physical injury, regardless of length, which prevents the employee from performing his/her, assigned duties. Employees who do not submit a physician's statement in a timely manner may not be granted sick leave for that period.

When a pattern of sick leave abuse is suspected, an Elected Official/Department Head may require, on a case-by-case basis, a written doctor's statement for any illness, regardless of duration, as well as for medical and dental appointments. Abuse of sick leave includes any employee's use of sick leave for any purpose other than those set out in these rules. (Amended 09/25/07)

- 8.122** An employee who becomes ill at work must notify the employee's supervisor before leaving the job.
- 8.123** Each Department shall adopt reasonable regulations regarding notification of Sick Leave usage ("call-in" procedures) which are not inconsistent with this Chapter. All call-in procedures shall be in writing and distributed to employees. Each employee shall acknowledge receipt of these procedures, a copy of which will be kept in the employee's personnel file.
- 8.124** It is an employee's responsibility to follow the Department's rules regarding call-in procedures. An employee who fails to follow Department call-in rules may be disciplined, which discipline may include termination.

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- 8.125** An employee who is unable to report to work for more than one day should ensure that his/her Department Head/Elected Official is informed of the employee's progress and prognosis.
- 8.126** In the event that a legitimate need for the use of sick leave cannot be established to the satisfaction of the office or department, any unauthorized leave time taken shall be deducted from another available leave account or the employee's salary should be adjusted for the time taken if no other leave is available. Abuse of sick leave may also result in disciplinary action termination.
(Amended 09/25/07)
- 8.127** On separation from employment, any unused Sick Leave is canceled and may not be restored if the employee is later rehired.

SICK LEAVE POOL

- 8.128** A Sick Leave Pool for the County and a Sick Leave Pool for the District has been created by the Governing Authority. The responsibility for establishing Sick Leave Pool policies, and issuing Sick Leave Pool policy interpretations, rests with the Governing Authority. Administration of the Sick Leave Pool, including the responsibility for developing and implementing procedures for the operation of the Sick Leave Pool, and forms for contributing leave to, or requesting leave from, the Sick Leave Pool, lies with the Sick Leave Pool Administrator. Decisions of the Sick Leave Pool Administrator may, at an employee's option, be reviewed by the Benefits Committee.
- 8.129** A "catastrophic illness or disability" is an Employee's extended critical illness, surgery, injury, or temporary disability due to injury or illness. To qualify as a catastrophic illness, an employee:
- a. must be unable to perform the duties of his or her position for an extended period of time;
 - b. must require the services of a licensed medical practitioner for a prolonged period of time; and
 - c. is expected to have an extended absence from work for treatment or recovery after the Employee has exhausted all accumulated available paid leave and compensatory time, irrespective of the form of such leave.
- 8.130 Sick Leave Pool participation is limited to County and/or District employees:**
- a. with twelve or more months of continuous County and/or District employment;
 - b. who are paid from the County and/or District's general fund, a special County and/or District fund, or special grant funds;
 - c. who, in connection with the applicable Enrollment Period in the Sick Leave Pool, contribute the Contributed Sick Leave Hours to the Sick Leave Pool, and who authorize the Sick Leave Pool Administrator to transfer those Contributed Sick Leave Hours to the Sick Leave Pool; and
 - d. who, in connection with the applicable Enrollment Period in the Sick Leave Pool, authorizes the Sick Leave Pool Administrator to contribute an additional eight Sick Leave hours (one calendar day), once during each calendar year, if, at any time during the calendar year, the total number of Sick Leave days (based on eight Sick Leave hours per day) available in the Sick Leave Pool is less than two times the number of Enrolled Members. For example, if there are 40 Enrolled Members, and the total number of Sick Leave Hours in the Sick Leave Pool is less than 640 Sick Leave hours (40 x 2 x 8), then the Sick

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Leave Pool Administrator, at his or her option, may, on behalf of each Enrolled Employee, transfer an additional eight Sick Leave Hours otherwise available to each Enrolled Employee, to the Sick Leave Pool. Enrolled Employees receiving Sick Leave Pool benefits at the time such additional Sick Leave hours are transferred to the Sick Leave Pool are exempt from the required additional contribution requirement.

The Sick Leave Pool Administrator form entitled "Hidalgo County Sick Leave Donation Form" is hereafter designated as Sick Leave Donation Form (P-6).

- 8.131** Primary Sick Leave Pool Benefits and Secondary Sick Leave Pool Benefits are available to an Enrolled Employee who is suffering from a catastrophic illness or disability, after such Enrolled Employee has exhausted all paid leave and compensatory time, provided that such Enrolled Employee is not, at the time of the Sick Leave Pool Request, eligible for, or actually receiving, payments from a third party source for such catastrophic illness or disability ("Third Party Benefits"). In addition, Primary Sick Leave Pool Benefits and Secondary Sick Leave Pool Benefits are not available to an Enrolled Employee if the Enrolled Employee, at the time of the Sick Leave Pool Request, had received Third Party Benefits at any time during the calendar year applicable to the Sick Leave Pool Request. To receive Primary Sick Leave Pool Leave Pool Benefits or Secondary Sick Leave Pool Benefits, an Enrolled Employee, or such employee's spouse or immediate supervisor, should apply for such benefits by submitting the following documents and information to the Sick Leave Pool Administrator ("Sick Leave Pool Request"):
- a. a completed Sick Leave Pool Administrator form entitled "Hidalgo County Request for Extended Sick Leave Form", which form is hereafter designated as Request for Extended Sick Leave (P-5);
 - b. a physician's report describing the catastrophic illness or disability;
 - c. expected dates of absence from work for the catastrophic illness or disability; and
 - d. the number of Sick Leave Pool hours requested for such Enrolled Employee from the Sick Leave Pool, up to a maximum of two hundred and forty hours in any single request, which requested hours must be supported by a physician's estimate of the length of time such Enrolled Employee will be off work due to the catastrophic illness or disability.

A Sick Leave Pool Request is generally not submitted until an Employee is close to exhausting all accumulated paid leave and compensatory time.

- 8.132** An eligible County and/or District employee may enroll in the Sick Leave Pool during the Enrollment Period, which enrollment is effective for the following calendar year, or in the case of a County and/or District employee who enrolls in the Sick Leave Pool following twelve months of County and/or District Service, for the remainder of that calendar year. All Enrolled Employees cease to be a member of the Sick Leave Pool at midnight on December 31 of each year, unless such employee, during the Enrollment Period each year, elect to continue enrollment in the Sick Leave Pool for the following year, and who, in connection with such enrollment contributes the Contributed Minimum Sick Leave Hours to the Sick Leave Pool.
- 8.133** An employee's participation in the Sick Leave Pool is not a guarantee that Sick Leave Pool hours will be available to such employee from the Sick Leave Pool if the employee should suffer a catastrophic illness or disability. For example, in any calendar year, the number of contributed Sick Leave hours in the Sick Leave Pool may be exhausted, based on the Sick Leave Pool Administrator's approval of requests for Sick Leave Pool hours received from other Enrolled

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Employees, prior to an employee's request for benefits from the Sick Leave Pool. In that event, no Sick Leave Pool hours may be allotted to such employee even though the employee is an Enrolled Employee and otherwise eligible for Sick Leave hours to be allotted to such employee from the Sick Leave Pool.

- 8.134** Based on the information in a completed Sick Leave Pool Request, the Sick Leave Pool Administrator will determine an Enrolled Employee's eligibility for Sick Leave Pool hours, and if determined eligible, the Sick Leave Pool Administrator will allot from the Sick Leave Pool the number of Sick Leave hours granted by the Sick Leave Pool Administrator to such Enrolled Employee from the Sick Leave Pool ("Allotted Sick Leave Pool Hours"), which Allotted Sick Leave Pool Hours may be less than the number of Sick Leave Pool hours requested for an Enrolled Employee. The number of Allotted Sick Leave Pool Hours made available to an Enrolled Employee will be credited to such Enrolled Employee's Sick Leave account.
- 8.135** An Enrolled Employee may use Allotted Sick Leave Pool Hours for such Enrolled Employee's catastrophic illness or disability in accordance with the County and/or District's general policies regarding use of Sick Leave, based on an Enrolled Employee's standard work day and salary immediately preceding the catastrophic illness or disability. Any unused Allotted Sick Leave Pool Hours are transferred by the Sick Leave Pool Administrator from such Enrolled Employee's Sick Leave account, and re-credited to the Sick Leave Pool:
- a. when the employee returns to work; or
 - b. on the employee's death; or
 - c. on voluntary or involuntary termination of County employment.
- 8.136** An employee does not accrue Sick Leave, Annual Leave or any other form of paid leave (including paid holidays), while an employee is being paid by the County and/or District based on an employee's use of Allotted Sick Leave Pool Hours; however, any use of Allotted Sick Leave Pool Hours will be included in computing an employee's length of service with the County and/or District, as well as the computation of any benefits available to an employee under the County and/or District's Family and Medical Leave program so long as the Elected Official/Department Head makes the applicable Family and Medical Leave designation and notifies the employee of such designation in the time and manner described in Sections 8.57 through 8.83 of the Manual.
- 8.137** A County and/or District employee who retires or resigns from County and/or District employment, whether or not such employee is a member of the Sick Leave Pool, may contribute up to eighty (80) hours of such employee's accrued, but unused, Sick Leave, to the Sick Leave Pool.

All departing employees shall be informed both verbally and in writing about their right to donate unused sick leave hours to the Sick Leave Pool prior to separation. Departing employees shall be given the necessary paperwork to make a donation to the Sick Leave Pool if they so choose. Donations of sick leave to the Sick Leave Pool are strictly voluntary and are at the sole discretion of the departing employee. (Amended 09/25/07)

SOCIAL SECURITY (FICA Contributions)

- 8.138** All employees contribute to the federal Social Security program according to state and federal laws. The County and/or District matches the employee's contributions based on the requirements of federal law.

