



Harris County and Harris County Flood Control District
**PERSONNEL POLICIES
&
PROCEDURES**

**EFFECTIVE NOVEMBER 25, 2017
LAST AMENDED JANUARY 5, 2021**



on the cover (Top to Bottom, Left to Right):

Equipment/automotive Technician **Keith Addleman** works on a vehicle at Commissioner Precinct Three's Westside Service Center. Harris County owns around 4,100 cars, trucks, and SUVs, over half of which are used for law enforcement, public safety, and emergency services.

Community Aide **Joseph Le** distributes wristbands to students at Commissioner Precinct One's annual Earth Day celebration at Alexander Deussen Park. The park overlooks Lake Houston in Northeast Harris County.

Commissioner Precinct Two Pilot **Gualberto Hinojosa** navigates one of the two Lynchburg Ferries across the Houston Ship Channel in East Harris County. Harris County has provided the ferry service free of charge since 1888.

Commissioner Precinct Four Special Projects Coordinator **Mike Howlett** helps kids get to know Lucky the Burmese Python during NatureFest at Jesse H. Jones Park & Nature Center.

Tax Office Clerk **Kenneth Brown** demonstrates his customer service skills for Lead Clerk **Kendra Escareno** in the Auto Division at the Downtown office. The Tax Offices processes an average of 400,000 vehicle registration and title applications every month.

PERSONNEL POLICIES & PROCEDURES ACKNOWLEDGEMENT

I have received my copy of the Harris County Personnel Policies & Procedures effective November 25, 2017, including the Amendments effective June 26, 2019, February 15, 2020, and January 2, 2021 or have accessed them via the internet at <https://hrrm.harriscountytexas.gov/Pages/PersonnelRegulations.aspx>. I understand it is my responsibility to read and comply with the policies and procedures in this document and any revisions made to it. I understand that these policies and procedures govern my employment, and if I violate any of them I will be subject to appropriate discipline. I also understand that I should talk to my supervisor if I have any questions about these policies and procedures or issues not addressed in them.

Employee's Signature

Department

Employee's Name (Print)

Date

**These Policies and Procedures Apply to Your Job.
Please Read Them Carefully.**

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INTRODUCTION

These Personnel Policies and Procedures apply to employees of Harris County (County) and the Harris County Flood Control District (District) and are effective February 15, 2020. This version supersedes all previous personnel regulations.

Any reference to “Harris County,” the “County,” or “we” in these Personnel Policies and Procedures means “Harris County and the Harris County Flood Control District.” The County and the District are not the same employer.

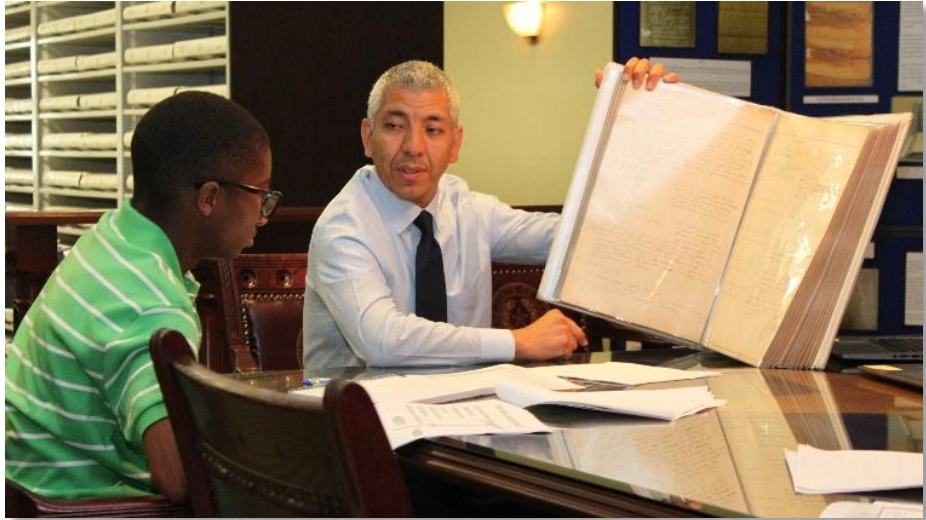
We have prepared this document to explain to you the policies and procedures related to your job and to set clear expectations. It is not all-inclusive; individual departments may adopt additional internal policies. Ask your supervisor if you have questions about this document or your department’s internal policies.

The sections about the conditions of employment and compensation and benefits apply to everyone unless stated otherwise. The remaining sections apply to everyone *unless* an elected official, appointed official, board or appointing authority adopts a different written policy. For example, if you work for an elected official, he can’t adopt a more generous vacation or sick leave policy. He could, though, adopt a more stringent policy about personal use of County equipment.

Employees have no employment tenure. Employment is at-will for an indefinite period. The County and the employee are free to terminate employment with or without notice at any time for any reason. These regulations do not constitute an employment contract or a guarantee of continued employment.

The County reserves the right to amend these Policies and Procedures unilaterally at any time, including the termination of benefits.

These Policies and Procedures do not supersede any applicable state or federal law. If a conflict exists between this document and state or federal law, the state or federal law governs. We distribute the Policies and Procedures to Department Heads who ensure that each new and current employee signs the Acknowledgement Form. They are also available via the Internet. If any ambiguity arises as to the meaning or interpretation of this document, the ambiguity is resolved in the County’s favor.



Francisco Heredia, Historical Records Team Leader for the Harris County District Clerk’s Office, explains the historical records process to Eagle Scout-candidate **Charles Bennett**. The public is welcome to view court records dating from 1837 through 1925 in the Charles Bacarisse Historical Document Room in the Civil Justice Center at 201 Caroline.

SECTION 1. DEFINITIONS

1.01 ACTIVE DUTY

The actual performance of work or duties prescribed by statute and/or assigned by the Department Head.

1.02 BREAK IN EMPLOYMENT

Any period of **more than 7 calendar days**, other than a valid Leave of Absence, during which a person is not employed by the County.

1.03 COMPENSATORY TIME (COMP TIME)

Paid time off provided to Employees in certain circumstances. Compensatory Time may refer to paid time off when it is being earned or when it is being used.

1.04 CREDITABLE SERVICE

The length of continuous employment with the County beginning on the date hired as a Regular Employee and continuing until the individual is no longer a Regular Employee or incurs a Break in Employment, whichever occurs first.

1.05 DEPARTMENT HEAD

An elected official, an appointed official, or a person appointed by Commissioners Court to serve as the head of a department created by Commissioners Court.

1.06 DOCK TIME

For each workweek in which the [Hours Actually Worked](#) plus Paid Absences total less than an employee's required hours, the deficiency is Dock Time. Dock Time applies to both Exempt and Non-Exempt Employees. The deduction calculations are based upon the employee's regular work schedule and rate of pay in effect during the pay period in which the Dock Time occurs. Dock Time is one type of Unpaid Absence.

1.07 EMPLOYEE'S IMMEDIATE FAMILY MEMBER

Your spouse, children, stepchildren, foster children or any other ward legally placed by the State of Texas, parent, stepparent, siblings, stepsiblings, grandparent, grandchild, parents of your spouse, and the spouses of your children.

1.08 FLSA CLASSIFICATIONS

1.081 Exempt Employee

An employee who is Exempt from the Fair Labor Standards Act (FLSA) minimum wage and maximum hour requirements. Department Heads determine whether an employee's job duties qualify for an FLSA exemption using Auditor's Form 130. Department Heads with questions about an employee's exemption status should contact the Harris County Attorney's Office.

1.082 **Non-Exempt Employee**

Employees whose job functions entitle them to FLSA minimum wage and maximum hour rules.

1.09 HOURS ACTUALLY WORKED

The time an employee is actually on [Active Duty](#), [Paid Absences](#) and [Unpaid Absences](#) are not Hours Actually Worked.

1.091 **Breaks**

No federal or state law entitles County employees to regularly scheduled breaks. Many departments, though, allow employees to take breaks during the day. Check with your supervisor to find out what your department's policy is. Breaks longer than 20 minutes are not paid.

1.092 **Meal Periods**

No federal or state law entitles County employees to meal periods. When meal periods are taken, they should be for at least 30 minutes. If a non-exempt employee is not completely relieved of duty during the meal period, the time is paid. Supervisors are responsible for making sure non-exempt employees who put a meal period on their timesheets did not actually work during that time.

1.093 **Commuting**

Normally, **time spent commuting to and from work is not counted** as Hours Actually Worked, even if you travel from home to an outlying job site. This is true whether you work at one work site or at different work sites. Generally, you are not at work until you reach the job site. But, if you have to report to a meeting place to receive instructions, perform other work there, or pick up tools, the travel from that meeting place to the work site is included in Hours Actually Worked.

1.094 **Travel During the Workday**

Time spent traveling directly from one work site to another work site during the workday is included in Hours Actually Worked.

Example: Sarah usually works from 8 a.m. to 5 p.m. at 1001 Preston. One day she has a business meeting at 9 a.m. in Baytown and drives from home directly to the meeting. Her workday does not begin until she gets to the meeting place in Baytown. After the meeting, Sarah drives directly to 1001 Preston. Her travel time from the meeting in Baytown directly to her office at 1001 Preston counts as Hours Actually Worked.

1.095 **Out-of-County Travel**

1.0951 *One Day Trips*

As a general rule, all travel time on a one-day out-of-County trip is included in [Hours Actually Worked](#) (except for meal periods or time spent traveling from home to a mode of public transportation, if applicable).

1.0952 *Overnight Trips*

Travel time, excluding meal periods, **during normal working hours (even on non-working days)** on an overnight out-of-County trip is included in Hours Actually Worked. Travel time as a *passenger* in any type of vehicle **outside of regular working hours** is not work time. However, if you are offered public transportation (for example, air, bus, or train fare) but ask to drive yourself, your Department Head chooses whether to count as Hours Actually Worked the time spent driving or the time that would have counted as Hours Actually Worked if you had used the public transportation.

1.10 **LONGEVITY PAY**

Additional compensation based on length of continuous [Creditable Service](#).

1.11 **OVERTIME**

Any amount of [Hours Actually Worked](#) a Non-Exempt employee has in excess of 40 hours per workweek. **In lieu of cash payment for Overtime, [Non-Exempt](#) employees may receive [Compensatory Time](#).**

1.12 **PAID ABSENCES OR PAID LEAVE**

Absences the County pays for, such as Holidays, Funeral Leave, Jury or Witness Duty, Sick Leave, Compensatory Time, and Vacation Leave. **Employees may not “buy back” any Paid Leave.**

1.13 **PAYROLL YEAR**

The period of time that begins with the first day of the pay period that relates to the first paycheck issued in a calendar year and ends with the last day of the pay period that relates to the final paycheck issued in the same calendar year.

1.14 POSITION CLASSIFICATIONS

1.141 Regular Position

An employee hired for an indefinite period and regularly scheduled to work at least 32 hours per week and eligible for all employment benefits.

