



NUECES COUNTY, TEXAS PERSONNEL POLICY MANUAL

Approved by the Commissioners Court on _____, 2013



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CHAPTER I ORGANIZATION

PURPOSE:

1.00 Purpose. Effective with the adoption of this document as the "OFFICIAL COUNTY PERSONNEL MANUAL", the Nueces County Commissioners Court establishes the rules and regulations herein as the standard county policy for personnel functions. NOTHING IN THESE POLICIES SHALL BE CONSIDERED A CONTRACT BETWEEN THE COUNTY AND ITS EMPLOYEES.

These personnel rules and regulations are hereby adopted, and must be interpreted, in conjunction with the applicable provisions, of any of the following:

- a. any specifically applicable provisions duly and properly adopted by the Nueces County Civil Service Commission; and,
- b. any specifically applicable provision of a duly and properly approved labor agreement authorized and approved pursuant to Chapter 174, Texas Local Gov't Code; and,
- c. any other specifically applicable provision imposed by law or regulation, compliance with which takes precedence over the provisions of this personnel policy manual.

CREATION AUTHORITY:

1.01 Role: The Commissioners Court is the legal authorized elected body that provides oversight for the operation of the Nueces County Governmental entity. By order of this body, on December 4, 1991, the Nueces County Civil Service Commission was created.

1.02 Appointment: The Commissioners Court appoints the Director of Human Resources to serve at the discretion of this governing body and to implement the policies and procedures of this manual.

1.03 Duration of Appointment: The duration of the appointment of the Director of the Human Resources Department shall remain commensurate with the will of the Commissioners Court.

1.04 Responsibilities: The Director of the Human Resources Department has the responsibility to develop and recommend to the county governing body a system of personnel rules that provide for the following:

- a. Selections and classifications of employees;
- b. Competitive examination;
- c. Promotions, seniority, and tenure;
- d. Layoffs and dismissals;
- e. Disciplinary action;
- f. Grievance procedure and other procedural and substantive rights of employees, and;

- g. Other matters having to do with selection of employees and their advancement, rights, benefits and working conditions.

1.05 Meetings: At the discretion of the Commissioners Court, the Director of the Human Resources shall attend meetings of the Commissioners Court as determined by need for his/her subject expertise. Also, at the direction of the Commissioners Court, the Director of the Human Resources shall attend any other meeting(s) as may be necessary.

1.06 Communications: All formal communications and requests for personnel service to the Director of Human Resources shall be made in writing. Subsequent personnel actions requiring the Commissioners Court approval will be forwarded to the governing body as expediently as possible. Records of these communications will be maintained by the Director of Human Resources.

1.07 No Policy.

1.08 No Policy.

1.09 No Policy.

1.10 No Policy.

DIRECTOR OF HUMAN RESOURCES AND CIVIL SERVICE:

1.11 Appointment: The Director of Human Resources is appointed by the Commissioners Court. As an additional duty, the Director of Human Resources may also be appointed by the Civil Service Commission to serve as Secretary for the Civil Service Commission.

1.12 Duties: The Director of Human Resources will provide staff support to the Civil Service as may be necessary to record and maintain the minutes of the commission. Also, if approved by the Civil Service Commission, the Director of Human Resources will be the Chief Examiner for the Civil Service Commission and will provide staff support for the day to day functions of said commission. The Director of Human Resources shall also, by direction and approval of the County Commissioners Court, perform the following duties:

- a. be the general manager of the Department of Human Resources and Civil Service and be responsible for the direction of the work and the staff of this department;
- b. administer a broad personnel program which includes, but is not limited to:
 - 1. recruitment and examination of applicants;
 - 2. classification of positions;
 - 3. employee information and counseling;
 - 4. in-service training;
 - 5. leaves of absence;
 - 6. maintenance and development of personnel standards and programs;
 - 7. any other task(s) or projects as may be directed by the Commissioners Court.

APPLICABILITY:

1.13 All regular budgeted positions as to which the County is the employer under state and federal law are covered under the civil service system, except those specifically excluded from coverage by separate order of the Civil Service Commission. The coverage exclusion order shall be maintained by the County's Department of Human Resources and may be amended from time to time at the discretion of the Civil Service Commission. All employees excluded from the Civil Service system are covered by these personnel policies.