TRAVEL REIMBURSEMENT

- 8.139** The Governing Authority has approved travel policies, guidelines and procedures which are

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applicable to all County employees. Attached hereto as Appendix 1 is a copy of applicable portion of the Hidalgo County Auditor's Accounting Procedures Manual which outlines the County travel policies, guidelines and procedures.

VETERANS REEMPLOYMENT RIGHTS

- 8.140** Within five years from the date of enlistment or call to active service, any employee who leaves his or her position with the County to enter into active duty with the regular or reserve Armed Forces of the United States or with the Texas National Guard or Texas State Guard, if discharged, separated, or released from such active duty under honorable conditions, is eligible to be restored to employment in the same position held at the time of entering into active service or to a position of like seniority, status, and pay if the employee is still physically and mentally qualified to perform the duties of such position.
- 8.141** If a former employee otherwise meets the qualifications set out in Section 8.140 but is not qualified to perform the duties of his or her previous position by reason of disability sustained during such military service, but is qualified to perform the duties of another position with the County, such person is eligible to be restored to employment in another position which he or she is qualified to hold and which position shall provide like seniority, status, and pay or the nearest approximation thereto.
- 8.142** Persons eligible for restoration to employment under the terms of Sections 8.140 or 8.141 must make written application for such restoration to the County Human Resources office within ninety (90) days after such person's discharge or release from active federal or state military service. The person must attach to such application evidence of discharge, separation, or release under honorable conditions.
- 8.143** Any person restored a leave of absence during military service and such person is entitled to participate in retirement and other benefits available to other employees in like positions.
- 8.144** A person restored to County employment as provided in Section 8.140 or 8.141 may not be dismissed from his or her position, without cause, for one year following restoration of employment.

WORKERS' COMPENSATION

- 8.145** The County provides Workers' Compensation benefits for all eligible employees.
- 8.146** For information concerning Workers' Compensation, the procedures to follow in reporting accidents and/or processing a Workers' Compensation claim, contact the County workers' compensation coordinator.

UNAUTHORIZED ABSENCE AND ABUSE OF LEAVE

- 8.147** An employee unable to report for work, for any reason, must notify the employee's immediate supervisor at the earliest time possible.
- 8.148** An employee will not receive any pay nor will the employee's leave account be credited during any period of Unauthorized Absence.
- 8.149** An Elected Official/Department Head may excuse an Unauthorized Absence with appropriate adjustments to pay and credits of leave time upon receiving adequate documentation of the circumstances surrounding the employee's Unauthorized Absence.
- 8.150** Any Unauthorized Absence that continues for three (3) consecutive business days will be

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considered an automatic resignation. Written notice of automatic resignation shall be sent to the employee's last known address on file with the Elected Official/Department Head.

- 8.151** Unauthorized Absences are subject to disciplinary action, which disciplinary action may include termination.

9. EMPLOYEE RESPONSIBILITIES

- 9.01** It is expected that all employees of Hidalgo County must adhere to the high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to efficiently carry out the work items to which they are assigned and/or their responsibilities, to maintain good moral conduct, and to do their part in maintaining a good relationship with the public, other governmental employees, officials, supervisors and fellow employees.

- 9.02** No person employed by the County shall discriminate against or harass anyone on the basis of race, color, creed/religion, national origin, sex, age, disability, military status or any other legally protected status, nor shall any employee participate in any conduct that violates, either directly or indirectly, the civil rights of other employees or any member of the general public.

ANTI-HARASSMENT/DISCRIMINATION:

- 9.03** The County is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes or comments based upon an individual's race, color, creed/religion, national origin, sex, age, disability, military status or any other legally protected status will not be tolerated. The County is also committed to a work environment free of inappropriate and disrespectful conduct, illustrations and communications of a sexual nature and is opposed to harassment in any form.

- 9.04** Sexual harassment in the workplace is strictly prohibited and will not be tolerated. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly affecting the term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- 9.05** Prevention is the most effective tool for eliminating harassment, and the County encourages employee support in its efforts to address and prevent harassment in the workplace. In this regard, it is the responsibility of all employees to make sure their supervisor or Department Head/Elected Official is advised immediately of any problem or potential problem in this area so that responsive corrective action can be taken in order to prevent or eliminate harassment or discrimination in the workplace.

- 9.06** An employee or prospective employee who has a complaint alleging harassment or discrimination in the workplace should report the offensive conduct immediately to his supervisor or the EEO Officer. If for any reason the employee does not feel comfortable speaking with those individuals, the employee should report the conduct to the Elected Official/Department Head or the Director of Human Resources.

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- 9.07** Prompt reporting of complaints is strongly encouraged, as it allows for a rapid response and resolution of the objectionable conduct. The County will not retaliate against an individual who makes a report of harassment or discrimination. Retaliation is a very serious violation of this policy and should be reported immediately.
- 9.08** Any complaint will be promptly investigated. Confidentiality will be maintained to the extent practicable and appropriate under the circumstances. Individuals found to have engaged in misconduct shall be disciplined.

CELLULAR TELEPHONE POLICY

- 9.09** The purpose of this policy is to provide guidelines for the assignment, use and control of cellular telephones administered to Hidalgo County employees and to ensure such equipment is used in the most efficient and ethical manner. For policy acknowledgment purposes, all cellular phone users must agree and sign the “Cellular Phone Agreement.”

Administration

- 9.10** The Department Head/Elected Official shall be responsible for the administration and adherence of this policy. This policy can be made more restrictive if the Department Head/Elected Official deems necessary, but shall never be less restrictive. The Department Head/Elected Official will be held responsible for the damage and/or abuse of the phone as stated in the “Cellular Phone Agreement.”

Eligibility and Acquisition

- 9.11** Assignment of a cellular telephone shall be based on an employee’s need for immediate two-way communication as deemed necessary by the Department Head/Elected Official. When making the determination whether an employee should receive a County issued cellular telephone, the Department Head/Elected Official must complete and sign the “Cellular Phone Request Form(s)” after carefully considering and certifying whether:
- a. The duties of the position involve frequent travel or routinely take an employee into the field or away from routine telephone and radio communications and such duties require that the employee must be contacted on a recurrent basis and respond in an expeditious time frame; or
 - b. The employee must be contacted after normal business hours or on weekends and the employee will not have ready-access to other means of communication.
- 9.12** The assignment of a cellular telephone shall not be considered a benefit to County employees, but a necessary tool to be used for the benefit of the County. The Department Head/Elected Official shall not assign cellular telephones to an employee when a less costly communication is safe and effective (i.e., pager, two-way radio, land line telephone, etc.).
- 9.13** The Purchasing Department shall maintain a master list of all employee who have been issued a County cellular telephone. All cellular telephones will be acquired through the County’s contract provider. All changes in service must be reported by the Department Head/Elected Official to the Purchasing Department to keep records accurate. It shall be the responsibility of the Department Head/Elected Official to ensure that sufficient funds are budgeted for the monthly operational costs associated with cellular telephones and equipment prior to assigning a cellular telephone to an employee.
- 9.14** Please note that cellular telephone usage expenditures shall be charged to line-item “532 Telephone - Cellular” within each department’s budget. The equipment (cell phone, batteries, accessories, etc.) shall be charged to the appropriate line-item, depending on price(s) and item(s).

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- 9.15** Employees shall make every effort to restrict the use of County-issued cellular telephones to official County business and personal telephone calls should be kept to an absolute minimum. The employee shall pay for any personal use of the County issued cellular phone at the rate of \$0.40 per minute as stated in the County Auditor's form, ARS-CA-035.
- 9.16** Upon receipt of an invoice, both the department and the employee responsible for certifying that all cellular telephone use is for official County business and shall determine the amount of "personal use" of the cellular telephone. Invoices containing "personal use" costs shall be handled in the following manner:
- a. The employee shall review the invoice for their County issued cellular telephone; identify the calls that are not related to official County business; complete the "Affidavit for Cellular Telephone Usage (Form ARS-CA-035)" and submit payment to the County for all personal use on a per minute rate.
 - b. The department shall collect all reimbursements for personal cellular telephone use and shall submit them to the County Treasurer in compliance with procedures established by the Auditor. All employee reimbursements for personal calls must be deposited before the Auditor's Office will process payment(s) for its entirety.
 - c. Reimbursements received from employees for personal use will be credited to the department's Telephone -Cellular budget line item.

Use of County-Owned Cellular Telephones

- 9.17** Cellular telephones are to be used only to conduct County business and should not be used for personal communication unless deemed an emergency; thus, employees are encouraged to obtain their own cellular phones for personal use.
- 9.18** While the County strongly discourages the use of a County-issued cellular telephone for personal use, an employee who incurs a charge as a result of personal use, shall be responsible for payment to the County for such charges.
- 9.19** Cellular telephones should not be used when a less costly alternative is safe, convenient and readily accessible (i.e., pager, two-way radio, land-line telephone, etc.).
- 9.20** Cellular transmissions are not secure; therefore, employees should use discretion in relaying confidential information.
- 9.21** Reasonable precautions should also be made to prevent equipment from theft and vandalism.
- 9.22** County cellular telephones shall not be used for political gain, illegal, fraudulent or malicious activity; entertainment (including games, radio or video), religious promotion, or activity on behalf of organizations or individuals having no affiliation with Hidalgo County.
- 9.23** Employees shall not use a cellular telephone while operating a vehicle; hence, employees must stop a moving vehicle before using a County-issued cellular phone.

Business Use of Employees Personal Cellular Telephone

- 9.24** While traveling in or out of Texas, employees may be reimbursed for air-time charges incurred when using privately owned equipment in performing County business if the employee does not have service from the employee's County-issued cellular telephone at the destination to which the employee has traveled.