1.142 Part-time Position

An employee hired for an indefinite period and only eligible for legally-required employment benefits.

1.143 Temporary Position

An employee hired for a specified project or for a limited period of time.

1.144 Model Positions

Positions (whether Part-Time or Temporary) that may be filled simultaneously by one or more employees subject to the maximum hours approved and budgeted.

1.15 STANDARD WORKWEEK

1.151 The Standard Workweek begins at 12:01 a.m. Saturday and ends at midnight the following Friday night.

1.152 Department Heads adopt the most efficient schedule for their department operations so long as it conforms to the required time schedules shown for the positions in the salary budget (40 hours weekly, unless otherwise specified in the maximum salary schedule).

1.16 UNPAID ABSENCES OR UNPAID LEAVE

Absences the County does not pay for such as [Dock Time](#) and unpaid Family and Medical Leave Act time.



Children’s Services Specialist **Laura Hancock** uses a puppet to act out the story as Children’s Services Librarian **David Novosad** reads *Thank You Bear* by Greg Foley to kids at the La Porte Community Library. At this special “Box Story Time,” little ones explored how a box can become a space ship, cave, or anything else with a little imagination! The Harris County Public Library has 2.2 million items in the collection.

SECTION 2. ETHICS, FRAUD, AND CONFIDENTIALITY

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- 2.01** As a Harris County employee, you must maintain the highest standards of ethical behavior, including adhering to the [Harris County Code of Conduct](#). Always act with honesty and integrity, respect, confidentiality, and fairness in the execution of your job.
- 2.02** Be professional in the workplace and any time or place you are engaged in work-related activities. Protect the County's assets and its reputation through professional and personal conduct and avoid circumstances that create an appearance of impropriety.
- 2.03** Harris County is the custodian of many types of information, including information that is confidential and private. If you have access to such information, be familiar with and comply with all applicable laws pertaining to access, use, protection, and disclosure of the information.
- 2.04** Fraudulent behavior is strictly prohibited. Fraud is broadly defined and may include any type of intentional deception for the purpose of personal or business gain or damage to an individual or organization. Examples of fraud include lying on an employment application, falsifying records, or providing false receipts for mileage or travel reimbursement. You must be a good steward of the resources entrusted to you and exercise due diligence to prevent and detect criminal conduct and non-compliance with laws and policies. Fraud, waste, abuse, or non-compliance must be reported to an appropriate supervisor, manager, or to the Harris County Fraud, waste and Abuse Hotline identified below. Engaging in acts of fraud may result in disciplinary action or civil or criminal liability.
- 2.05** Department Heads are responsible for overseeing their employees and ensuring compliance with these standards, including:
- a. Conducting appropriate post-offer background checks on applicants to minimize the risk that employees will commit fraud or other illegal acts in the performance of their duties; and
 - b. Effectively communicating these ethical standards to all employees and allowing employees to participate in periodic ethics training, whether provided within the department or through HRRM Career Development (which offers video and online ethics training available 24-7 and live ethics training provided quarterly as well as at each new employee orientation).

- 2.06** Any employee who believes that fraud, waste or abuse has occurred or is occurring in violation of the [Harris County Code of Conduct](#) should report the facts or circumstances giving rise to this belief as follows:
- A report of fraud, waste or abuse should be submitted to the Fraud, Waste, and Abuse Hotline Number: (866) 556-8181 or via the website at www.harriscounty.ethicspoint.com.
 - A report of fraud, waste or abuse should be made to the reporting service as promptly as possible, but not later than thirty (30) days after the reporting party becomes aware of the facts or circumstances that appear to violate the Harris County Code of Conduct.

Employees who report suspected fraud, waste or abuse can do so without fear of retaliation. Retaliating against any employee for reporting suspected ethical violations or fraud is strictly prohibited.

- 2.07** Department Heads are responsible for administering appropriate discipline to any employees found to have committed an ethical violation to prevent similar offenses in the future. The appropriate discipline should be based on all the facts and circumstances surrounding the situation and may range from an oral or written warning, re-training, suspension, demotion or transfer, up to immediate dismissal.
- 2.08** Ask your supervisor if you have questions about the Harris County Code of Conduct, ethics or confidentiality.

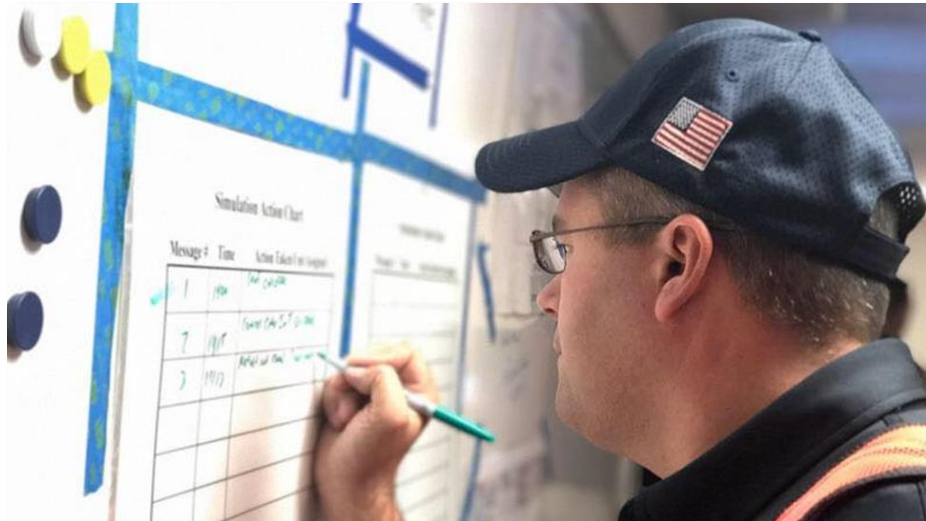


Multimedia Specialist **Andres Velasco** and Health Education Program Specialist **Jenny Mathai** promote the many services Harris County Public Health (HCPH) provides at the Holi Festival in Bear Creek Park. The event, also known as the festival of colors or festival of love, is a Hindu festival signifying the arrival of spring. HCPH services include health clinics, the Women, Infants, and Children (WIC) program, HIV outreach, Zika prevention, and food safety.

SECTION 3. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

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3.01 Harris County and the Harris County Flood Control District provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, pregnancy, disability, genetic information, or any other protected class in accordance with applicable federal and state laws. No Department Head or employee may fail or refuse to hire or discharge any individual, or discriminate against any individual with respect to the terms, conditions, or privileges of employment, including hiring, placement, promotion, termination, layoff, transfer, leaves of absence, and compensation. Religious discrimination includes failing to provide a reasonable accommodation for an employee's religious practices when the accommodation does not impose an undue hardship. Nor may any Department Head or employee limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect their status as employees, because of their race, color, religion, sex, sexual orientation, gender identity, national origin, age, pregnancy, disability, genetic information, or any other protected class in accordance with applicable federal and state laws.



Training Specialist **Jason Barnes** of the Harris County Fire Marshal's Office (HCFMO) logs in communications from the operations team during a large scale incident simulation hosted by HCFMO at its Atascocita facility. Several agencies from the region participated in the training, which included multiple simulated events for participants to practice various positions of the Incident Command Structure in the National Incident Management System (NIMS). In this exercise, Barnes was performing as the NIMS Operations Aide.

SECTION 4. NON-DISCRIMINATION AND ANTI-HARASSMENT

SECTION 4. NON-DISCRIMINATION AND ANTI-HARASSMENT

We are committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits any discrimination and harassment as protected by applicable law. We expect all relationships among persons in the workplace to be business-like and free of bias and prejudice.

4.01 DEFINITION OF HARASSMENT

4.011 Sexual harassment is a form of discrimination and is illegal. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

4.012 Harassment on the basis of any of the other protected characteristics is also strictly prohibited. Those protected characteristics are race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability or any other protected class in accordance with applicable federal and state laws.

4.013 Harassing conduct includes epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group. It can also take many other forms, including, but not limited to, e-mail, phone calls or voice messages, or text messages.

4.02 REPORTING VIOLATIONS

4.021 If you have witnessed or been the subject of discrimination, including harassment or retaliation, you must report it to:

- your supervisor; or
- your Department Grievance Coordinator; or
- the person designated in your departmental harassment policy; or
- your Department Head; or
- the Director of Harris County Human Resources & Risk Management or the Director's designee.

Section 4: Non-Discrimination and Anti-Harassment

- 4.022 If you make a report under this section and are not satisfied with the response given, you must report the alleged act(s) to another person on the list.
- 4.023 All reports will be investigated promptly and thoroughly. The investigation may include individual interviews with the parties involved and any witnesses to the alleged conduct. Employees must cooperate in all investigations.
- 4.024 **Retaliation** against someone for reporting harassment or discrimination or for participating in an investigation is a serious violation of this policy. If you think someone is retaliating against you, report it immediately. Appropriate corrective action will be taken, if necessary.
- 4.025 False and malicious complaints of harassment, discrimination, or retaliation may be the subject of appropriate disciplinary action.



Precinct Four Commissioner **R. Jack “Cactus” Cagle** shovels dirt onto a Shumark oak sapling as he helps other Precinct Four employees plant trees in the 100 Acre Wood Preserve. The preserve has nearly two miles of trail, including a one-mile paved trunk line trail accessible for people with disabilities.

SECTION 5. AMERICANS WITH DISABILITIES ACT

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- 5.01** Harris County does not discriminate against employees with disabilities and is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). We will provide reasonable accommodations to qualified applicants or employees with disabilities who have made the Department aware of their disabilities, provided that such accommodation does not constitute an undue hardship on the operation of the department. If you need a reasonable accommodation, talk to your supervisor. Departments will engage in an interactive process with you to identify possible accommodations, if any, to help you do your job.
- 5.02** The County must provide certain accommodations needed by people with disabilities to participate in services, programs, and activities Harris County offers. For example, to facilitate effective communication, the ADA requires the County to **provide auxiliary aids and services such as sign language interpreters, telecommunication devices for the deaf, hearing aid-compatible amplified telephones, and assistive listening devices, free of charge to citizens** who need an accommodation to communicate when participating in or seeking access to County services, programs, and activities.
- 5.03** Make sure you know how to access the necessary auxiliary aids and services when requested. Obtain additional information on accessing auxiliary aids and services from your departmental ADA Coordinator, the Harris County ADA Coordinator, or the Human Resources & Risk Management [ADA webpage](#).



Commissioner Precinct Three Road and Bridge Operator **Eddie Smith** compacts the asphalt after the crew repaired a large base failure. (Background) Operator **Gene De Los Santos** flags traffic while Operators **Felipe Torres** and **Eliberto Rivera** finish loading the asphalt overlay machine. Harris County Commissioners are responsible for maintaining over 13,625 lane miles of roads in unincorporated areas of the county.