PERSONNEL RECORDS:

1.14 Official Roster: The Director of Human Resources shall maintain an official roster containing the names, job title, or code, salary, ethnicity, hire date, and department of all employees holding positions in the Nueces County Government.

1.15 Employment Record: The Director of Human Resources shall also maintain in the Department of Human Resources and Civil Service a complete employment record of all employees holding positions in the service of Nueces County. This record will include all personnel actions, personal employment data, and education courses or seminars attended.

CERTIFICATION:

1.16 The Director of Human Resources and Civil Service shall certify to the county auditor the name and date of appointment of each person employed by Nueces County. Within this certification shall be information that identifies all employees serving under civil service.

RULES AND REGULATIONS:

1.17 Establishment: The rules governing the management of personnel functions in the county become effective on the date of adoption by the Commissioners Court.

1.18 Amendment of the Rules: Amendment to any rule herein may be made at any legally constituted meeting of the Commissioners Court at the discretion of said body. County departments are encouraged to submit recommended changes to the Director of Human Resources who will summarize and inform the Commissioners Court of all recommendations. The printing of all rules and subject amendments shall be the responsibility of the Director of Human Resources who will insure distribution to all departments.

1.19 Relationship to Collective Bargaining Provisions:

- a. As provided by Chapter 174, Texas Local Government Code, a state or local civil service provision prevails over a collective bargaining contract under Chapter 174, TLGC, unless the collective bargaining contract specifically provides otherwise.
- b. In this regard, it shall be the responsibility of the parties appearing before the Commissioners Court to bring to the Commissioners Court's attention any applicable collective bargaining provision that bears on an issue.
- c. The Commissioners Court reserves the authority to interpret and apply, if such be necessary, any contract based provision that provides the standard in any particular matter before the Commissioners Court. *See* §174.005 and .006(b), TLGC.

CHAPTER II EMPLOYMENT

DEFINITIONS

2.01 Applicant: This term includes any person who has completed an application for employment for a specific position for which the Nueces County Department of Human Resources is recruiting applicants.

2.02 Appointing Authority: The elected official or the department head, or the Commissioners Court, has authority to appoint employees.

2.03 Job Category: A job category consists of a group of jobs, regardless of department, which have similar duties and responsibilities and have similar requirements regarding education, experience, knowledge skills and abilities. All jobs will fall into one of three categories; "clerical", "non-clerical", and "law enforcement".

2.04 Classification/Reclassification: Classification is the actual process of evaluating the structure of jobs so that they may be arranged into classes or pay groups which are charted and serviced by the county pay system. When there is a departmental reorganization or substantial change in the duties, responsibilities, or market factors of a position, the Commissioners Court may reclassify that position to an appropriate job classification. All classification actions must be approved by the Commissioners Court.

- a. For those employees covered by a collective bargaining labor agreement, the job classifications shall be those established by the labor agreement, if applicable.

2.05 Pay Group Evaluation: A process used to review the compensable factors of jobs in order to determine their level in the pay structure of Nueces County. Upon request of the respective appointing authority, the Court may direct such study be done prior to the adoption of the annual budget or otherwise, but not more frequently than once per budget year for any one position.

2.06 Classified Service: This term denotes the status of all regular full-time and regular part-time employees of the County that are identified as "employees under civil service" in accordance with the provisions of paragraph 1.13 of this chapter. The term also includes any employee who is on an authorized leave of absence and whose position is being held by the Department for the employee's return. However, this term excludes all temporary employees whether full-time or part-time.

2.07 Employment Status:

- a. **Regular Employee:** An employee filling a position that is annually budgeted and approved by the Commissioners Court as a "REGULAR POSITION" eligible for employee benefits as mandated by said court. Benefits available to regular employees are determined by the level of utilization defined at the time of authorization. (see chapters 3 and 4 for more information on employee benefits)

- 1. Regular, full-time - non-law enforcement employees filling positions authorized with utilization levels of 1664 hours or more per year. Full-time law enforcement employees fill positions authorized at a utilization level of 2223 hours per year. Regular, full-time employees are eligible for full life and health

insurance benefits and leave benefits prorated on the authorized utilization level. (100% = 2080 hours per year for non-law enforcement and 2223 for law enforcement)