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- 9.25** Hidalgo County is not liable for any damage to personal cellular telephone equipment whether or not being used for County business.
- 9.26** Reimbursement shall be only be for an expense incurred to conduct County business. In order to claim reimbursement, the employee must include this expense on the "Travel Reimbursement form" for cellular telephone usage.

Use of Personal Cellular Telephone - No Reimbursement

- 9.27** The usage cost of a personal cellular telephone for County business is not reimbursable unless:
- a. An exception is approved by Commissioners' Court for a particular person related to a specific use on an unanticipated occasion; or
 - b. Approved as part of travel expenses as described above in Business Use of Personal Cellular Telephone Equipment.

Cellular Telephone Misuse or Abuse

- 9.28** Any abuse in the use of County issued cellular telephone will be considered misconduct and neglect of duty, subject to ineligibility to use a County issued cellular telephone and/or disciplinary action up to and including termination. The employee is responsible for repair and replacement costs if the cellular telephone is lost or damages as part of an employee's personal activity or negligence by the employee. Misuse or abuse of cellular telephones or related equipment shall be governed by Penal Code Sections 39.01 or 39.02.

Information Technology Department

- 9.29** The IT Department will assist in the following duties and responsibilities:
- a. Programming any features requested by the Department Head, Director or Supervisor on special programming of the cellular telephone.
 - b. Promptly perform necessary input to remove an employee's cellular telephone usage upon determination that an employee should no longer be issued a cellular telephone.
 - c. Review the quarterly assessment of cellular telephone usage provided by the contract provider and forward recommendations for adjustments or changes to the Purchasing Department.
 - d. Any changes, increases or decreases of minute usage will be contingent upon the County's quarterly cellular telephone analysis.

CONFIDENTIALITY

- 9.30** A considerable amount of County business is conducted pursuant to public disclosure legislation. County business is therefore public business and shall be open for public inspection and copying in the manner provided by law unless it pertains to those matters made private by law under the Texas Open Records Act, or any similar state or federal law or regulation. No employee shall release, cause to be released or use any confidential County information for any purpose, including to advance any personal interest, financial or otherwise, or to harm the interests of the County.

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COUNTY OWNED PROPERTY:

- 9.31** County property and equipment shall be used for County business only. Any time that County property is used in conjunction with employment, care should be exercised to minimize damage to the equipment or waste of supplies. Office machines, maintenance equipment, tools, etc., should be properly stored and cared for at the close of each business day. No employee shall intentionally or negligently damage County equipment or property.
- 9.32** Employees who are assigned County property, including a County owned vehicle, must comply with Texas statutes on official conduct, and are subject to the following provisions:
- a. No facilities, services, equipment, supplies or other thing of value belonging to the County shall be used by any employee or other person for purposes of or resulting in a private benefit or with intent to harm another. Neither shall an employee misuse or misappropriate County property of any value, for the purpose of benefiting his or her personal gain, or for benefiting a relative, friend, or associate.
 - b. Employees who are allowed to take a County owned vehicle to their residence before and after working hours shall only use the vehicle for County business.
 - c. Unauthorized persons are not allowed to ride in County owned vehicles.
 - d. Employees driving County owned vehicles are required to maintain a valid driver's license and a copy of such license shall be forwarded to the Elected Official/Department Head, and such employees must be insurable by the County's insurance carrier.
 - e. Any employee who in the course of employment drives a County owned vehicle, and who is identified by the County's insurance carrier as an unacceptable risk because of the employee's driving record, shall be re-classified to a lower position. If no position is available, the individual may be terminated.

GIFTS

- 9.33** Except as permitted in Section 36.10, Texas Penal Code, employees shall not accept gifts or financial benefits from contractors, vendors or other persons who deal with the County.

INTERNET POLICY

- 9.34** The Governing Authority has approved policies, guidelines and procedures which are applicable to all County employees regarding network systems and computer infrastructure. Attached hereto as Appendix 2 is a copy of the Internet Policy.

NEPOTISM

- 9.35** The hiring of County employees shall not violate applicable federal and state laws against nepotism, including laws contained in the Penal Code of the State of Texas. An Elected Official may not hire any person related to the Elected Official by blood within the third degree of consanguinity or by marriage within the second degree of consanguinity. See Appendix 3.

OFFICE DONATIONS, POLITICAL CONTRIBUTIONS AND POLITICAL SERVICE

- 9.36** Employees shall not be forced to contribute to or make donations to any fund or collection process. All such funds or collections made during working hours must be approved by the appropriate Elected Official/Department Head prior to any contact with employees. No employee shall be

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required to participate in political campaigns, political services, or related activities, as a condition of employment. Nor shall any employee be disciplined in any fashion for failure to participate in such activities. Employees are prohibited from participating in political services, campaigns, or related activities during working hours. Employees are also prohibited from using County equipment, vehicles, uniforms or other property in the political service, influence, or effort to advance the political cause of any candidate for public office. No employee shall attempt, while on duty, to affect the results of an election or nomination to public office. This Section does not prohibit any employee from voluntarily engaging in political activities and/or making or receiving private political endorsements during non-duty hours.

OUTSIDE EMPLOYMENT

- 9.37** Employees shall devote all their time and effort during their assigned work hours to their specified work for the County. Employees shall not engage in outside work or employment to any extent that conflicts with the County interest or which adversely affects the employee's availability and usefulness to the County during their regular work hours. All employees who receive income in the form of other employment, or a business, or are considering other outside employment, or business operation, should submit a written statement to his or her supervisor, and work closely with their Elected Official/Department Head on the details of such outside employment or business interest to assure no conflict exists with such person's employment by the County. Employees are not permitted to engage in any exchange, purchase, or sale of goods or services with the County as an additional income source. However, this Section does not prohibit outside employment and personal initiative that is unrelated to an employee's duties, is specifically defined as not on County time via payroll transmittals, or is otherwise carefully documented as being outside the prohibitions of this Section. Each Elected Official/Department Head shall have the option of prohibiting any outside employment that is in conflict with the policies set forth in this Section.

PERSONAL APPEARANCE

- 9.38** Employees shall maintain a neat appearance and shall wear reasonable dress, as prescribed by Elected Officials/Department Heads, which is appropriate for public service and is reasonable for the fiscal means of the employee. "Reasonable dress" means attire that is:
- a. Appropriate to the position of such employee, accepted by society in establishments of common use by the general public, and appropriate for environments frequented by children and adolescents of impressionable age; and
 - b. Of a fiscal category that does not impose undue hardship on employees of the lowest salary range for the job.

PERSONAL DATA CHANGES

- 9.39** If an employee changes his or her address or telephone number, he or she should promptly notify his or her Elected Official/Department Head in writing of such change.
- 9.40** If it becomes necessary for an employee to change the filing status or number of dependents reflected on his or her form W-4, he or she should contact the County Treasurer's office for the appropriate forms.
- 9.41** No name change of an employee will be entered on the County employee roster unless and until a replacement social security card is received by the employee reflecting such change. Upon receipt of such card, the Elected Official/Department Head will complete the necessary forms to have the change made and send such information to the County Treasurer.

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PUBLIC STATEMENTS BY EMPLOYEES/SUBSTANTIAL INTEREST DISCLOSURES

- 9.42** An employee shall not represent the County in an official capacity before any entity where potential private gain to that employee may occur or where a County obligation or liability may be incurred, or where such representation detracts from the County, unless such employee is, in fact, officially and legally representing the County in his official capacity, or authorized by law, or executing an appropriate order of the Governing Authority.
- 9.43** Any employee who has a Substantial Interest (defined herein), direct or indirect, in any individual or entity involved in any decision pending before such employee, or the body of which the employee is a member, shall not vote or otherwise participate in any consideration of action on the matter. Such employee will, as provided herein, disclose the nature and extent of such interest to his or her supervisor prior to any discussion or determination of action on the matter. A "Substantial Interest" exists if:
- a. The ownership interest is ten (10%) percent or greater of the voting stock or shares or a business, or ownership of \$5000 or more of the fair market value of the business;
 - b. Funds received by the employee from an individual or business exceeds ten (10%) percent of the employee's gross income for the previous year; or
 - c. The employee's equitable or legal ownership in real property related to the matter under consideration has a fair market value of \$2500 or more.

For purposes of this Section, a "Substantial Interest" includes an interest of a person related to the employee in the first or second degree, by either affinity or consanguinity.

Whenever a potential conflict of interest arises pursuant to this Section, such affected employee shall file in advance of any determination or action, a disclosure statement with the appropriate board, elected official, or governing body responsible for the business in which the conflict has or may occur, with a copy filed with the Human Resources Director. It shall be the responsibility of the receiving agent or agency to maintain records of all such disclosures in accordance with applicable law(s). Such records shall be open for inspection and must be retained for a period of three (3) years from the date of the final action on the matter which prompted such disclosure before the appropriate board, elected official or governing body.

REPORTING STANDARDS

- 9.43A** Any employee who becomes aware of any action by an Hidalgo County Elected Official or employee that is in violation of any federal, state or local law or rule; is in abuse of authority; is of substantial and specific danger to the public health or safety; is a gross waste of public funds; or may result in liability to Hidalgo County, is required to report the improper governmental action. An improper governmental action does not include a personnel action, including an employee grievance, complaint, appointment, promotion, transfer, assignment, reassignment, reinstatement, re-employment, performance evaluation, reduction in pay, dismissal, suspension, demotion or reprimand.

The employee who becomes aware of an improper governmental action must raise the issue first with his supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor or designee, stating in detail the basis that an improper governmental action has occurred. If the employee reasonably believes the improper governmental action involves his supervisor, he may raise the issue directly with the Department Head or the Commissioners Court liaison to the Department.

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The Department Head, the Commissioners Court liaison to the Department, or the person designated by the Commissioners Court shall take prompt action to assist Hidalgo County in investigating the claim of improper governmental action.