SECTION 6. WORKPLACE SAFETY

SECTION 6. WORKPLACE SAFETY

Harris County is committed to providing a safe, productive, and secure workplace and has adopted policies for a Drug-Free and Alcohol-Free Workplace and a Violence-Free Workplace to meet that goal. You must report to work in an appropriate mental and physical condition to perform your job safely and effectively.

6.01 **DRUG-FREE AND ALCOHOL-FREE WORKPLACE**

- 6.011 Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of County equipment and facilities. For these reasons, the County is committed to a workplace free of drugs and alcohol. Information is available to tell employees about:
- the County's policy of maintaining a drug-free and alcohol-free workplace;
 - the dangers of illegal drug abuse and alcohol abuse;
 - the coverage for substance abuse treatment programs that is available for eligible employees through the group health plan and the Employee Assistance Program; and
 - the penalties that may be imposed upon employees for violating this policy.
- 6.012 The County also conducts pre-employment, safety-sensitive, reasonable suspicion, and certain post-accident drug and/or alcohol screening pursuant to the Harris County Drug and Alcohol Screening Policy for [Commercial Drivers](#), [Non-Commercial Drivers](#), or your departmental policy.
- 6.013 Employees who have a commercial drivers' license (CDL) as a requirement of their job are subject to alcohol and controlled substance testing pursuant to U.S. Department of Transportation regulations. Keep your CDL current and immediately notify your Department Head of any change in the status of your license.
- 6.014 Do not manufacture, distribute, dispense, possess, purchase, or use illegal drugs, alcoholic beverages, inhalants, or controlled substances in the workplace or in any other facility, location, or vehicle you are required to be in to do your job. Do not misuse legally prescribed or over-the-counter (OTC) drugs.

- 6.015 You are responsible for learning the possible effects of the prescription and OTC drugs you use while working. Tell your supervisor or designated Department representative of any side effects that might impair your ability to do your job. The County may, at its discretion, require employees in safety-sensitive positions to refrain from working while taking *any* drug or medication, or require such employees to get written authorization from their physicians about their ability to perform their job duties safely while taking the medication.
- 6.016 Employees arrested or convicted of a violation of state or federal law against manufacturing, distributing, dispensing, possessing, purchasing, or using an illegal drug or controlled substance must report such arrest or conviction in writing to their supervisor or designated department representative within 5 working days of the arrest or conviction. The supervisor or designated department representative must then report any convictions to the Director of Human Resources & Risk Management.
- 6.017 Employees who regularly drive as part of their County job are subject to periodic checks of their driver's license and must immediately notify their Department Head of any change in the status of their license.

6.02 VIOLENCE-FREE WORKPLACE

- 6.021 We strive to provide a safe work environment free of violence or threats of violence, including intimidation and bullying, against employees and the visiting public, as well as County and personal property. All individuals on County premises must conduct themselves in a professional manner.
- 6.022 Examples of bullying include pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property, slandering, ridiculing, or maligning a person, name calling that is hurtful, insulting, or humiliating, using a person as the target of jokes, or making abusive and offensive remarks.
- 6.023 Be alert and tell appropriate management personnel of any behavior you think violates or could constitute a violation of this policy. Retaliation against an employee who reports threats of workplace violence is strictly prohibited.
- 6.024 Anyone found to be responsible for threats of or actual violence or other prohibited conduct will be subject to prompt disciplinary action up to and including termination.



Assistant Maintenance Engineer **Matthew Kainer** (left) and Graduate Engineer **Kaleb Sterling** review construction plans for the Hardy Toll Road widening and reconstruction project, which added a third lane in each direction from FM 1960 to the Grand Parkway. Construction began in Summer 2015 and was substantially completed in early 2017. The Hardy is a fully EZTag-only facility.

SECTION 7. COUNTY PROPERTY AND ELECTRONIC SERVICES POLICY

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7.01 SCOPE

This policy applies to all county property, whether tangible or intangible, including desks, lockers, filing cabinets, electronic equipment, media, services, and new technologies as they emerge, including but not limited to, **computers, e-mail, telephones, cell phones, tablets, voicemail, fax machines, copiers, radios and wireless devices, wire services, and on-line services, including County Wi-Fi and the Internet**, that are:

- County property;
- accessed using County computer equipment or your own, via County-paid access methods; and/or
- used in a manner that identifies the individual as a County employee.

With the rapidly changing nature of technology, this policy cannot provide guidelines for every possible situation. Instead, it expresses the County's philosophy and sets forth general principles. For more detailed, technology-specific requirements see the [IT Security Policies](#) and follow them at all times.

7.02 GENERAL PRINCIPLES

7.021 Use County Assets Wisely

The County's assets are intended to be used primarily for the benefit of the County. Protect these assets and use them wisely.

7.022 No Expectation of Privacy

You have no expectation of privacy in the workplace, in your work-related conduct, in the use of County-owned or County-provided equipment or supplies, or anything you create, store, send, or receive on the County computer system. **Assume that what you do while on duty or using County equipment is not private.** Although searches are normally not conducted without a valid reason, all work areas and county equipment, such as desks, files, lockers (even if you provide a lock), computers, devices, and electronic media are subject to search at any time.

7.03 MONITORING PRACTICES

7.031 Generally, we do not monitor electronic information you create or communicate by e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet access, etc. However, we routinely monitor:

- a. Usage patterns for voice and data communications (e.g. website accessed, length, time of day) for cost analysis, cost allocation, and to manage the County's gateway to the Internet. We also monitor the

County network and computer systems for security incidents, patterns of unauthorized use, data leakage events, and other malicious activity that may present a potential threat to the County's information and information resources.

- b. To the extent allowed by law, **County officials, Department Heads, and others are permitted to review your electronic files, messages, and usage to ensure compliance with the law and current County policies.**

7.04 PUBLIC INFORMATION ACT

7.041 Emails, texts, and other electronic communications related to official county business are subject to the Public Information Act (PIA) regardless of where they are stored. Thus, if you use your personal cell phone or tablet to conduct County business or your personal email account to send or receive messages related to County business, that personal device or account may be subject to inspection to respond to a request for information under the PIA. The best practice is to use County email for all County business. If you must use your personal email account for County business, send a copy of the message to your Harris County account. To comply with records retention laws, all County business messages must be stored on a County email account no matter where the email originated.

7.042 If you text anything about County business other than transitory information, copy the text to your county email account. Texts to set up a meeting, say you are running late, or asking someone to call you are examples of transitory information.

We do not want to search your personal computer, cell phone, or email account for public information, but if we get a request under the PIA or in a discovery request during litigation involving the County, we may be required to do it.

7.05 E-MAIL AND INTERNET ACCESS

Harris County provides e-mail, internet access, and access to other electronic forms of communication and information exchange to make communication more efficient and effective and because they are valuable sources of information for government-related work. We may limit and/or decrease Internet connection speeds, block Internet content, and remove Internet access for any individual or group deemed appropriate to enable availability and performance for critical County services.

7.051 **Acceptable Uses**

These are some of the *acceptable uses* of information technology.

- Communication and information exchange directly related to your job.
- Communication for professional development, to obtain continuing education or training, or to discuss issues related to your job.
- At the Department Head’s discretion, you can use electronic media for incidental or *de minimis* personal matters.

7.052 **Unacceptable Uses**

These are some of the *unacceptable uses* of information technology.

- Knowingly transmitting, retrieving, or storing any communications that are discriminatory or harassing; derogatory toward any individual or group; obscene; defamatory or threatening; “chain letters”; or for any other purpose that is illegal or against County policy.
- Use for any **personal profit** or political gain.
- Use for purposes not directly related to your job whether before, after, or during normal business hours, unless your Department Head allows minimal personal use.
- Use to copy, retrieve, or forward copyrighted material (such as software, database files, documentation, articles, graphics files, and downloaded information) unless you have the right to copy or distribute such material.
- Attempts to read, “hack” into other systems, or “crack” passwords, or breach computer or network security measures.
- Use that attempts to hide the identity of the sender or represents the sender as someone else.
- Development of programs designed to harass other users or infiltrate a computer or computer network or to damage or alter hardware or software.
- Deliberately wasting computer resources or unfairly monopolizing resources, including, but not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video, and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related.
- Use for online games and gambling, music, and movie downloads.

7.06 **SOCIAL MEDIA POLICY**

We understand that social media can be a fun and rewarding way to share your life and opinions with your co-workers and family and friends around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines.

7.061 **Guidelines**

Social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on or via the Internet. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects vendors, contractors, or others affiliated with the County, may result in disciplinary action up to and including immediate dismissal.

7.062 **Know and follow the rules**

Make sure your postings are consistent with these policies. Inappropriate postings that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including immediate dismissal.

7.063 **Be respectful**

Always be fair and courteous to fellow employees and interns, vendors, contractors, or others affiliated with the County. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by discussing issues with your supervisor than by posting complaints online. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers, vendors, contractors, or others affiliated with the County.

Examples of such conduct might include offensive posts meant to harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, national origin, disability, religion, age, or any other status protected by law or County policy.

7.064 **Be honest and accurate**

Be honest and accurate when posting information or news about the County. If you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.

Never post any information or rumors that you know to be false about the County, your co-workers, vendors, contractors, or anyone affiliated with the County.

7.065 **Maintain confidentiality and clearly identify opinions as your own**

Maintain the confidentiality of information the County holds that is private or confidential. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.

Express only your personal opinions. Never represent yourself as a spokesperson for the County without authorization. If you write about the County, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the County. It is best to include a disclaimer, such as, "The postings on this site are my own and do not necessarily reflect the views of Harris County."

7.066 **Using social media at work**

Refrain from using social media while on working time or on equipment we provide, unless it is work-related and authorized by your manager. Do not use your County email address to register on social networks, blogs, or other online tools for personal use.

7.07 RETALIATION IS PROHIBITED

We will not take negative action against an employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action up to and including immediate dismissal.



Commissioner Precinct Four Bus Driver **Debbie Beaty** helps a Senior Program participant step off the bus at the Humble Civic Center for the *It's "Nacho" Ordinary Summer Dance*. All four Harris County Commissioners provide community centers where people of all ages enjoy educational, social, and recreational programming. We have a total of 37 centers throughout the County.