2. Regular, part-time - employees working in non-law enforcement positions authorized by Commissioners Court with a utilization level of less than 1664 hours per year. Employees are eligible for leave benefits prorated on the authorized utilization level by Commissioners Court. Additionally, in accordance with the requirements of the TCDRS guidelines, retirement benefits must be made available in positions budgeted for 900 hours or more per year.

b. Temporary Employee: An individual employed by the County to perform a job for a limited period of time. All temporary employee positions must be approved by the Commissioners Court on a case by case basis, and persons hired to fill said temporary positions are not eligible for any employee benefits. Departments requesting temporary employees may do so by submitting an NCF-1 (personnel action request form) addressed to the Commissioners Court through the Department of Human Resources. The following requirements apply to these requests:

1. The authorization for each temporary position may not exceed ninety (90) calendar days for each position requested. Requests to extend the authorization of the position for successive ninety (90) day periods are to be submitted to Commissioners Court in conformance with all provisions of this section to include the original date of authorization. (Only when an employee is replacing a regular employee on workers comp or leave without pay or other reasons approved by Commissioners Court may a temporary position be authorized to exceed more than 270 consecutive calendar days from the date of original authorization.)

2. A specific list of tasks that will be performed by each temporary employee and the expected time (in work-hours) required to accomplish each task during the term of employment. In submitting requests to extend the authorization of a temporary position, a report of progress-to-date on the original list of tasks is required.

3. A reference to the department's approved budget for salary expenditures in the current year. In cases of non-budgeted emergency requests, departments must explain the reason for the emergency and why it could not be anticipated during the previous budget planning cycle. For example, departments may request temporary hire to accomplish tasks generated by legislative action that may have occurred after the budget was approved. In such cases, the department may simply cite the respective authority including the legislative bill number and the appropriate session number, along with a list of resultant tasks which will be accomplished by the temporary hire.

4. Availability of funds for all requests submitted must be confirmed by each department with the county auditor prior to forwarding same to the Department of Human Resources. In the event that insufficient funds remain in that department's budget to cover temporary requirements, the request should be properly documented and labeled "NON-FUNDED REQUEST", then forwarded to the Department of Human Resources for processing.

5. This policy for temporary hire herein defined in Chapter II, paragraph 2.07, subparagraphs b(1-5) above, is not intended to allow any department to violate any law regarding the employment of temporary hire or any other employee of Nueces County. In event of conflict between this policy and any law pertaining thereto, the full provisions and intent of the law shall prevail.

2.08 Inactive Employee: An employee who is on an approved leave of absence without pay, in excess of 31 continuous days. Benefits do not accrue during this period of time.

2.09 Break in Service: Any approved leave of absence that is in excess of 31 continuous days without pay.

2.10 Probationary Period:

a. The first six months of continuous employment or re-employment with the County, for all regular full-time employees and regular part-time employees. During this period of time, the employee must demonstrate ability to satisfactorily perform the duties required. Failure of the employee to perform satisfactorily during the probationary period will result in dismissal without the right to appeal.

b. Any employee who applies for and accepts a promotion or transfer into a position under another appointing authority will be required to serve a six month probationary period in the new position. This new probationary period will not affect benefits for which the employee is otherwise eligible. Failure of the employee to perform satisfactorily during this probationary period will result in a return to the employee's previous position and salary, if vacant, or termination in the event no suitable positions are open. In all cases, the receiving appointing authority must approve the employee's placement.

2.11 Termination of Employment: The discontinuation of an employee's service with the County as a result of a resignation, dismissal, reduction in force, retirement or death.

EMPLOYMENT PROCEDURES:

2.12 Job Posting: The Department of Human Resources, upon receipt of a personnel requisition, will post an announcement for each clerical, non-clerical, and law enforcement job vacancy for a period of at least seven (7) calendar days, with the following exceptions:

1. as noted in the provision of paragraph 2.15, where the appointing authority desires to fill a position from an existing unexpired certification list, and
2. for internal promotions as described in paragraph 2.52 a, where the appointing authority expects to fill the vacancy with qualified individuals from his/her existing employees.

For frequently recruited job classifications which occur in more than one county department, the Department of Human Resources may accept applications from non-county employees on a continuous basis. The internal recruitment process, all vacancies will be announced to current regular employees when positions are unfrozen by the Commissioners Court.