An employee may report the information about the improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by Hidalgo County or that insufficient action has been taken by Hidalgo County to address the improper governmental action or that for other reasons, the improper governmental action is likely to recur.

Hidalgo County Elected Officials and employees are prohibited from taking retaliatory action against an employee because he has in good faith reported an improper governmental action in accordance with this policy and procedure. Any employee who believes he has been retaliated against for reporting an improper governmental action shall advise his Department Head, the Commissioners Court liaison or the person designated by the Commissioners Court. Hidalgo County shall investigate and address any complaint of retaliation.

STANDARDS OF CONDUCT

- 9.44** Employees are expected to observe all employee standards of conduct. Observance of the standards of conduct may extend beyond regular work hours and beyond the employee's work site. In these cases, a demonstrable relationship must exist between the employee's conduct and job performance or there must be an adverse effect on the work area or the County. Violating the standards of conduct may result in disciplinary action, including dismissal. When appropriate, a standards of conduct violation may result in immediate dismissal and possible criminal prosecution. Any employee who knows of an employee's violation of the standards of conduct and who does not report such violation to an appropriate County official, usually the employee's Elected Official/Department Head, may be subject to disciplinary action, including dismissal.

EXAMPLES OF PROHIBITED CONDUCT

- 9.45** The following activities are examples of prohibited employee conduct:
- a. Fighting on the job;
 - b. Threatening, intimidating, coercing or interfering with fellow employees or other persons during working hours;
 - c. Creating a negative work atmosphere during working hours;
 - d. Sleeping while on duty;
 - e. Gambling while on duty;
 - f. Insubordination;
 - g. Theft, damage, misuse, sale, destruction or unauthorized possession of property belonging to the County and/or District, fellow employees or others;
 - h. Falsifying County and/or District records, reports or any other written document;
 - i. Immoral conduct which violates common decency on the job or associated with job related activities;
 - j. Sexual harassment of County and/or District employees or other persons;
 - k. Violations of the County and/or District equal employment opportunity policy;
 - l. Violation of existing federal, state or County and/or District laws, rules or regulations;

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- m. Possession or use of alcohol or a controlled substance on the job or in areas that are associated with job related activities as well as reporting for work or attempting to report for work after consuming alcohol or a controlled substance;
- n. Engaging in work other than on County and/or District property or on County and/or District projects during working hours;
- o. Carelessness affecting personal safety or property of any employee, the County and/or District or others;
- p. Failing to report every accident, injury or any damage occurring to or involving County and/or District property or personnel to the employee's department head, supervisor or foreman and the Human Resources Department;
- q. Use of County and/or District vehicles, equipment, tools, material or facilities for personal or private purposes;
- r. Use of telephones for personal long distance calls and use of telephones for personal calls, unless authorized by the employee's supervisor;
- s. Use of personal cellular telephone for personal calls, texting, or other applications, unless authorized by employee's supervisor;
- t. Improper maintenance of County and/or District equipment;
- u. Deliberate waste of County and/or District materials, equipment, or parts;
- v. Deliberate or reckless conduct which causes damage to equipment or property belonging to County and/or District, another employee or another person;
- w. Wasting time or loitering;
- x. Absence from duty or job site during working hours without permission from the employee's immediate supervisor;
- y. Failing to report an absence from work to the employee's department head, supervisor or foreman prior to the commencement of the work day;
- z. Abuse of sick leave;
- aa. Excessive absenteeism or tardiness;
- bb. Knowingly harboring or refusing treatment of a contagious disease or other physical condition which endangers other employees or other persons;
- cc. Discourtesy to the public;
- dd. Acceptance of any gratuity or gift for the performance or nonperformance of official duties or any use of position as County and/or District employee for private gain;
- ee. Failure to wear presentable dress and/or uniform as required;
- ff. Conduct or actions that seriously impair an employee's job effectiveness;
- gg. Conduct which is detrimental to or has an adverse affect on the County and/or District;
- hh. Failure to obtain and maintain any job qualifications, licenses or certifications required by the employee's job description;
 - ii. Conviction of: felony offenses; Class B or above misdemeanor offenses which impair an employee's job effectiveness; or any crime involving moral turpitude;
- jj. Failure to satisfactorily complete, obtain or maintain any required physical and/or psychological fitness for duty;

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- kk. Engaging in conduct in an off the job location and when off duty which negatively affects the employee's effectiveness on the job or negatively affects the County and/or District;
- ll. Gross or repeated neglect of duty;
- mm. Poor job performance;
- nn. Perjury;
- oo. Knowingly creating and submitting false and/or slanderous reports concerning, and/or gossip regarding, fellow employees, supervisors, subordinates, Elected Officials and/or Department Heads;
- pp. Dishonesty characterized by a lack of trust, honesty or truthfulness;
- qq. Failure to observe assigned office hours, including time limits set for work and lunch breaks. It is not appropriate for an employee to use work breaks to come to work late, extend lunch breaks, or leave work early;
- rr. Personal reading, wasting time, visiting with others excessively or behaving in a way that distracts other employees or disrupts the workplace;
- ss. Failing to follow a supervisor's instruction in performing job tasks;
- tt. Except for authorized law enforcement personnel, having firearms or other dangerous weapons on County and/or District owned or leased premises or in County owned or leased vehicle used during the course and scope of the employee's employment;
- uu. Engaging in activities that endanger fellow employees or other persons;
- vv. Failing to maintain a clean, safe work area and/or failing to observe all safety and security rules;
- ww. Failing to observe leave policies, including compliance with the overtime compensation requirement of the Fair Labor Standards Act;
- xx. Excessive or inappropriate use of leave; and
- yy. Unexcused absenteeism.

SUBSTANCE ABUSE/DRUG POLICY

- 9.46** All employees shall endeavor to maintain a safe workplace that is free of substance and alcohol use and abuse, in compliance with applicable state and federal laws.
- 9.47** The use, possession, sale, manufacture, distribution, transfer, dispensation, concealment, receipt, transportation, or being under the influence of any prohibited items or substances (including the presence of detectable levels or identifiable trace quantities), as defined in Section 9.48, on County property or while on County business, by Employees, is prohibited. Employees must not report for duty or be on County property while under the influence of, or have in their possession while on County property, any prohibited item or substance.
- 9.48** The use, possession, sale, manufacture, distribution, dispensation, concealment, receipt, transportation, or being under the influence of any of the following items or substances on County property (including the presence of detectable levels or identifiable trace quantities), by employees, is prohibited:
 - a. Illegal drugs; controlled substances; marijuana; mood or mind altering substances,

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legal or illegal; "look-alike" substances; designer, counterfeit or synthetic drugs; inhalants; and any other drugs or substances which will in any way affect safety, workability, alertness, coordination, judgment, response or affect the safety of others on the job.

- b. Alcoholic beverages. Consuming alcoholic beverages while driving or driving while intoxicated any vehicle for County business or any County vehicle at any time is prohibited. The consumption of alcohol on County time is prohibited.
- c. Drug paraphernalia.
- d. Prescription drugs and over the counter medications, except under the following conditions:
 - i. The drugs have been prescribed by an authorized and Texas licensed medical practitioner for current use (within the past 12 months) for the person in possession of the drugs and filled in accordance with the provisions of the Texas Pharmacy Act, Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code) and regulations promulgated there under.
 - ii. The drugs/medications, both prescribed and over the counter, are limited to a one day's supply, or must be kept in their original container labeled in accordance with the provisions of the applicable laws of the State of Texas and must be taken in accordance with the dosage recommendations and usage cautions and generally must not affect the person's ability to perform work safely.
 - iii. The County may require the employee to provide documentation from the doctor stating that such use will not impair the employee's ability to perform the essential functions of his/her position. The County reserves the right, with employee's consent, to consult with the employee's medical doctor to determine if a drug or medication, whether prescribed or not, produces hazardous or non-safe effects and may restrict the use of any such drug or medication accordingly on County property.

Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of medication could compromise the safety of the employee, fellow employees or the general public, it is the employee's responsibility to use appropriate personnel procedures (i.e., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

9.49 The following conduct is prohibited by the County's substance abuse policy:

- a. Switching or altering any urine sample submitted for testing.
- b. Refusal to consent to testing. Consent is indicated by signing any form required by the County or its designated testing facility.
- c. Refusal to submit to an inspection of any desk, locker, vehicle or other County property under Employee's control when asked to do so by Department Head or Elected Official.

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- d. Conviction under any criminal drug statute for a violation occurring in the workplace.
- e. Failure to notify the Department Head, Elected Official or Risk Management of any arrest or conviction under any criminal drug statute, or arrest or conviction of driving while intoxicated, within five (5) days of the arrest or conviction.
- f. Failure to notify Department Head, Elected Official or Risk Management of the side effects of a prescription or non-prescription drug which may impair the Employee's behavior or physical or mental ability to safely and fully perform assigned duties.
- g. Failure to keep prescribed medicine in its original container or to provide proof of identification of drug prescriptions and prescribing physician.
- h. Failure of any County Employee to report the use or possession of an illegal drug or prohibited item by another County Employee while on duty or in a County vehicle.

9.50 The County reserves the right, at all times, while on County premises and property and when circumstances warrant, to have the Department Head/Elected Official or designee conduct reasonable searches and inspections of Employees and their personal property and effects, to include, but not limited to lunch boxes, purses, briefcases, baggage, offices, desks, clothing, and vehicles (including trunks, glove compartments, etc.), for the purpose of determining if such Employees or other persons are using, possessing, selling, manufacturing, distributing, dispensing, concealing, receiving or transporting any of the prohibited items and substances.

9.51 The Department Head/Elected Official or designee has the right to conduct an on-the-spot search and inspection of employees and their personal property and effects, as described above, if Department Head/Elected Official or designee has a reason to believe that employees or others, are in violation of this policy. All searches and inspections conducted by outside authorized specialists will be in the presence of the Department Head/Elected Official or designee.