SECTION 8. PAYROLL PROCEDURES AND COMPENSATION

SECTION 8. PAYROLL PROCEDURES AND COMPENSATION

8.01 **EMPLOYMENT EFFECTIVE DATES AND OTHER PRELIMINARY MATTERS**

- 8.011 The County Auditor establishes procedures for payroll forms and documents. Departments must complete and retain information about the appointment, compensation, and separation of employees. **The Texas Payday Act does not apply to Harris County.**
- 8.012 No employment is effective until:
- the County Budget Officer approves the use of funds;
 - the Department completes and signs the employee compensation form;
 - the County Auditor certifies the availability of funds;
 - the person completes and signs the direct deposit or pay card form (the County does not issue pay checks); and
 - the person begins [Active Duty](#).
- 8.013 Employees under 18 years old and unmarried when they start work must have their parent or guardian complete the I-9 and sign a parental release and indemnification agreement on [County Auditor Form 3399](#).
- 8.014 Departments must send a copy of the *signed* employee compensation form and all other forms required by law or by the Auditor, to the Auditor immediately upon completion.
- 8.015 The Auditor verifies that the employment conforms to the maximum salary approved by Commissioners Court. The Department Head can set the employee's salary at any level up to the approved budget maximum for the position.
- 8.016 If your name, address, telephone number, or emergency contact change, update the information on the employee portal or tell your department payroll person immediately.

8.02 **CHANGES IN STATUS**

- 8.021 Position control changes and changes in status (new positions, title changes, rate of pay, hours required, etc.) are prospective only and generally become effective on the first day of a pay period.
- 8.022 Department Heads must ensure all Temporary and Model Positions do not exceed the maximum allocated hours authorized by Commissioners Court.

8.03 **PAY OF ELECTED OR APPOINTED OFFICIALS**

- 8.031 The County will prorate the pay of elected or appointed officials who vacate their positions prior to the end of their term based on the number of normal business days (Monday-Friday) in that month.

8.04 TIME RECORDS, DEDUCTIONS, AND CORRECTIONS

- 8.041 You must prepare time records on forms approved by the County Auditor. **You must report your time accurately and check your records each pay period to make sure the County processed it (including time, benefits, and incentives) correctly. Report any issues to your payroll clerk.** Supervisors review time records for accuracy. Department Heads are responsible for preparing timely and accurate time records and submitting their payroll to the Auditor. The County Auditor or designee may inspect time records at any time and may make payroll deductions for any overpayments.
- 8.042 Except for certain qualified changes under the County's Group Health and Related Benefit plan(s) and those required by law, payroll deductions are effective on the date requested by the employee or in the pay period processed by the County Auditor, whichever is later.
- 8.043 Except for corrections, payrolls are final upon approval by the Department Head. Department Heads must submit changes that may result in an overpayment to a terminated employee *immediately*. Department Heads submit other changes as a supplemental payroll. **Payroll changes or corrections are limited to the 2 preceding pay periods, except as required by law (e.g. Workers' Compensation) or court order.**
- 8.044 *You cannot reclaim vacation hours accrued beyond the maximum or expired floating holiday hours through a supplemental payroll.*

8.05 UNEXCUSED ABSENCES AND DISCIPLINARY SUSPENSIONS

- 8.051 Harris County is accountable to the taxpayers for spending public funds; therefore, our pay system is based on principles of public accountability that prohibit the government from paying employees unless they actually perform work or have [Paid Leave](#) available. Thus, even [Exempt Employees](#) are subject to deductions for partial-day absences.
- 8.052 Department Heads may choose whether to allow an employee to substitute Paid Leave for [Dock Time](#).
- 8.053 Department Heads may suspend employees without pay or terminate their employment for disciplinary purposes, including unexcused absences and excessive absenteeism. [Non-Exempt Employees](#) may be suspended for any period of time. Department Heads may only suspend [Exempt Employees](#) in accordance with the Salary Basis Rules below. Department Heads with questions about this policy should contact the Harris County Attorney's Office.

8.06 SALARY BASIS RULES AND SAFE HARBOR PROVISION

- 8.061 [Exempt Employees](#) are treated differently in the public sector than in the private sector with regard to certain salary deductions. Deductions may be made under the following circumstances.
- a. When an [Exempt Employee](#) does not work at all in a workweek;

Section 8: Payroll Procedures and Compensation

- b. When an Exempt Employee begins or ends employment in the middle of a workweek;
 - c. When an Exempt Employee is absent for personal reasons (including illness or injury) and:
 - 1. has not asked for [Paid Leave](#);
 - 2. has asked for Paid Leave, but the request was denied;
 - 3. has exhausted all Paid Leave; or
 - 4. has chosen not to use Paid Leave;
 - d. When an Exempt Employee is suspended in **increments of one full workweek** for any reason;
 - e. When an Exempt Employee is suspended for any period of time for violating a safety rule of major significance, including those rules relating to the prevention of serious danger in the workplace or other employees.
 - f. When an Exempt Employee is suspended in **full day increments** for violating a written workplace conduct rule (**other than absenteeism or performance**);
 - g. When an Exempt Employee takes [Unpaid Leave](#) under the Family and Medical Leave Act; and
 - h. When a Department Head orders a furlough for budgetary reasons.
- 8.062 Harris County prohibits [Department Heads](#) from making or authorizing improper deductions from an [Exempt Employee's](#) salary. Be aware of this policy and report any improper deductions to your supervisor or to the Auditor's Office Payroll Director. We will review it and correct any mistakes. Retaliation against employees who file a report under this section is prohibited.

8.07 DUAL COUNTY EMPLOYMENT

- 8.071 Generally, an employee cannot work for two departments. If a department wants to hire someone who is already employed by another office or department of the County, the Department Head **must** first submit a written request to Commissioners Court.

8.08 LONGEVITY PAY

- 8.081 Department Heads and [Regular Position Employees](#) receive Longevity Pay equal to \$60 per year for each full year of [Creditable Service](#), subject to a maximum credit of 30 years. State district court judges, masters, and referees do not receive Longevity Pay.
- 8.082 For purposes of determining Longevity Pay, Creditable Service is calculated on the first day of the fiscal year. Fractional years are not considered. Longevity Pay increases begin with the first paycheck after the beginning of the fiscal year.

8.09 SOCIAL SECURITY

- 8.091 The County participates in the Social Security and Medicare programs.



Detention Officers **Anthony Bogan** (background) and **Dravon Bolden** work out in the Harris County Sheriff’s Office gym at 1200 Baker after their shift. Harris County offers a variety of exercise classes and fitness challenges through the wellness program, which is branded, “All’s Well at Harris County.”

SECTION 9. GROUP HEALTH AND RELATED BENEFITS

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9.01 HEALTH BENEFITS

The following policies apply to the Group Health and Related Benefits the County provides to employees, retirees, and eligible dependents. **The County can amend or discontinue benefits at any time.**

9.011 Eligibility

9.0111 Department Heads and [Regular Position Employees](#) are eligible for these benefits.

Benefits begin on the first day of the pay period following 75 days of continuous employment as a Regular Position Employee unless the insurance policy(ies) in effect at the time specify a different period.

9.0112 Eligibility for elected and appointed officials begins on the first day of the pay period after the completion of 75 days in office unless the elected or appointed official was insured by the County as an active employee on the day before the first day of the official's term or first day in office.

Example: Lauren starts work on June 2nd. She reaches 75 days of continuous employment on August 15th. Therefore, she is eligible for Group Health and Related Benefits on the first day of the pay period following August 15th.

9.0113 Employees hired from other entities that are covered under Harris County's group health plans and were enrolled in the County's group health plans while working for those entities are not subject to a waiting period.

9.012 Dependents

9.0121 **Eligible dependents may include your spouse, children, or grandchildren who meet the eligibility requirements as listed in the [Employee Benefits' Guide](#). You may enroll eligible dependents for coverage under certain Group Health and Related Benefits plan(s). **The effective date of dependent coverage is your effective eligibility date or the "Insurance Begin Date" set by the County Auditor.****

9.0122 Covered retirees may be eligible to continue coverage for dependents who were covered at the time of Retirement. **After that, retirees may not add dependents without a qualifying family status change.**

9.013 **Retirees**

Employees who retire in accordance with the provisions of the TCDRS (including disability Retirement) and who were covered as active employees under the Group Health and Related Benefits plan(s) in effect at the time of Retirement may be eligible to retain certain benefits coverage(s). Employees who receive Retirement benefits within 4 months of separation are eligible to retain certain Group Health and Related Benefits coverage(s) if they chose COBRA coverage for the period between their separation and retirement.

9.014 **COBRA**

Continuation of certain Group Health and Related Benefits is available to covered employees and their dependents upon separation of employment and other qualifying events under the provisions of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272 (COBRA), including applicable regulations, amendments, and conversion rights of the policy(ies) and plan(s) in force. Eligible employees, retirees, and dependents should refer to provider materials and relevant publications and notices by the County for further information.

9.015 **Contributions**

We may require employees or retirees to pay a portion of premiums for coverage for themselves or their dependents. Employees on [Unpaid Leave](#) and all retirees must make premium payments to the County. *Direct questions about billing to Human Resources & Risk Management.*

9.016 **Benefits**

Benefits are provided subject to the policy(ies) and plan(s) in force and applicable federal, state, and local laws regulating insurance and employee benefit plans. We have the right to offer alternative coverage(s) to retirees or their dependents. Obtain additional information about the current benefit plan(s) from [Human Resources & Risk Management](#).

9.02 VERIFICATION OF ELIGIBILITY, ENROLLMENT PERIODS, AND CHANGES TO COVERAGE

9.021 **Verification of Eligibility**

Employees and Retirees must submit the documentation outlined below to add eligible dependents to their Group Health and Related Benefits coverage(s).

- *Spouse* – a filed copy of a Formal Marriage License or Certificate of Informal Marriage.

- *Children* – a Birth Certificate or court documents showing legal guardianship or legal custody.
- *Grandchildren* – Certification of Financial Dependency form as required by the Group Health and Related Benefits provider and Birth Certificates of the child and grandchild to prove the required relationships.

9.022 **Enrollment Periods**

9.0221 The County provides an *initial* enrollment period for newly eligible employees to select from among certain coverage options for themselves and to elect or decline coverage for eligible dependents.

9.0222 We also provide open enrollment periods as required by law. If an annual open enrollment period is provided, you may add or drop dependents and make changes to plan selections then. *Retirees may only change benefit plan selections during open enrollment periods.*

9.023 **Changes to Coverage Outside Open Enrollment Periods**

Other than during an open enrollment period, employees may only add or drop dependents or make changes to their Flexible Spending Account contributions if a **qualifying change in family status** occurs as defined in the policy(ies) and under the law. Retirees may drop dependents at any time, but may only add dependents based on qualifying changes in family status.

9.0231 ***Adding Dependents***

To add dependents, submit a *Health & Related Benefits Change Form*, along with the appropriate documentation, through your department to Human Resources & Risk Management **within the same calendar year of a qualifying change in family status**. The County Auditor sets the effective date of the dependent coverage.

9.0232 ***Adding Newborns***

The effective date of dependent coverage for a newborn is the date of birth if you submit the *Health & Related Benefits Change Form* to Human Resources & Risk Management **within 31 days of the birth**. Otherwise, the Auditor sets the effective date.