9.52 All employees are expected to cooperate with any investigation regarding this policy. Failure to cooperate, providing false information or omitting information may subject employees to disciplinary action in accordance with all County personnel policies and all applicable state law. A search and inspection may also include and require employees present on County property to submit to a drug screen test. Tests may be required under the following circumstances:

- a) Post-offer, pre-employment screening, or post-employment transfer, promotion and/or reassignment to Safety-sensitive Position;
- b) When the Department Head/Elected Official or designee has reason to believe that an employee on County property is using or under the influence of prohibited drugs, alcohol and substances, or that there has been a violation of this policy;
- c) When an employee is found in possession of suspected illegal or prohibited drugs and substances, or when any of these drugs and substances are found in an area controlled or used exclusively by said employee or other person;
- d) When an employee returns to active employment after a leave of absence of forty-five (45) days or more;
- e) Following an on-the-job injury requiring treatment from a physician, or, following a serious or potentially serious accident or incident, including near misses, in which safety precautions were violated, unsafe instructions or orders were given,

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vehicles/equipment/property was damaged, or unusually careless acts were performed. All persons involved and within the immediate vicinity of the incident may have their urine and/or blood tested. If it is impossible or impractical, because of the physical condition of the individual(s) involved in the accident, to give a urine and/or blood sample, and if in subsequent medical treatment of the person(s) blood will be drawn, then blood will be analyzed for drugs, alcohol and other prohibited substances; or

- f) Random (Periodic and unannounced). Only County employees who are required to possess a CDL to perform their job duty and/or every employee working in a job classified as a safety-sensitive position will be subject to random testing. The search, inspection, urine and/or blood drug screening provisions herein will be performed with concern for the personal privacy of each employee or other person, and will also apply to contract labor, when feasible.

All persons shall have the opportunity, prior to testing and at the testing facility, to list all prescription and non-prescription drugs they have used in the last thirty (30) days and to explain the circumstances surrounding the use of such drugs. All records containing medical information will be maintained in accordance with applicable law.

- 9.53** This testing policy does not include and specifically excludes those Employees covered by the Hidalgo County Sheriff's Department Alcohol and Drug Testing Policy.
- 9.54** Any employee found in violation of this policy, or who refuses to submit to a search, or urine and/or blood analysis, shall be removed from County property and be subject to disciplinary action, in accordance with all County personnel policies and all applicable state law.
- 9.55** Any employee who, as a result of drug testing and screening, is found to have detectable levels or identifiable trace quantities of a prohibited drug or substance in his or her system, regardless of when or where the drug or substance entered that person's system, without an explanation satisfactory to the Department Head/ Elected Official will be considered in violation of this policy, will be removed from County property and will be subject to disciplinary action, in accordance with all County personnel policies and all applicable state law. Additionally, if employment is continued, such employees may be required to submit to random drug screens and/or to participate in and successfully complete a substance abuse program.
- 9.56** Preliminary findings of a policy violation may require that the employee be suspended, without pay, pending the results of an investigation. If said investigation clears the employee of any policy violation, then employee will be fully reinstated, including pay, to his/her job.
- 9.57** Any employee who is arrested or convicted of a drug-related offense must report the arrest or conviction to their Department Head/Elected Official or Risk Management within five (5) days of the conviction. Any employee who is arrested or convicted of driving while intoxicated must report the arrest or conviction to their Department Head/Elected Official or Risk Management within five (5) days of the conviction. Failure to report such an offense may result in disciplinary action in accordance with all County personnel policies and applicable state law.
- 9.58** The County does not offer, nor require, participation in drug and alcohol abuse education and training programs. However, various public and private facilities in the area offer such programs and affected or interested employees are encouraged to seek assistance.

TOBACCO USE POLICY

- 9.59** Effective March 20, 2018, Pursuant to order of the Governing Authority

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- a. The use of all forms of tobacco products, including but not limited to cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, vapes, smokeless tobacco, snuff and chewing tobacco is prohibited in all designated areas.
- b. "Designated areas" is defined as all County or District property or premises, including but not limited to County or District owned, leased or controlled buildings and structures, sidewalks, parking lots, walkways, attached parking structures, and County vehicles assigned to or in use by County employee(s).
- c. This policy applies to all County employees and visitors in the designated areas; and
- d. County employees are advised that tobacco use cessation services may be available via the County/District Health Insurance Plan. Additionally, information regarding tobacco use cessation services is available at the Hidalgo County Health and Human Services Department and from the Texas Department of State Health Services at <https://www.yesquit.org/>.

10. DISCIPLINE OF EMPLOYEES

- 10.01** Every employee is expected to be familiar with and follow all County rules, policies and procedures, including the standards of conduct described herein. Any employee who fails to meet job performance standards, or who fails to follow rules, policies or procedures, is subject to disciplinary action up to, and including, dismissal.
- 10.02** All employees are subject to discipline by their Department Head/Elected Official. Such disciplinary measures may include, but are not limited to: oral reprimand, written reprimand, suspension with or without pay for a fixed or indefinite period of time, termination and any other form of discipline which is lawful and may be deemed appropriate under the circumstances.
- 10.03** To the extent reasonable under the circumstances, the Department Head/Elected Official, should use a progressive discipline approach to correct performance problems or violations of rules, policies or procedures. Some performance problems or violations of rules, policies or procedures, however, may have sufficiently serious effect to warrant bypassing some or all of the steps of progressive discipline.

Oral or Written Reprimand

- 10.04** An Elected Official/Department Head may reprimand an employee orally or in writing for failure to maintain job performance standards or for failure to follow rules, policies or procedures. The Elected Official/Department Head, prior to giving an employee a formal verbal or written reprimand, should:
 - 1. discuss the situation with the employee in a conference and give the employee an opportunity to offer an explanation or information, orally or in writing. The Elected Official/Department Head must be specific about the nature of the violation which justifies the oral or written reprimand;
 - 2. following the employee's explanation, if appropriate, issue an oral reprimand or a written reprimand to the employee; and
 - 3. if the reprimand is an oral reprimand, document the nature of the oral reprimand and the employee's response.

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Disciplinary Probation

- 10.05** When an employee is not meeting job performance standards or is not following rules, policies or procedures, the Elected Official/Department Head may place the employee on disciplinary probation for up to six months. The primary purpose of disciplinary probation is to give the employee an opportunity to correct the situation which resulted in the Elected Official's/Department Head's decision to place the employee on disciplinary probation. If appropriate, other disciplinary action may be taken against the employee during or at the end of the disciplinary probation period; however, the Elected Official/Department Head, at the end of the six month period, or sooner if the circumstances justify it, must either lift the disciplinary probation against the employee, or take other disciplinary action against the employee.

Temporary Removal from the Workplace

- 10.06** If an employee is behaving in a life-threatening or disruptive manner, the Elected Official/Department Head may require the employee leave the workplace. Whenever it is justified and in the best interest of the County and the employee, the Elected Official/Department Head may grant the employee Administrative Leave pending further review, investigation and/or disciplinary action. The Elected Official/Department Head should promptly follow-up such decision to temporarily remove the employee from the workplace with other appropriate disciplinary action such as furlough with or without pay, or restore the employee to his or her job assignment or another assignment.

Disciplinary Suspension Without Pay

- 10.07** An employee is not allowed to substitute paid leave while on disciplinary suspension without pay.

11. TERMINATION OF EMPLOYEES

Any employee may be dismissed at any time by the appropriate Department Head/Elected Official. Nothing herein shall be construed as creating a contractual right to employment or altering the common-law right of the appropriate Department Head/Elected Official to terminate the employment of an employee. Employment of each employee shall be at the will of the appropriate Department Head/Elected Official and may be terminated at any time for any reason or no reason at all at the will of the employee or at the will of the Department Head/Elected Official.

12. EMPLOYEE GRIEVANCE PROCEDURE

- 12.01** A grievance is a complaint or dispute on the part of any County employee that is employment related and that arises between such employee and the County. All complaints or grievances arising out of an event or series of events must be addressed in one complaint or grievance. An employee is precluded from bringing separate or serial complaints or grievances arising from an event or series of events previously complained of.

Level One Grievance Procedure

- 12.02** Informal Process: The employee (hereinafter the "grievant") should present the grievance orally to his/her immediate supervisor in an attempt to resolve the matter informally. Such meeting must be held within seven (7) calendar days of the time when the grievant first knew or should have known of the event or first of the series of events causing the complaint, decision or action occasioning the grievance. The immediate supervisor shall render an oral or written decision within five (5) calendar days of the informal meeting with the employee.
- 12.03** Formal Process:
- a. A written grievance may be filed only after the informal process has been used as provided in this policy. If the matter is not resolved at the informal level, the grievant

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may file a formal written grievance. The grievance must be filed by the grievant with the employee's immediate supervisor within give (5) calendar days of the informal oral or written decision.

- b. The written grievance must contain all of the following information to be accepted at Level One:
1. a detailed statement of the nature and circumstances of the decision or event or series of events occasioning the grievance, including a statement that established the resulting individual harm suffered by the grievant;
 2. the date of the decision or event or series of events occasioning the grievance;
 3. the specific remedy sought by the grievant;
 4. the specific policy or administrative regulations allegedly violated or misapplied, if applicable;
 5. the date of the informal meeting between the grievant and the immediate supervisor and the decision rendered;
 6. the efforts made to resolve the grievance informally;
 7. if the grievant has a representative, representative's name, address and telephone number shall also be included;
 8. all documentation that grievant deems relevant to the grievance shall be attached to the form grievance;
 9. the filing date for the formal written grievance;
 10. the signature of the grievant.
- c. The immediate supervisor, if not the grievant's department head, shall give the written grievance to the grievant's department head immediately upon receipt thereof. Within five (5) calendar days the department head shall notify the grievant in writing of the date, time and place of a grievance conference and shall hold the grievance conference with the grievant within fifteen (15) calendar days after receipt of the written grievance. The written grievance previously filed by the grievant, any additional written information, and information presented orally at the grievance shall for the basis of the formal Level One grievance conference. Failure of the grievant to attend the grievance conference in person shall constitute acceptance by the grievant of the oral decision rendered by the immediate supervisor at the informal level. The department head shall render a decision in writing to the grievant within give (5) calendar days after the grievance conference.
- d. The decision must be to either sustain the grievance, deny the grievance on the basis of merit, or render no decision if the authority for remedy or resolution lies at a higher level.
- e. The formal decision rendered by the department head or elected official shall be deemed to be accepted by the grievant unless the grievant requests a grievance conference with a hearing officer in accordance with the requirement of the next Level Two grievance.

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Level Two Grievance Procedure

- 12.04** If the grievant is not satisfied with the written decision rendered by the Department Head at Level One or if the decision is “no decision,” the grievant may appeal that decision by filing a written notice of the grievance appeal with the County Human Resources Office. The notice of the appeal from the Level One grievance must be filed by the grievant in writing with the Human Resources office within ten (10) calendar days after receipt by the grievant of the Level One decision. The notice of appeal must be signed and dated by the grievant.
- 12.05** The Human Resources office shall notify the County Judge who shall designate a person to act as a hearing officer. The hearing officer designated by the County Judge to hear the grievance shall schedule a conference or hearing with the grievant within fifteen (15) calendar days following the appointment by the County Judge. The grievant shall be notified in writing of the date, time and place of the conference or hearing.
- 12.06** The grievant and any person involved in the grievance shall be entitled to have a representative present and participate at the conference or hearing.
- 12.07** The written grievance, written information filed or considered at Level One, the correspondence related to the appeal, and the information and evidence presented at Level Two conference shall form the basis for the decision of the hearing officer. Written information or other testimony and evidence not introduced at Level One may be introduced at Level Two.
- 12.08** Failure of the grievant to attend the Level Two grievance conference or hearing in person shall constitute acceptance by the grievant of the written decision rendered by the Department Head at Level One.
- 12.09** The hearing officer shall render a decision in writing to the grievant within twenty (20) calendar days after the Level Two grievance conference or hearing has been conducted.
- 12.10** A copy of the hearing officer’s final decision shall be provided to the employee and the Elected Official/Department Head. The hearing officer’s decision on an employee’s Grievance Statement is the final administrative review available to the employee.

APPENDIX 1 TRAVEL POLICIES, GUIDES AND PROCEDURES

INTRODUCTION

1. The travel policies, procedures and guidelines set forth below are applicable to Hidalgo County employees and officials and Hidalgo County Drainage District No. 1 employees and officials.
2. The Auditor's Office will advance pay the following travel costs as requested by departments, thru a letter approved by the County Budget's Office:
 - Seminar/Registration Fee
 - Hotel Reservations
 - Airline Reservations

The letter must indicate the amount of the check, name to whom the check needs to be made payable to, and the address where it is to be mailed.

3. All other expenses related to travel by County and Drainage District No. 1 employees and officials can be paid through personal credit cards and/or cash and the employee or official will be reimbursed by the County upon completion of the travel , or a properly filled County Auditor's Form: T-5, "OUT-OF-COUNTY - TRAVEL ADVANCE REQUEST" can be submitted.

POLICIES AND GUIDELINES

1. Sufficient funds must be available in the adopted budget before an expenditure is made.
2. The purpose of the trip must be for the County's benefit and/or be related to the department's primary business activities.
3. Attendance at local conferences is encouraged and, where possible, out of state travel shall be kept to a minimum.
4. Travel expenses shall be allowed only for elected and appointed officials and their employees while on official business. If a spouse and/or dependents accompany the official or employee, the difference in hotel room rates above the single rate must be deducted. Meals and all other expenses for the spouse and/or dependents will not be paid with County funds.
5. The official or employee should obtain the most economical airfare available. If travel in a class more expensive than coach is requested, then the difference must be paid by the official or employee.
6. If the official or employee elects to travel by personal car, the County will reimburse the lesser of the currently adopted rate per mile (rate may vary if grant funds are being used) or the coach airline fare. Mileage is calculated on a point to point basis using the official mileage charts, plus reasonable incidental travel.
7. Taxi fares are allowed when necessary. Limousine service (Other than for group transportation) to and from the airport which should be the same or less than taxi fare), is not allowed.
8. Rental cars are to be restricted to compact or mid-sized sedans unless several individuals will occupy the car or other unusual circumstances exist.

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9. For local mileage reimbursement, the County Auditor's Form: T-3, "AUTOMOBILE EXPENSE CLAIM," must show destination points, and the most direct distance to destination will be allowed. Any out-of-way travel distance will be at the expense of the official or employee.
10. Meals will be reimbursed based upon actual charges, however, the cost should be reasonable for the city.
11. Personal items, such as prescriptions, cosmetics, movies, golf, health club, etc., will be not be paid.
12. Reasonable laundry/cleaning charges are acceptable.
13. Alcoholic beverages will not be paid.
14. If an official or employee spends an extra day(s) on the trip for personal reasons, it will be at his/her expense.

PROCEDURE

A. COUNTY DEPARTMENTS

1. Books airline and/or hotel reservations, and if necessary submits a letter (approved by Budget Officer) requested advance payment. Questions concerning County travel should be addressed to the Auditor's office at (956) 318-2511.
2. Submits a letter approved by the Budget Officer, to the Auditor's Office - Accounts Payable Division for advance seminar payment fees.
3. Submits, if necessary, County Auditor's Form: T-5, "OUT-OF-COUNTY TRAVEL ADVANCE REQUEST," approved by Budget Officer.
4. Within 5 working days after completion of the travel, completes and submits the Final Travel Expense Claim Form (Form: T-4) to the Auditor's Office - Accounts Payable Division if payment is being requested or to the County Treasurer if money is being returned. No payment will be made without the original supporting documents which must be included for each expenditure such as those listed below:
 - Hotel bill - itemized
 - Airline ticket receipt
 - Rental car receipt
 - Receipts for seminars, conferences, etc.
 - Taxi receipts
 - Parking receipts
 - Meal receipts

B. COUNTY AUDITOR - ACCOUNTS PAYABLE DIVISION

1. Receives letter(s) approved by the Budget Office, from County departments for advance payments. Processes and delivers the checks to the County Treasurer for signatures and distribution.

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2. Audits and processes County Auditor's Form: T-3, "**AUTOMOBILE EXPENSE CLAIM**" form ensuring compliance, with the policy and guidelines. Additionally, audits County Auditor's Form: T-3, "**AUTOMOBILE EXPENSE CLAIM CONTINUATION SHEET**," if applicable.
3. Audits and processes County Auditor's Form: T-4, "**FINAL TRAVEL EXPENSE CLAIM**" form ensuring compliance with the policy and guidelines.
4. Audits and processes County Auditor's Form: T-5, "**OUT-OF-COUNTY - TRAVEL ADVANCE REQUEST**" form ensuring compliance with the policy and guidelines.
5. Forwards the travel advance or expense reimbursement checks to the Treasurer for signatures and distribution or receives a County Treasurer's Receipt of money is being returned.

C. COUNTY TREASURER'S OFFICE

1. Notifies the individual that the travel advance or expense reimbursement checks have been processed and are ready for pickup in the Treasurer's Office.
2. Mails out all other travel checks, unless the department has requested otherwise.
3. Ensures that all advanced travel payments being returned to the County by the traveler are accompanied by a properly filled out and documented (receipts) County Auditor's Form: T-4, "FINAL TRAVEL EXPENSE CLAIM." Forwards the form and all documents to County Auditor's Bookkeeping Division.

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APPENDIX 2 INTERNET POLICY

Network systems and infrastructure are meant to be used to grant access to Hidalgo County Information Resources. These resources provide a means of providing access to information and accountability of said access. This accountability is the key to any computer security program, for Information Resources usage. This means that creating, controlling and monitoring all Information Resources is extremely important to the overall security program. The purpose of these policies is to establish rules for the creation, monitoring, control and removal of access to all Information Resources. These policies apply equally to all individuals with authorized access to any Hidalgo County Information Resources.

Acceptable Use Policy

The following is acceptable use:

1. Communication with professional associations, governments, universities, businesses and/or individuals associated with the facilitation of County business, research and education efforts as authorized by the Elected Official/Department Head.
2. Distribution of information to the general public, whereby such information is made available under the County guidelines and policies for the release of information and the Freedom of Information Act.
3. Incidental communication among Hidalgo County authorized users and professional colleagues which facilitates work assignments and professional development or debate in a work related field of knowledge.

The following is unacceptable use:

1. Personal use not related to the conduct of work on behalf of Hidalgo County or other organizations as set forth in agreements and contracts with Hidalgo County.
2. To gain unlawful access to information or computer and communication resources.
3. Intentional introduction of, or experimentation with, malicious codes including, but not limited to computer worms or viruses.
4. Illegal, fraudulent or malicious activity, political activity, religious promotion or activity on behalf of organizations or individuals having no affiliation with Hidalgo County.
5. Transmission of material in violation of applicable copyright laws or patents.
6. The intentional sending of messages that is likely to result in the loss of recipient's work or system and any other types of use which could cause congestion including, but not limited to, the network or otherwise interfere with the work of others.
7. Generation, storage, transmission or other use of data or other matter which is abusive, profane, or offensive to a reasonable person.
8. Passwords used to gain access to non-County Internet sites must not be the same passwords used on any Hidalgo County computer system.

Account Management Policy

All accounts created must have an associated request and approval from the IR systems administrator for the Hidalgo County system or service.

All users must sign the Hidalgo County Information Technology Privacy Policy before access is given to an account.

All accounts must be uniquely identifiable using the assigned user name (i.e., user name .user last name).