9.0233 ***Terminating or Dropping Dependent Coverage***

Contact your department's Benefits Coordinator to submit a *Health & Related Benefits Change Form* as soon as possible following a qualifying change in family status.

Changes in dependent coverage are not allowed if the qualifying change in family status occurred prior to January 1 of the current calendar year except in cases of a newborn reported within 31 days of birth, dependent ineligibility, or death.

9.024 **Termination Of Coverage**

9.0241 **4 - Week Rule**

Except as required by law, employees compensated for less than 32 hours per week for 4 consecutive weeks lose eligibility for Group Health and Related Benefits but are eligible to elect COBRA benefits. (See § 9.014 regarding COBRA). *Employees who lose coverage under this section and do not choose COBRA coverage are subject to a new waiting period if they later become eligible for Group Health and Related Benefits.*

9.0242 **Separation of Employment**

Employees who separate employment with the County lose coverage on the “Insurance End Date” set by the County Auditor.

9.0243 **Failure to Pay**

Employees and retirees who fail to pay premium contributions lose their Group Health and Related Benefits. **Benefits are not reinstated until the employee or retiree pays all premiums due for the remainder of the plan year.**

9.0244 **Fraud or Misrepresentation**

Anyone who commits fraud or makes misrepresentations about the use of Group Health and Related Benefits loses coverage as outlined in the respective benefit plan documents. Further, the County will report all suspected cases of fraud to the District Attorney.

Obtain additional information about Group Health and Related Benefits from [Human Resources & Risk Management](#).

9.03 EMPLOYEE ASSISTANCE PROGRAM

9.031 We have an employee assistance program (EAP) available to you or any member of your household. The EAP offers confidential consultation and counseling services to employees and members of your household who are experiencing problems at work or at home. Some of these problems may include, but are not limited to: family, marital, alcohol/drug abuse, emotional distress, job-related, legal, or financial difficulties.

There are three types of referrals:

- **Self-referral:** You can contact the EAP on your own by calling the number listed in your [Employee Benefits' Guide](#).
- **Informal referral:** Your supervisor, a co-worker, family member, or community professional may recommend or suggest that you call the EAP.
- **Formal referral:** If the issue is affecting your work, your department may require you to call the EAP and comply with any recommendations the EAP makes.

Refer to your [Employee Benefits' Guide](#) for more information.

9.04 RETIREMENT

The County is a member of the Texas County and District Retirement System ([TCDRS](#)). Obtain additional information regarding TCDRS from [Human Resources & Risk Management](#).

- 9.041 Commissioners Court determines the amount of employee and employer contributions to TCDRS. [TCDRS](#) calculates and pays Retirement benefits.
- 9.042 All employees except those in [Temporary Positions](#) must make contributions to TCDRS.
- 9.043 Employees who want to retire must submit a completed retirement application packet to Human Resources & Risk Management in advance of the proposed effective date of Retirement. The effective date of retirement is the last day of the month.
- 9.044 Once Human Resources & Risk Management receives a completed application, including a retirement date, HRRM will notify the department payroll clerk.
- 9.045 Department Heads are prohibited from creating re-employment agreements with employees. You must not have any expectation, understanding, or agreement that you will be re-hired by any Harris County department after retiring.
 - The IRS requires the employment separation be bona fide; and
 - Even when no prohibited agreement existed, TCDRS requires at least one full calendar month to pass before a retiree or former employee who has withdrawn their TCDRS account may be re-hired.

9.05 DEFERRED COMPENSATION/457 SAVINGS PLAN

The County offers a 457(b) plan, which is a savings plan for eligible employees. The plan is similar to a 401(k) plan. You may choose to defer a specific amount of your paycheck on a pre-tax or after-tax basis through payroll deduction. The taxes on eligible pre-tax contributions are deferred until withdrawal, as well as the taxes on any investment earnings from these contributions. The 457(b) plan is a great way to

supplement your retirement. Refer to your [Employee Benefits' Guide](#) for more information.

9.06 WORKERS' COMPENSATION

The County provides Workers' Compensation benefits for accidents, illnesses, or injuries employees sustain in the course and scope of employment in accordance with the existing Texas Workers' Compensation laws.

- 9.061 **You must report any on-the-job accident, illness, or injury to your immediate supervisor or designated department officer within 24 hours of the occurrence.** The supervisor or designated officer must then forward the notice to Human Resources & Risk Management immediately. Failure to report an on-the-job accident, illness, or injury in a timely manner may result in the loss of or denial of Workers' Compensation benefits.
- 9.062 Workers' Compensation benefits are subject to any deductions required by law or by court order (e.g., child support payments). Employees are responsible for making arrangements for payment of any voluntary payroll deductions.
- 9.063 **Employees, except for certain law enforcement officers, must use available Sick Leave, Vacation Leave, and Compensatory Time during the first 7 calendar days of lost time for a compensable injury.** After 7 calendar days, the department must code the employee's absences as Workers' Compensation.
- 9.064 **If an employee is eligible for FMLA leave and the Workers' Compensation injury is a Serious Health Condition under the FMLA, the department simultaneously designates the Workers' Compensation absences as FMLA leave.**

Employees do not receive Paid Leave or accrue Sick Leave while on Workers' Compensation leave except during the first 7 calendar days if they have available Paid Leave.

- 9.065 Employees who return to work for their regularly scheduled hours must use available Paid Leave for time off for doctor's appointments or any other follow-up treatment related to the compensable injury.

Obtain additional information regarding Workers' Compensation benefits from Human Resources & Risk Management.



Sgt. Marcus Grant of the Precinct Seven Constable's Office helps a child to safety during the Tax Day flood event April 19, 2016, proving once again that Harris County criminal justice agencies do more than fighting crime for our community.

SECTION 10. EMERGENCY SITUATIONS

SECTION 10. EMERGENCY SITUATIONS

Commissioners Court is not authorized to provide [Paid Leave](#) retroactively. Accordingly, to be paid for absences such as, but not limited to, those described below, you will have to use available Vacation Leave, [Compensatory Time](#), Sick Leave (only if appropriate), or Floating Holiday(s). *If you miss work in these situations, even with your supervisor's approval, but do not have any appropriate Paid Leave, you will likely be docked.* Under certain circumstances, you may be allowed to work from home. Or if you miss work, your department may (or may not) allow you to make up the missed time.

You should save a reasonable amount of paid leave for personal emergencies or natural disasters.

10.01 DANGEROUS WEATHER AND DISASTERS

We provide important services for the people of Harris County on a daily basis. During disasters some of these services are critical, including emergency communications and rescue and recovery operations. Your department should have a plan for dangerous weather events. Some employees will be required to work before, during, and after a disaster to keep operations functioning. Others might be needed to support those essential operations. During those times, your job duties and where you perform them will likely change. Still others may be instructed to stay home and check in with their supervisors.

Know what your department plan is **before** an emergency, including whether you will be required to report to work during a disaster. Make sure you have discussed your role with your supervisor. If you are required to report to work during a disaster, you need to have plans (and back-up plans) for getting to your emergency work location and for taking care of your family, your home, and your pets. Update those plans frequently and discuss them with your supervisor.

10.02 BUILDING EMERGENCIES

If something happens that makes it unbearable for employees to remain at work or to function effectively, like the air conditioner or heater stops working, your supervisor may let you leave work. If you do not have appropriate Paid Leave to cover the absence or work to do from home, you will be docked.



Senior Jury Clerk **Aman Ahluwalia** swears in prospective jurors. The Harris County District Clerk is responsible for summoning prospective jurors for 76 courts.

SECTION 11. TIME OFF AND LEAVES OF ABSENCE

SECTION 11. TIME OFF & LEAVES OF ABSENCE

Harris County provides employees with several forms of Paid Leave described below. Employees may not take Paid Leave until they have worked at least one day. You should save a reasonable amount of Paid Leave for personal emergencies or natural disasters. You may not take more than 40 hours of Paid Leave in one workweek.

11.01 OVERTIME COMPENSATION AND COMPENSATORY TIME

Based on available budgeted funds allocated for [Overtime](#) compensation, [Non-Exempt](#) employees are compensated for [Hours Actually Worked](#) in accordance with applicable law. In lieu of cash payment for Overtime, [Compensatory Time](#) may be allowed.

11.011 Earning Compensatory Time

11.0111 When cash payment is not made for [overtime](#), [Non-Exempt Employees](#) accrue 1.5 hours of [Compensatory Time](#) for each hour worked over 40 hours in one workweek. [Exempt Employees](#) accrue 1 hour of [Compensatory Time](#) for each hour worked over 40 hours in one workweek.

11.0112 If the combination of any employee's [Paid Absences](#) and [Hours Actually Worked](#) exceeds 40 hours in one workweek, the employee accrues Compensatory Time on a straight time, hour-for-hour basis for each hour over 40.

11.0113 [Department Heads](#) who are not required to submit time records do not accrue Compensatory Time.

The Compensatory Time balance must not exceed 240 hours and is carried forward indefinitely. Department Heads may limit the amount of Compensatory Time you accrue by ensuring that you do not work more than 40 hours in one workweek. Department Heads may also force employees to use any part of the Compensatory Time balance for budgetary reasons, including to avoid paying cash for Overtime.

11.012 Compensatory Time Limits

11.0121 If a Non-exempt Employee's Compensatory Time balance reaches 240 hours, the employee will be paid cash for all hours worked beyond 240.

11.0122 If an Exempt Employee's Compensatory Time balance reaches 240 hours, the employee will not accumulate any more Compensatory Time regardless of the number of hours worked until the balance is

reduced. Exempt Employees are not compensated for Overtime other than the accumulation of 240 hours of Compensatory Time. To maintain accurate County records, exempt employees who have exceeded the maximum compensatory time accrual limit must still record all the hours they actually worked on their timesheets.

11.013 Using Compensatory Time

11.0131 An employee's request to use Compensatory Time is **subject to the Department Head's approval** and must not unduly disrupt the operation of the department.

11.0132 Department Heads may compel employees to use any part of their Compensatory Time balance for budgetary reasons and for the best interest of the department.

11.0133 When employees who have both non-exempt and exempt Compensatory Time balances use Compensatory Time, the Compensatory Time used will be deducted from the non-exempt balance first.

11.014 Final Payment of Compensatory Time Balance

11.0141 When you leave the County,

- Any balance of Compensatory Time you earned as a [Non-Exempt Employee](#) gets paid based on your final regular rate of pay or in accordance with applicable law.
- Half of any balance of Compensatory Time you earned as an [Exempt Employee](#) gets paid based on your final regular rate of pay.

11.0142 Employees who become a [Department Head](#) by election or appointment receive final payment of their Compensatory Time balance within 30 days of their election or appointment.

11.0143 If you leave your job and get re-hired by the County without a [Break in Employment](#), you will not get paid for any Compensatory Time balance. The balance will transfer to your new department. You must work at least one pay period for the new department before using any available paid leave.

Employees who leave one department to accept a position in another department without a Break in Employment keep their Compensatory Time balance.

11.02 HOLIDAYS

Each year Commissioners Court approves the paid Holidays for the next calendar year. Once on [Active Duty](#), [Regular Position Employees](#) are paid for Holidays subject to the restrictions below.

- 11.021 All Regular Position Employees will receive 8 hours of holiday pay regardless of their schedule.
- 11.022 Employees who work on the Holiday will be compensated for the Hours Actually Worked plus the Holiday hours. Employees on [Unpaid Leave](#) or receiving Workers' Compensation temporary income benefits do not get Holidays.

Example: John, a Regular Position Employee, is scheduled to work 10 hours per day Monday through Thursday. Monday is a Holiday. If John is a non-exempt employee, he must make up the other two hours during the same workweek either by working or posting Vacation Leave or Compensatory Time. Departments may allow or require employees who usually work four ten-hour days to convert to five eight-hour days for that week.

11.023 Floating Holiday

- 11.0231 If Commissioners Court approves a Floating Holiday (8 hours), then Regular Position employees may take that Floating Holiday on any working day during the Payroll Year subject to the Department Head's discretion.
- 11.0232 *An employee may carry two unused Floating Holidays (16 hours) over to the next Payroll Year. An employee will never have more than three Floating Holidays (24 hours) available.*

Employees are strongly urged to reserve Floating Holidays for inclement weather and natural disasters.

- 11.0233 Floating Holidays may be taken in increments.
- 11.0234 New employees may not use a Floating Holiday until the pay period after they receive their first paycheck.
- 11.0235 An employee who resigns and goes to work for another County department does not get a new Floating Holiday until the next Payroll Year. Unused Floating Holidays follow an employee who changes departments without a Break in Employment.

11.03 VACATION LEAVE

The County provides vacation leave for all [Regular Position Employees](#). Vacation Leave accrues at the rates and to the maximums in this table.

Years of Continuous Employment As a Regular Position Employee		Accrual Per Payroll Week	Maximum Vacation Leave Accrual During the Calendar Year	Maximum Balance
At Least	Less Than			
New Hire to	5 Years	1.54 Hours	10 Days/80 Hours	280 Hours
5 Years	15 Years	2.31 Hours	15 Days/120 Hours	280 Hours
15 Years	25 Years	3.08 Hours	20 Days/160 Hours	280 Hours
25 Years		3.85 Hours	25 Days/200 Hours	280 Hours

11.031 You can only take vacation on normally scheduled workdays and must get prior approval from your supervisor. Department Heads can adopt policies about scheduling Vacation Leave, including denying requests that were not pre-scheduled and pre-approved, prohibiting employees from using Vacation Leave until they have worked some minimum amount of time, and requiring employees to schedule vacations around business needs.

11.032 Employees who become a [Department Head](#) by election or appointment get paid any Vacation Leave balance within 30 days of their election or appointment. Department Heads who become a [Regular Position Employee](#) with no [Break in Employment](#) will receive credit for the years they served as a Department Head in determining their vacation accrual rate.

11.033 Regular Position Employees who move to a Part Time Position, Temporary Position, or Model Position within the same department without a Break in Service forfeit their Vacation Leave balances. Be sure to use your vacation before you move!

11.04 SICK LEAVE

11.041 The County provides all [Regular Position Employees](#) with Paid Sick Leave for absences due to personal illness, personal injury, or an appointment with a health care provider, as that term is defined in FMLA § 11.1014. *You must not work another job during the hours you miss work because you are sick or claim Family Sick and Wellness Leave.*

- 11.042 Regular Position Employees accrue Sick Leave at a rate of 4 hours per pay period. The maximum accrual is 720 hours/90 days.
- 11.043 Sick Leave can be taken the pay period after an employee is hired subject to the employee's department's internal policies and procedures.
- 11.044 **Family Sick and Wellness Leave**
Employees may use up to 120 hours of Sick Leave per Payroll Year to care for an [Immediate Family Member](#) who is sick or to seek preventative or routine health care for themselves or an [Immediate Family Member](#).

Family Sick and Wellness Leave is deducted from the employee's Sick Leave balance.
- 11.045 You should tell your supervisor as soon as practicable when taking Sick Leave or Family Sick and Wellness Leave.
- 11.046 To substantiate a request for a non-FMLA qualifying reason, Department Heads may require you to provide a statement of a health care provider for any period of Sick Leave, including Family Sick and Wellness Leave.

For immediate family members not on the employee's insurance, proof of family relationship may also be required, e.g. birth certificates, [Certification Form](#), a marriage certificate, a court order, photos, or a combination thereof. If the Family Sick Leave also qualifies for FMLA, a completed FMLA certification may be sufficient.
- 11.047 **If you use Sick Leave or Family Sick and Wellness Leave for 4 or more consecutive workdays, you *must* give your department a health care provider's statement indicating the onset and duration of the illness. Otherwise, you will not be allowed to use Sick Leave or Family Sick and Wellness Leave for the 4th day.** Department Heads must determine whether the absence is FMLA qualifying as soon as possible.
- 11.048 If you do not submit a healthcare provider's statement timely, you may not take Sick Leave or Family Sick and Wellness Leave for the period.
- 11.049 Employees who have a [Break in Employment](#) forfeit all accrued Sick Leave. Department Heads who forfeited their sick leave balances when they became Department Heads get their prior sick leave balances restored if they become a [Regular Position Employee](#) again without a break in service.

11.05 FUNERAL / BEREAVEMENT LEAVE

- 11.051 [Regular Position Employees](#) may take up to 3 days off (up to 24 hours) with [Department Head](#) approval for the death of an [Immediate Family Member](#). (See § 1.07).

- 11.052 The number of hours you get is prorated based on the number of hours you are regularly scheduled to work up to 8 hours per day. You must take the leave within 5 days of the funeral or date of death. Your Department Head may let you take more time off using [Compensatory Time](#), Vacation Leave, or [Unpaid Leave](#).
- 11.053 Department Heads may require you to provide proof of death and/or family relationship.
- 11.054 If you are already on [Unpaid Leave](#) or Workers' Compensation, you are not eligible for Funeral Leave.
- 11.055 If your [Immediate Family Member](#) dies while you are on vacation, you may ask to change your Vacation Leave to Funeral/Bereavement Leave.
- 11.056 If a County employee, appointed official or elected official, or someone closely associated with the County dies, a Department Head may approve representation at the funeral. Employees who attend by direction of their Department Head are representing the County therefore, the hours spent at the funeral are Hours Actually Worked.

11.06 JURY AND WITNESS DUTY

- 11.061 [Regular Position Employees](#) are eligible for paid leave if they are appointed to serve on a **grand jury** or are required by court order or subpoena to serve on a jury or appear as a witness in a federal, state, county, or municipal court on a day and during the hours that you are normally scheduled to work. Tell your supervisor as soon as possible after getting a jury summons or a witness subpoena.
- 11.062 To qualify for Jury or Witness Duty pay, you must tell your supervisor each day you are scheduled to go to court and get a statement from the court confirming the date(s) and time(s) you were there.
- 11.063 If you do not serve the entire day, you may return to work. The time spent driving from the courthouse directly to the worksite counts as Jury or Witness Duty. If you do not go to work, you are only paid for the hours you actually spent in court.
- 11.064 You will get paid up to 8 hours per day for Jury or Witness Duty. If the combination of Jury or Witness Duty and Hours Actually Worked is more than 8 hours, lower the Jury or Witness Duty hours on your timesheet so your work plus jury/witness hours total 8 hours per day.

- 11.065 Give a copy of your summons or subpoena and the statement from the court to your payroll clerk with your timesheet.

Example: Rachel reports for Jury Duty at 8 a.m. She is released at 12 p.m. and drives straight to work, arriving at 12:30 p.m. She works 12:30 p.m. to 6 p.m. She first records 12:30 p.m. to 6 p.m. (5.5 hours) as work time and then records 2.5 hours as Jury Duty.

- 11.066 You do not get Witness Duty pay for:
- appearing in court as a plaintiff or a defendant;
 - appearing as a prospective witness on a personal matter; or
 - testifying as an expert.
- 11.067 You can keep any fees you get for serving on a jury or grand jury. If you use Witness Duty on your timesheet, you have to give all subpoena or witness fees you receive to the County Treasurer.
- 11.068 If you testify in a case as a fact witness or an expert witness about your official duties, record that on your timesheet as [Hours Actually Worked](#). You may not get paid from any other source.

11.07 **MILITARY LEAVE**

We are extremely proud of our employees who serve in the military.

- 11.071 Reservists should tell their supervisors about their regular monthly training for the year as soon as they know it.
- 11.072 If you are ordered into active military service, you will get the employment and re-employment benefits granted by federal and state laws. Give your written duty orders to your Department Head or Department HR person as soon as possible.

Military Leave is not limited to six months like a regular LOA.

- 11.073 **Temporary Military Leave**
Subject to the amendment of Texas Government Code Ann. §437.202, members of the state military forces or a reserve component of the U.S. armed forces may take a Temporary Military Leave *with pay* on a day they are regularly scheduled to work but are engaged in authorized training or duty ordered or authorized by a proper authority. **Temporary Military Leave does not exceed 15 days or 120 hours per federal fiscal year (October 1 - September 30).**

11.08 LACTATION/BREASTFEEDING

Harris County supports breastfeeding mothers by accommodating their desire or need to express milk during the workday. Departments will give a reasonable amount of break time and a place, other than a bathroom, which is shielded from view and free from intrusion from others to express milk.

Break times more than 20 minutes are unpaid. Retaliation against women who exercise their rights under this policy is strictly prohibited.

11.09 LEAVE OF ABSENCE WITHOUT PAY (LOA)

11.091 [Regular Position Employees](#) who have exhausted their Vacation Leave, Compensatory Time, and FMLA leave, if applicable, and have extenuating circumstances may request an unpaid Leave of Absence for up to 6 months. If you do not return from a leave on the date approved, you will be separated from the payroll. Give your [Department Head](#) at least 30 days' written notice asking for the LOA and specifying when and why you need it. Departments can waive the 30-day notice requirement.

11.092 **Department Heads may place a Regular Position Employee who has exhausted available paid leave and is unable to return to work on LOA without the employee's permission with written notice to the employee.**

11.093 People on LOA:

- Must return all County equipment (e.g., keys, badges, laptops) before the leave;
- Are not employees;
- Do no work for the County; and
- Have no job protection.

11.094 During an LOA, you may be eligible to continue health insurance coverage under the terms of COBRA. If you choose COBRA during an LOA and return to Active Duty, you will not have a 2-month waiting period for Group Health and Related Benefits.

11.095 People who return to Active Duty before or at the end of an LOA keep the benefit of any previously accrued Creditable Service.