All default passwords for account must be constructed in accordance with the Hidalgo County Password Policy.

Accounts of individuals on extended leave (more than 30 days) will be disabled.

All new user accounts that have not be access within 30 days of creation will be disabled.

System Administrators or other designated staff:

- are responsible for removing the accounts of individuals that change roles within Hidalgo County or are separated from their relationship with Hidalgo County;
- must have a documented process to modify a user account to accommodate situations such as name changes, accounting changes and permission changes;
- must have a documented process for periodically reviewing existing account for validity;
- are subject to independent audit review;

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- must provide a list of accounts for the systems they administer when required by authorized Hidalgo County management; and
- must cooperate with authorized Hidalgo County management investigating security incidents.

Administrative/Special Access Policy

All Hidalgo County departments and agencies must submit to IT a list of administrative contacts for their systems that are connected to Hidalgo County Information Resources.

All users of Administrative/Special Access accounts must refrain from abuse of privilege and must not engage in investigations. All requests for investigations must be processed according to the INCIDENT MANAGEMENT POLICY. Each individual that uses Administrative/Special Access accounts must use the account privilege most appropriate with work being performed (i.e., user account vs. administrator account).

Each account used for Administrative/Special Access must meet the Hidalgo County Password Policy.

The password for a shared administrator/special access account must change when an individual with the password leave the department or Hidalgo County.

In the case where a system has only one administrator there must be a password escrow procedure in place so that someone other than the administrator can gain access to the administrator account in an emergency situation.

When Special Access accounts are needed for Internal or External Audit, software development, software installation, or other defined need, they:

- must be authorized by the IR system administrator;
- must be created with a specific expiration date; and
- must be removed when work is complete.

Change Management Policy

Every change to a Hidalgo County Information Technology resource such as: operating systems, computing hardware, networks, and applications are subject to the Change Management Policy and must follow the Change Management Procedures.

All changes and requests for changes affecting computing environmental facilities (e.g., air-conditioning, security devices, all monitoring devices, cameras, phone systems, building additions or remodeling, electricity, and alarms) must be reported to the IR system administrator, Elected Official/Department Head and a copy submitted to the CIO.

A formal written change required must be submitted to the IR system administrator and a copy to the CIO, in order to timely review the request, determine potential failures and make the decision to allow or delay the request.

All scheduled change requests must be submitted to the IR system administrator and a copy to the CIO, in order to timely review the request, determine potential failures and make the decision to allow or delay the request.

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The IT Department may ask to delay a scheduled or unscheduled change for reasons including, but not limited to, inadequate planning, inadequate back out plans, the timing of the change will negatively impact a key business process such as yearend accounting, or if adequate resources cannot be readily available. Adequate resources may be a problem on weekends, holidays or during special events.

User notification must be completed for each scheduled or unscheduled change following the steps contained in the Change Management Procedures.

A Change Review must be completed for each change, whether scheduled or unscheduled, and whether successful or not.

A Change Management Log must be maintained for all changes. The log must contain, but is not limited to, date of submission and date of change, owner and custodian contact information nature of the change and indication of success or failure.

All County of Hidalgo, Texas information systems must comply with an Information Resources change management process that meets the standards outlined above.

Backup/Disaster Recovery Plan (DRP)

The frequency and extent of backups must be in accordance with the information on the system and the acceptable risk as determined by the data owner.

The Hidalgo County information resources backup and recovery process for each system must be documented and periodically reviewed by the IR system administrator and submit a copy to the CIO.

In case there is vendor(s) providing offsite backup storage for Hidalgo County must be cleared to handle the highest level of information stored.

Physical access controls implemented at offsite backup storage locations must meet or exceed the physical access controls of the source systems. Additionally, backup media must be protected in accordance with the highest Hidalgo County sensitivity level of information stored.

Backups must be periodically tested to ensure that they are recoverable.

Signature cards held by the offsite backup storage vendor(s) for access to Hidalgo County backup media must be reviewed annually or when an authorized individual leaves Hidalgo County.

Procedures between Hidalgo County and the offsite backup storage vendor(s) must be reviewed at least annually.

Backup tapes should have at a minimum the following identifying criteria that can be readily identified by labels and/or a bar-coding system:

- system name;
- creation date;
- sensitivity classification (based on applicable electronic record retention regulations; and
- Hidalgo County contact information.

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Incident Management Policy

Whenever a security incident, such as a virus, worm, hoax e-mail, discovery of hacking tools, altered data, etc., is suspected or confirmed and the situation is deemed appropriate by the IR system administrator the Incident Management procedures must be followed.

The department user is responsible for notifying the IR system administrator, Elected Official/Department Head of that department so as to initiate the appropriate incident management action including restoration as defined in the Incident Management Procedures.

The Elected Official/Department Head of that department is responsible for notifying the CIO.

The CIO is responsible for determining the physical and electronic extent of the incident and will determine the need of an investigation of the incident. The CIO is responsible for coordinating communications with outside organizations and law enforcement.

The appropriate technical resources from the IT department are responsible for monitoring that any damage from a security incident is repaired or mitigated and that the vulnerability is eliminated or minimized where possible.

The CIO and IT department will determine if widespread Hidalgo County communication is required, the content of the communication, and how best to distribute the communication.

The appropriate technical resources from the IT Department are responsible for communicating new issues or vulnerabilities to the system vendor and working with the vendor to eliminate or mitigate the vulnerability.

The IT department is responsible for initiating, completing and documenting the incident investigation as reporting the incident to local, state or federal law officials as required by applicable statutes and/or regulations.

In the case where law enforcement is not involved, the CIO will recommend disciplinary actions, if appropriate, to the Elected Official/Department Head.

Network Configuration Policy

Hidalgo County Information Technology is responsible for the Hidalgo County network infrastructure and will continue to manage further developments and enhancements to this infrastructure.

To provide consistent Hidalgo County network infrastructure capable of exploiting new networking developments, all cabling must be installed by the Hidalgo County IT, IR system administrator or an approved contractor.

All network connected equipment must be configured to a specification approved by the Hidalgo County IT.

All network equipment connected to Hidalgo County networks is subject to Hidalgo County IT management and monitoring standards (with certain exceptions: HIPPA, law enforcement, HR, etc.).

Changes to the configuration of active network management devices must not be made without the approval of the IR system administrator and of Hidalgo County IT.

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The Hidalgo County network infrastructure supports a well-defined set of approved networking protocols. Any use of non-sanctioned protocols must be approved by Hidalgo County IT.

The networking addresses for the supported protocols are allocated, registered and managed centrally by Hidalgo County IT.

All connections of the network infrastructure to external third party networks are the responsibility of Hidalgo County IT. This includes connections to external telephone networks.

The use of departmental firewalls and other computer related security devices is not permitted without the written authorization from Hidalgo County IT.

Users must not extend or re-transmit network services in any way. This means you must not install a router, switch, hub, or wireless access point to the Hidalgo County network without Hidalgo County IT approval.

Users must not install network hardware or software that provides network services without Hidalgo County IT approval.

Users are not permitted to alter network hardware in any way.

Password Policy

Passwords must be changed at least every 90 days.

Passwords should contain a mix of upper and lower case characters and have at least 2 numeric characters. The numeric characters must not be at the beginning or the end of the password. Special characters should be included in the password where the computing system permits. The special characters are (!@#\$%^&* _+=?/~` ;:;<>).

Passwords must not be easy to guess and they should not be your Username, must not be your employee number, must not be family member names, must not be your nickname, must not be your social security number, must not be your birthday, must not be your license plate number, must not be your pet's name, must not be your address, must not be your address, must not be your phone number, must not be the name of your town or city, must not be the name of your department, must not be street names, must not be obscenities, must not be technical terms, must not be school names, school mascots or school slogans, must not be any information about you that is known or easy to learn (favorite food, color, sport, etc.), must not be any popular acronyms, must not be words that appear in a dictionary, must not be the reverse of any of the above.

Passwords must not be reused for a period of one year.

Passwords must not be shared with anyone.

Passwords must be treated as confidential information.

Suggestions on creating a strong password:

- Combine short, unrelated words with numbers or special characters. For example: eA42peN.
- Make the password difficult to guess, but easy to remember.
- Substitute numbers or special characters for letters, but do not just substitute.

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- For example:
 - livefish - is a bad password.
 - L1veF1sh - is better and satisfies the rules, but setting a pattern of first letter capitalized, and i's substituted by 1's can be guessed.
 - L1v3f1Sh - is far better, the capitalization and substitution of characters is not predictable.

Physical Access Policy

All physical security systems must comply with all applicable regulations such as, but not limited to, building codes and fire prevention codes.

Physical access to all Information Resources restricted facilities must be documented and managed.

All IR equipment, systems and facilities must be physically protected in proportion to the criticality and importance of their function at Hidalgo County.

Access to Information Resources facilities must be granted only to Hidalgo County support personnel and contractors, who job responsibilities require access to that facility. The process for granting card and/or key access to Information Resources facilities must include the approval of the person responsible for the facility.

Each individual that is granted access rights to an Information Resources facility must receive emergency procedures training for the facility and must sign the appropriate access and non-disclosure agreements.

Requests for access must come from the applicable Hidalgo County data/system owner.

Access cards and/or keys must not be shared or loaned to others.

Access cards and/or keys that are no longer required must be returned to the person responsible for the Information Resources facility. Cards must not be reallocated to another individual bypassing the return process.

Lost or stolen access cards and/or keys must be reported to the person responsible for the Information Resources facility.

All Information Resources facilities that allow access to visitors will track visitor access with a sign in/out log.

A service charge may be assessed for access cards and/or keys that are lost, stolen or are not returned.

Card access records and visitor logs for Information Resources facilities must be kept for routine review by the IR system administrator, Elected Official or Department Head based upon the importance of the Information Resources being protected. The person responsible for the Information Resources facility must remove the card and/or key access rights of individuals that change roles within Hidalgo County or are separated from their relationship with Hidalgo County.