11.096 Upon the expiration of an LOA, the [Department Head](#) must do one of the following:

- return the individual to Active Duty in the same position and salary; or
- return the individual to Active Duty in another position and salary; or,
- remove the individual from the payroll by submitting a Change in Status Form.

-

11.10 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) provides eligible employees with leave (with or without pay), certain benefits protection, and job restoration for qualifying events. It is an important right and we encourage you to apply for FMLA if you ever need it. Here is a general description of the FMLA. If this policy conflicts with the FMLA, employees will get the rights required by law. Key employees may be excluded from certain FMLA protections and will be notified of their “key employee” status if they request FMLA leave. **If we reasonably believe that an employee has taken FMLA leave for a fraudulent reason, we may discipline the employee.**

11.101 DEFINITIONS

The words and terms defined in this section have the meaning given unless the context clearly indicates another meaning.

11.1011 Child

A biological, adopted, foster, or stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age or who is 18 years of age or older and is incapable of self-care because of a mental or physical disability.

11.1012 Employment Benefits

All benefits the County provides or makes available to Eligible Employees, including group life, health, and disability insurance, Sick Leave, and Retirement.

11.1013 Group Health Plan

Any plan of, or contributed to by, the County to provide health care to employees or the families of such employees.

11.1014 Health Care Provider

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State of Texas; or any other person determined by the United States Secretary of Labor.

11.1015 Intermittent Leave

Leave taken in separate blocks of time due to a single illness or injury, rather than one continuous period of time, which may include periods from a portion of an hour or more to several weeks.

11.1016 Parent

The biological parent of an employee or an individual who stood *in loco parentis* to the employee when the employee was a child.

11.1017 Serious Health Condition

An illness, injury, impairment, or physical or mental condition that involves:

- a. overnight, inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or
- b. continuing treatment by a licensed health care provider.

Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Example: Chronic serious health conditions include things like, *diabetes, lupus, multiple sclerosis, PTSD, and other qualifying emotional and mental illnesses.*

- c. A permanent or long-term condition for which treatment may not be effective. You or your covered family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

Example: This includes conditions such as *Alzheimer's, a severe stroke, or terminal stages of a disease.*

- d. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive days in the absence of medical intervention or treatment.

Example: This includes treatment for conditions such as *cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).*

- e. Any period of incapacity due to pregnancy or for prenatal care.

11.102 **Eligibility**

You must have worked for the County for a total of at least 12 months within the past 7 years and have worked at least 1,250 hours during the 12 months before you begin FMLA leave.

11.103 **Qualifying Events**

FMLA leave can be for one or more of the following events:

- 11.1031 Any incapacity due to pregnancy, prenatal medical care, or childbirth.
- 11.1032 To care for your child after birth or placement for adoption or foster care within 12 months of the birth or placement of the child.
 - Spouses who work for the County do *not* need to split the 12 workweeks for the birth or placement of a child or to bond with a newborn or newly placed child.
- 11.1033 To care for yourself, your spouse, child, or parent (not in-law) with a “serious health condition” as defined in §11.1017.
- 11.1034 Qualifying exigencies arising because your spouse, child, or parent is a covered military member either on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation in a foreign country.

The qualifying exigencies are:

- 1. short-notice deployment (no more than 7 days),
 - 2. military events and activities,
 - 3. child care and school activities,
 - 4. financial and legal arrangements,
 - 5. counseling,
 - 6. rest and recuperation (up to 5 days),
 - 7. post-deployment activities,
 - 8. care for military member’s parent who is incapable of self-care when care is necessitated by member’s covered active duty; and
 - 9. additional activities that arise out of active duty that your department agrees to.
- 11.1035 Military caregiver leave to care for an injured or ill service member or veteran who is your spouse, son, daughter, parent, or next of kin undergoing medical treatment, recuperation, or therapy for a serious injury or illness sustained in the line of active duty. For veterans, this leave is only available for 5 years after discharge.

If you have questions regarding what is a qualifying event under the FMLA, contact Human Resources & Risk Management.

11.104 **Amount and Use of Leave**

- 11.1041 You may take up to 12 weeks of FMLA leave per calendar year for qualifying events listed in § 11.1031 – 11.1034. You may take up to 26 weeks for military caregiver leave in a single 12-month period

Section 11: Time Off & Leaves of Absence

measured forward from the first day of military caregiver leave. Spouses who work for the County must split the 26 workweeks for military caregiver leave. If you take Military Caregiver Leave and any FMLA leave for another qualifying event the total combined leave may not exceed 26 workweeks during a single 12-month period.

- 11.1042 If you qualify for FMLA, you may use it continuously, intermittently, or on a reduced leave schedule. Department Heads have the discretion to deny intermittent leave for the birth or placement of a child or to bond with the child.
- 11.1043 If you need leave intermittently or on a reduced schedule for planned medical treatment, **you must try to schedule the treatment to avoid disruption to the department.** We might temporarily transfer you to another position with equivalent pay and benefits if it makes it easier on the Department.
- 11.1044 If you use continuous FMLA leave (and are not on workers' compensation) you must use all paid time available on the first day of leave before using unpaid FMLA leave. For intermittent FMLA leave, you have to use all available paid time before taking unpaid FMLA leave. Sick Leave is only applicable if the Qualifying Event is your own serious health condition or if you use Family Sick and Wellness Leave for the serious health condition of a spouse, parent, or child.
- 11.1045 Most injuries covered by workers' comp leave also qualify as a serious health condition under FMLA. If the employee on workers' comp leave is eligible for FMLA, we will designate the absences as both Workers' Compensation and FMLA.

11.105 **Your Health and Related Benefits During Leave**

Harris County maintains Group Health Plan coverage for employees on FMLA under the same conditions as if you had continued to work.

- 11.1051 If you choose to continue coverage while on unpaid FMLA leave, you have to pay your share of the premiums, if any. Harris County will bill you bi-weekly. If Harris County does not get payment within 30 days of the due date, your coverage will end on the 31st day.
- 11.1052 If you choose not to return from FMLA or if you work less than 30 calendar days after returning to work, Harris County will bill you for any premiums Harris County paid for maintaining your benefits while you were on [Unpaid Leave](#).

11.1053 Departments are responsible for notifying Human Resources & Risk Management if an employee fails to return to work.

11.106 **Job Protection**

11.1061 If you return to work before or on the working day after your authorized FMLA leave expires, you will get your job back or an equivalent job with equivalent benefits, pay, and other terms and conditions of employment.

11.1062 If you do not return to work after your FMLA, you may be disciplined, including termination. Check in with your department as the end of your leave approaches to discuss what options you might have.

11.1063 Deputies out on workers' compensation leave who have exhausted FMLA leave and are unable to return to work at the end of their Department Head's term are subject to having their employment terminated at the end of the current term of office.

11.107 **Status Reports and Intent to Return to Work**

Stay in touch with your department. We want to know how you are doing. Your department will tell you who to talk to and how often to call on the Notice of Eligibility and Rights & Responsibilities (Form 0455B). If you are on intermittent FMLA, you still have to follow your department's call-in procedures for reporting an absence unless you have extenuating circumstances. Employees may be subject to disciplinary action, up to and including termination, if they fail to provide status reports or follow call-in procedures.

11.108 **Requesting FMLA Leave**

11.1081 If you need FMLA leave tell your supervisor or payroll clerk either orally or in writing. You have to give us sufficient information to determine whether the leave qualifies for FMLA protection and the anticipated timing and duration of the leave.

Calling in "sick" without giving more information is not sufficient notice that you need FMLA leave.

11.1082 If the need for leave is foreseeable, you have to notify your department at least 30 days prior to taking FMLA leave. If the need for FMLA arises unexpectedly, notify your department as soon as practicable. If you don't, it may delay the start of the leave.

11.1083 Within five business days after you give sufficient notice, your department representative will give you [Auditor's Form 0455B](#), the Notice of Eligibility and Rights and Responsibilities and the applicable FMLA certification:

- [Auditor's Form 0456A](#) - FMLA Certification of Employee's Serious Health Condition;
- [Auditor's Form 0456B](#) - FMLA Certification of Family Member's Serious Health Condition;
- [Auditor's Form 0456C](#) - FMLA Certification of Qualifying Exigency for Military Family Leave;
- [Auditor's Form 0456D](#) - FMLA Certification for Serious Injury or Illness Current Service member;
- [Auditor's Form 0456E](#) - FMLA Certification for Serious Injury or Illness of Veteran.

You must return the completed certification within 15 calendar days or your request may be denied unless you give the department a reasonable explanation of why you need more time.

11.1084 If you are absent from work for 4 consecutive calendar days and your supervisor is uncertain whether the absence is for a Qualifying Event, your department may call you to discuss the situation. Of course, any time you are absent, we have the right to ask you about it. The department may also send the appropriate FMLA forms to you and start preliminarily designating your absences as FMLA leave. If it turns out that FMLA does not apply, we will remove the preliminary designation.

11.109 **Obtaining Clarification or Authentication**

11.1091 If the medical certification is incomplete or insufficient, the department representative will use [Auditor's Form 0457](#), FMLA Designation Notice, to tell you what information is still needed. You will get at least 7 calendar days to provide the missing information.

11.1092 After you have had the chance to cure any deficiencies, someone other than your immediate supervisor, may, with your permission, communicate with the Health Care Provider to clarify the certification. Your immediate supervisor will not contact your healthcare provider. If you do not authorize us to clarify the certification or get the requested clarification yourself, we may deny your FMLA leave request.

In all instances, it is YOUR responsibility to provide a complete and sufficient certification. If you don't, it may result in the denial of FMLA leave.

11.1093 Someone other than your immediate supervisor may communicate with the Health Care Provider to authenticate any medical certification. We do not need your permission to do that.

11.1094 In certain circumstances, the Department has the right to require an employee to obtain a second or third opinion at the Department's expense. Departments must consult the County Attorney's Office before seeking a second or third medical opinion.

11.110 Designation of FMLA Leave

11.1101 Within five business days of getting the completed appropriate certification form, we will give you a written notice on [Auditor's Form 0457](#), FMLA Leave Designation Notice, stating whether your request qualifies for FMLA, and, if so, describing the conditions of the leave and the requirements for returning to work.

11.1102 **As stated above, we can designate absences as FMLA without an employee's permission if we have information that the absences qualify for FMLA and notify the employee in writing.**

11.111 Re-Certification

11.1111 We can request recertification of the serious health condition (whether yours or your family member's) if (1) you ask to extend the leave, (2) when circumstances have changed, or (3) if the department receives information casting doubt on the reason given for the absence.

11.1112 We may also request recertification every six months in connection with an FMLA absence.

11.1113 If you need FMLA for a chronic or lifelong condition, you will have to submit a medical certification each year.

11.112 Fitness for Duty Certification

If you take continuous FMLA leave for your own serious health condition, we expect you to return to work when your health care provider releases you. If your doctor releases you with restrictions, contact your department right away to discuss those restrictions and your work status. We will tell you on the designation notice if you are required to have a fitness for duty certification to return to work. Failure to submit a fitness for duty certification may delay, or result in the denial of, reinstatement.

We know FMLA is complicated. If you have any questions, talk with your supervisor, appropriate department representative, or call Human Resources & Risk Management.



Sgt. Romero Palacios (left) and **Sgt. Paul Fernandez** of the Precinct Six Constable's Office work with **Martin Chavez**, Director of Constituent Services for the Greater East End Management District. Precinct Six has a long-standing partnership with the District. Harris County deputies and officers from the Houston Police Department work daily to ensure the safety of businesses and the community within the 16-square miles of the District.

SECTION 12. GRIEVANCE PROCEDURES

SECTION 12. GRIEVANCE PROCEDURES

The grievance process is a way to settle grievances between the County and an employee as quickly as possible to promote efficient operations and maintain positive morale in the workplace. These procedures apply to all County employees (not volunteers) except those in the Sheriff's Office or Community Supervision & Corrections.

Try to resolve complaints using all available avenues within your department before filing a formal, written grievance. We encourage Department Heads and supervisors to work with employees to resolve grievances informally. **Efforts at informal resolution are unrelated to the formal grievance procedures and do not extend the time limits set out below. Grievances filed after the time limit(s) are automatically denied.**

12.01 GRIEVABLE MATTERS

12.011 A grievance is a violation, misinterpretation, misapplication, or disparity in the application of a specific law, ordinance, resolution, written or unwritten policy, or rule regarding wages, hours of work, or conditions of work that adversely affects an employee.

a. Examples of grievable matters include, but are not limited to:

- Misapplication of a salary ladder;
- Misinterpretation of a department mandatory overtime policy;
- Unfair treatment in the application of a department shift bidding policy;
- Violation of the County compensatory time policy.

b. Examples of matters that are not grievable include, but are not limited to:

- Employee performance evaluations that are not directly related to wages;
- Written reprimands;
- Terminations;
- Promotion decisions, unless covered by a salary ladder.

Grievances based upon an employee's termination from employment are denied upon filing. If at any point in the grievance process, the employee separates from the County, the grievance process ends.

- 12.012 If at any point in the grievance process the Department determines that the subject of a grievance is not grievable as defined above, the Department notifies the employee in writing before the next applicable deadline. Employees may appeal that determination to the Grievance Resolution Committee by submitting written notice to the County Grievance Coordinator within 5 working days of receiving it. The County Grievance Coordinator or her designee has 5 days from receipt of the appeal to set a meeting date for a panel of the Grievance Resolution Committee to evaluate the appeal and issue a response. If the Committee determines the issue is grievable, the grievance resumes at the point it left off. If the Committee determines that the issue is not grievable, the grievance process ends. The Committee's decision is final.
- 12.013 **The grievance procedure does not apply to allegations of discrimination based on race, color, religion, sex, national origin, age, pregnancy, disability, genetic information or any other protected class in accordance with federal and state laws. Discrimination allegations are handled under the County's Non-Discrimination Policy.**

12.02 GENERAL PROVISIONS FOR FORMAL GRIEVANCES

- 12.021 To file a grievance you must follow these steps in the order given. **You have 5 days to take the first step in the Grievance Process.** *If a supervisor, Grievance Coordinator, or Department Head fails to respond within the time limits, the employee must take the next step in the procedure to continue with the grievance process.*

Example: Marco timely appeals a grievance to his Grievance Coordinator, who fails to respond within 5 working days. To continue with the grievance, Marco must appeal the grievance to the Department Head within 5 working days after the deadline his Grievance Coordinator missed.

- 12.022 Time limits begin on the first day after the applicable occurrence, initial notification, filing, response, or recommendation. Working days do not include weekends or County Holidays.

Example: Doug receives notification that he is going to be suspended. His suspension is scheduled to begin the following week. In order to file a grievance, Doug must submit Form 100 to his supervisor within 5 working days of receiving the initial notification of his suspension.

- 12.023 **Employees must use the County [grievance forms](#).** The forms are available from the Department's Grievance Coordinator, the Department's human resources staff, from Human Resources & Risk Management, and via the HRRM website.
- 12.024 Employees get their usual rate of pay for time spent during normal working hours in the grievance proceedings.
- 12.025 Employees may represent themselves or be represented by someone else when presenting a grievance.
- 12.026 Commissioners Court appoints the County Grievance Resolutions Committee.
- 12.027 Department Heads designate a Department Grievance Coordinator and notify all employees of the designation. Any questions regarding the grievance process should be directed to the employee's Department Grievance Coordinator.

12.03 FORMAL GRIEVANCE STEPS

12.031 **Step 1 – Supervisor**

Complete [Form 100](#) and give it to your supervisor within 5 working days of the occurrence. Keep a copy for yourself. Your supervisor will note the date received on Form 100. Your supervisor has 5 Working Days from receiving Form 100 to investigate, meet with you, and respond in writing on County [Form 200](#).

If the grievance involves allegations of discrimination based on race, color, religion, sex, national origin, age, pregnancy, disability, genetic information, or any other protected class, then the supervisor MUST:

- 1) refer the grievance to the Director of Human Resources & Risk Management for handling, and
- 2) notify the employee in writing of the referral.

12.032 **Step 2 – Department Grievance Coordinator**

You may appeal the supervisor's determination by completing [Form 300](#) and giving it to your Department Grievance Coordinator within 5 working days of receiving Form 200. The Department Grievance Coordinator has 5 working days from receipt to investigate, meet with you, and respond in writing on Form 300.

12.033 **Step 3 – Department Head**

You may appeal the Department Grievance Coordinator's determination by completing [Form 400](#) and giving it to your [Department Head](#) within 5 working days of receiving Form 300. The Department Head has 5 working days to investigate, meet with you, and respond in writing on Form 400.

12.034 **Step 4 – Grievance Committee**

12.0341 You may appeal the Department Head's determination by completing [Form 500](#) and submitting it to the County Grievance Resolutions Committee Chairperson/Coordinator within 5 working days of receiving Form 400. The appeal *must*:

- state the reason for the appeal; and
- pertain to the original grievance filed; and
- include all written responses pertaining to the specific complaint; and
- include your signature and the name of your representative, if you have one.

12.0342 The County Grievance Coordinator schedules a hearing within 5 working days from receipt of Form 500. The Resolutions Committee reviews and carefully studies your complaint and the Department's responses. Each party may present evidence. Upon hearing the grievance, the Resolutions Committee votes to adopt a response and recommendation.

12.035 **Step 5 – Appropriate Authority**

12.0351 Either the employee or the Department Head may appeal the Grievance Resolutions Committee's determination to a governing body other than Commissioners Court that has appropriate supervisory authority over the Department Head, if one exists, and has established a grievance procedure. For Juvenile Probation employees, the appropriate authority is the Juvenile Board. The appealing party must submit a written appeal with the County Grievance Coordinator within 10 working days of receiving the Grievance Resolutions Committee's determination. The appeal must state the reason for the appeal and specify whether appealing party wants it to be heard at a public hearing or in Executive Session. The County Grievance Coordinator places the appeal on the appropriate agenda.

12.0352 In accordance with all applicable laws, the appropriate authority considers the grievance and takes whatever steps it deems necessary under the circumstances.

12.036 Step 6 – Commissioners Court

12.0361 Either you or your [Department Head](#) may appeal the determination made in the highest applicable step described above to Commissioners Court by filing a written appeal with the County Grievance Coordinator within 10 working days. The appeal must state the reason for the appeal and specify whether the appealing party wants it to be heard at a public hearing or in Executive Session. The County Grievance Coordinator places the appeal on the Commissioners Court Agenda.

12.0362 In accordance with all applicable laws, Commissioners Court considers the grievance and takes whatever steps it deems necessary under the circumstances, including referring the matter back to the governing body referenced in Step 5.



Auto Services Support Clerk **Joe Flores**, a 22-year employee of the Tax Office, stocks license plate inventory in the Auto Division vault at 1001 Preston. In 2016, the Tax Office registered 3,741,370 vehicles.

SECTION 13. SEPARATION FROM EMPLOYMENT

SECTION 13. SEPARATION FROM EMPLOYMENT

13.01 To the extent permitted by law, employees have the status of “employee-at-will” and do not have a contractual right, express or implied, to remain employed by the County. Your employment may be terminated for any reason and at any time without notice. As a matter of law, employees have no tenure. Similarly, you may resign with or without notice at any time.

13.02 Not reporting to work and not calling to report the absence (no call/no show) is a serious matter. If you do not report to work without contacting your supervisor as required by department policy, you may be disciplined, including termination. Some departments consider a no call/no show lasting three days to be job abandonment and a voluntary resignation. Be sure you know your department’s policy.

13.03 The Texas Payday Act does not apply to Harris County.

13.04 *BENEFITS UPON SEPARATION*

13.041 You will get paid for unused Vacation **unless** you separate and return to the County without a [Break in Employment](#). For purposes of this section, Vacation does not include allowances, incentives or Longevity Pay.

13.042 You will get paid for unused [Compensatory Time](#) as outlined in the policy on Overtime Compensation and Compensatory Time.

13.043 Employees who separate with a Break in Employment forfeit all accrued Sick Leave, including Family Sick and Wellness Leave.

You must return all County property and equipment (e.g., keys, cell phone, laptop, and badge) in your custody before receiving your final pay. The County takes all steps necessary to collect monies you owe and to get back all County property and equipment.

SUMMARY OF BENEFITS

	<u>Regular Position</u> (At least 32 hours per week – <u>Regular</u> <u>Employee</u>)	<u>Part Time and</u> <u>Part Time</u> <u>Model Positions</u>	<u>Temporary</u> <u>Position and</u> <u>Temporary Model</u> <u>Positions</u>
Sick Leave	Yes	No	No
Vacation Leave	Yes	No	No
Retirement benefits	Yes	Yes	No
Compensatory Time¹	Yes	Yes	Yes
Med/Life/LTD, etc. benefits	Yes	No	No
Holidays	Yes	No	No
Funeral Leave	Yes	No	No
Temporary Military Leave	Yes	Yes	Yes
Jury or Witness Duty	Yes	No	No
Workers' Compensation	Yes	Yes	Yes
FMLA²	Yes	Yes	Yes
<u>Longevity Pay</u>	Yes	No	No

¹ [Non-Exempt](#) Employees whose [Hours Actually Worked](#) exceeds 40 hours in one workweek earn Compensatory Time at the rate of 1½ times per hour in excess of 40. Any employee whose [Paid Absences](#) plus Hours Actually Worked exceeds 40 hours in one workweek accrues [Compensatory Time](#) on a straight-time basis.

² FMLA eligibility is subject to certain qualifications, including having worked at least 1,250 hours in the 12 months immediately before the leave.