Visitors must be escorted in card access controlled areas of Information Resources facilities.

The person responsible for the Information Resources facility must review access records and visitor logs for the facility on a periodic basis and investigate any unusual access.

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The person responsible for the Information Resources facility must review card and/or key access rights for the facility on a periodic basis and remove access for individuals that no longer require access.

Signage for restricted access rooms and locations must be practical, yet minimal discernible evidence of the importance of the location should be displayed.

Information Technology Privacy Policy

All electronic media (analog and digital, video, files or other media) created, sent, received, recorded or otherwise stored on information resources owned, leased, administered, or otherwise under the custody and control of Hidalgo County are not private and may be accessed by Hidalgo County at any time without knowledge of the IR user or owner.

Electronic media controlled by Law Enforcement may, in certain cases, be deemed evidence and not subject to access by non-law enforcement staff.

To manage systems and enforce security, Hidalgo County may log, review, and otherwise utilize any information stored on or passing through its IR systems in accordance with the provisions and safeguards provided in the Texas Administrative Code 202, Information Resource Standards. For these same purposes, Hidalgo County may also capture user activity such as telephone numbers dialed and web sites visited.

A wide variety of third parties have entrusted their information to Hidalgo County for business purposes and all workers at Hidalgo County must do their best to safeguard the privacy and security of this information. The most important of these third parties is the individual customer; customer account data is accordingly confidential and access will be strictly limited based on business need for access.

Users must report any weaknesses in Hidalgo County computer security, any incidents of possible misuse or violation of this agreement to the proper authorities by contacting the appropriate management.

Users must not attempt to access or install any data or programs contained on Hidalgo County systems for which they do not have authorization or explicit consent from the department system administrator or the IT department.

Security Training Policy

All new users must attend an approved Security Awareness training class prior to or at least within 30 days of being granted access to any Hidalgo County information resources.

All users must sign an acknowledgment stating they have read and understand Hidalgo County requirements regarding computer security policies and procedures.

All users (employees, consultants, contractors, temporaries, etc.) Must be provided with sufficient training and supporting reference materials to allow them to properly protect Hidalgo County information resources.

IT must prepare, maintain, and distribute one or more information security manuals that concisely describe Hidalgo County information security policies and procedures.

IT must develop and maintain a communications process to be able to communicate new computer security program information, security bulletin information and security items of interest.

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Software Licensing Policy

Hidalgo County provides a sufficient number of licensed copies of software such that workers can get their work done in an expedient and effective manner. Management must make appropriate arrangements with the involved vendor(s) for additional licensed copies if and when additional copies are needed for business activities.

Third party copyrighted information or software that Hidalgo County does not have specific approval to store and/or use must not be stored on Hidalgo County systems or networks. Systems administrators will remove such information and software unless the involved users can provide proof of authorization from the rightful owner(s).

Third part software in the possession of Hidalgo County must not be copied unless such copying is consistent with relevant licensing agreements and prior management approval of such copying has been obtained, or copies are being made for contingency planning purposes.

IR System Administrators through the IT department will publish a list of authorized software that can be installed on PCs and will be supported. Any software not on this list must be installed only by specific permission form the IR system administrator.

IT and the IR system administrator will reserve the right to remove any software that it deems unnecessary, therefore unsupported.

Virus Protection

All workstations whether connected to the Hidalgo County networks or standalone must use the Hidalgo County approved virus protection software and configuration.

The virus protection software must not be disabled or bypassed.

The settings for the virus protection software must not be altered in a manner that will reduce the effectiveness of the software.

The automatic update frequency of the virus protection software must not be altered to reduce the frequency of updates.

Each file server attached to the Hidalgo County network must utilize Hidalgo County IT approved virus protection software and set up to detect and clean viruses that may infect file shares.

E-mail gateway(s) must utilize Hidalgo County IT approved e-mail virus protection software and must adhere to the IT rules for the setup and use of this software.

Every virus that is not automatically cleaned by the virus protection software constitutes a security incident and must be reported to the IR system administrator and the IT Department.

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**APPENDIX 3
EMPLOYMENT REQUIREMENTS AND RESTRICTONS:
NEPOTISM**

These illustrations depict the relationships that violate the nepotism law.

CONSANGUINITY Elected Official is prospective employee's:
(Blood) Kinship

First Degree	Parent	Child		
Second Degree	Grandparent	Grandchild	Sister/Brother	
Third Degree	Great-Grandparent	Great-Grandchild	Aunt/Uncle	Niece/Nephew

AFFINITY Elected Official's spouse is the prospective employee.
(Marriage) Kinship

OR

Elected Official's spouse is prospective employee's:

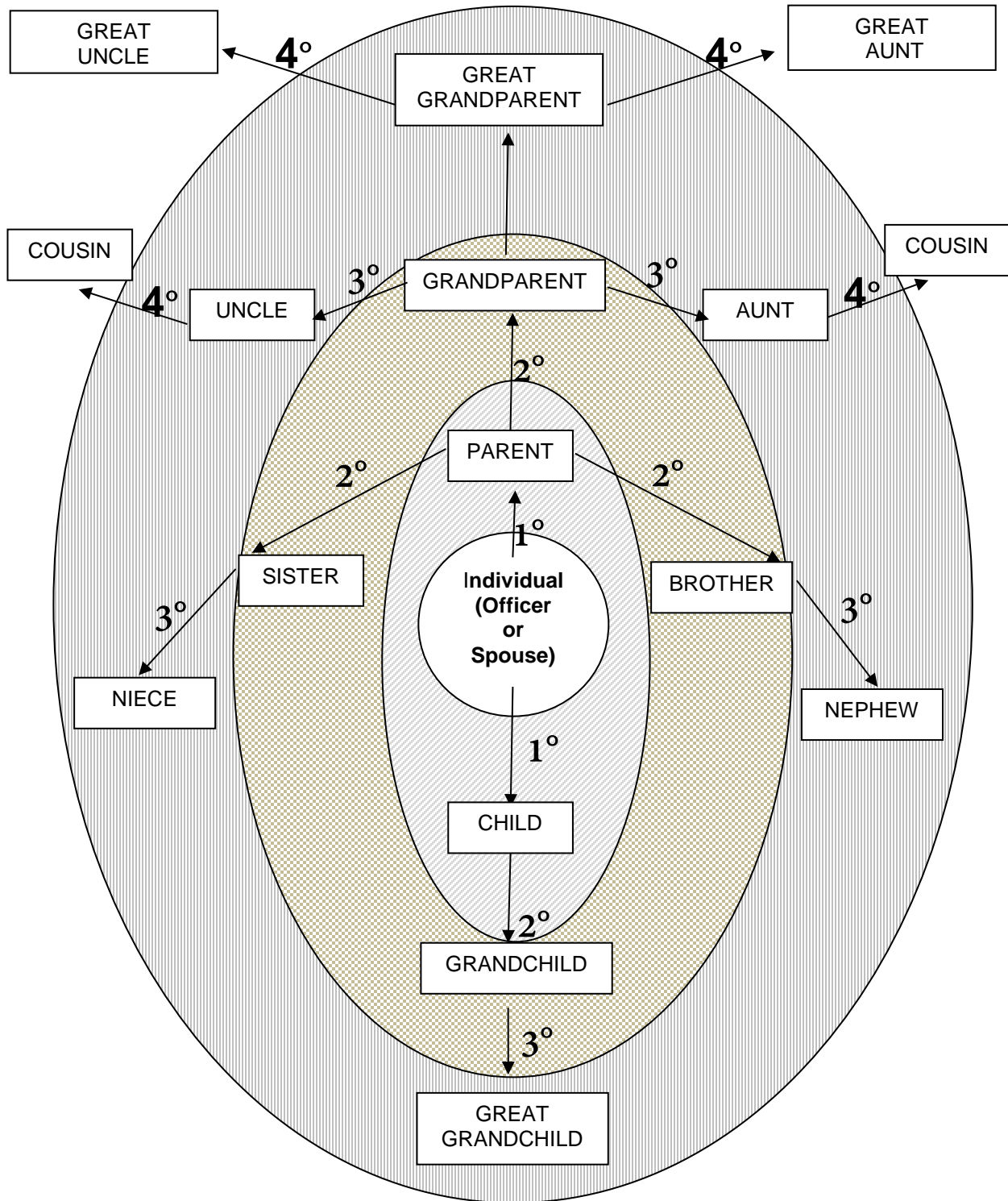
OR

Prospective employee's spouse is the Elected Official's:

First Degree	Parent	Child		
Second Degree	Grandparent	Grandchild	Sister/Brother	

NOTE: The spouses of two persons related by blood are not by that fact related. The affinity chart supposes only one affinity relationship between the Elected Official and prospective employee through either of their spouses.

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Degrees of Relationship Chart

When determining the degree of relationship by consanguinity, the individual in the center is the officer. For relationships by affinity, the officer's spouse is the individual in the center.

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EMPLOYEE MANUAL ACKNOWLEDGMENT FORM

I acknowledge receipt of this employee manual. I have read the Hidalgo County Personnel Policy Manual. It describes important information about Hidalgo County, and I understand that I should consult the Human Resources Department regarding questions not answered in the manual.

I further understand that the contents of this manual can in no way constitute an employment contract and do not create contractual rights regarding termination, continued benefits, or any other matter, including, but not limited to, my employment at the will of the County. Final interpretation and application is within the discretion of the County. Since the information, policies, and benefits described in the manual are necessarily subject to change, I acknowledge that revisions may occur. I understand that revised information may supersede, modify, or eliminate existing policies. Only the Commissioners of Hidalgo County have the ability to adopt any revisions to the policies in this manual.

Name of Employee

Signature of Employee

Date Signed

Social Security Number

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