The announcement will include the title, job code/class, starting pay group for the position, closing date for applications, job summary, qualifications, plus any special physical requirements or performance tests that apply. Posting will be in a conspicuous place in the Department of

Human Resources and on the County's official website, and may be posted with other organizations outside of the County as appropriate to increase applicant flow. However, for an initial seven (7) calendar day period, the announcement will be posted within the county system to allow priority to "regular" county employees.

A "volunteer or temporary employee" who has served in a specific position for which there is a vacancy, for 1040 hours or more during the previous year, and who has written certification from an appointing authority confirming this 1040 hours of training on the job, may also apply through the internal announcement process. Appointing authorities may request simultaneous posting and recruitment of both external and internal applicants.

EMPLOYMENT PROCEDURES FOR NON-CLERICAL POSITIONS:

2.13 Request To Fill Vacant Positions: Each Elected Official/Department Head must submit a personnel action "Nueces County Form 1 (NCF-1)" to the Department of Human Resources with the necessary specifications of the vacancy. For the convenience of county departments, a supply of NCF-1 forms will be maintained in the Department of Human Resources and the County's Intranet. The Director of Human Resources will then process the completed form through the Auditor's office to the Commissioners Court for approval. Given such approval by the Commissioners Court, the Director of Human Resources will then forward to that department head, a certified list of eligible applicants to fill the position.

2.14 Applications: Applications for non-clerical jobs are only accepted for positions for which the County is currently recruiting.

Individuals wishing to apply for an open non-clerical position must submit a completed Nueces County Form 2 (NCF-2, "Employment Application"), and any other documents required by the announcement, prior to the closing date for each position for which they wish to be considered. Resumes will be accepted in addition to the completed application.

2.15 Prescreening and Certification: To insure that minimum qualifications are met, each application for each position will be prescreened by the Department of Human Resources and referred to the appointing department in the form of a "CERTIFIED LIST of NON-CLERICAL APPLICANTS." These certification list(s) will be active for 90 days. Vacancies that occur in positions for which the current certified list offers qualified applicants may be filled from the current list(s). The appointing authority may also request a new list, even if a current certification list is in effect. The pre-screening and certification process stated herein will not apply to county employee positions such as the County Agriculture Extension Agent, wherein a state agency or other source provides for pre-screening and certification.

2.16 Interview of Applicants: Elected officials/department heads will be responsible for deciding who to interview from the list of certified applicants that is provided by the Department of Human Resources. Final selection for each position will be made from this list of applicants. If there is more than one position vacant in the same class that is being recruited, the appointing authority may select applicants from the same list.

EMPLOYMENT PROCEDURES FOR CLERICAL POSITIONS:

2.17 Exam Roster for Clerical Positions: Any individual wishing to apply for a clerical position with Nueces County must take the Civil Service Examination. A roster of individuals scheduled to take the next exam will be maintained by the Department of Human Resources.

Persons wishing to have their name placed on this list must contact the Department of Human Resources.

2.18 Performance Tests: Applicants are eligible to take any other relevant performance tests once they have taken the initial Civil Service Examination. Other performance tests could include a typing test, a test of communication skills, computer skills, or any other combination of essential performance factors.

All applicants that take the Civil Service Examination are required to complete an application for employment (NCF-2).

2.19 Register for Clerical Positions: The name of each clerical position applicant who takes the civil service exam will be placed on the Register in order of ranking. Individual position ranking on the register will be based on evaluation of the civil service exam score, past experience, and the education level of each applicant. County employees are given preferential treatment by having an additional 5 points added to their overall score. Scores on the register are good provided the application is renewed as specified in this Chapter.

2.20 Certification: A "CERTIFIED LIST OF CLERICAL APPLICANTS" who are eligible for appointment will be presented in groups of ten (10), to any department head who so requests. If the appointing authority does not select an applicant from the list, notification must be submitted to the Department of Human Resources, after which a new list will be provided to the Elected Official/Department Head. If more than one position in the same class is available and has been included on the personnel requisition, the appointing authority may select applicants from the same list. Certification lists will be active for 90 days. When new lists are requested, they will be merged with any old lists that have not expired.

2.21 Reexamination: Applicants may only take the Civil Service Examination two times within a 12 month period. Any exceptions will only be considered upon a written request of the applicant and are subject to the approval of the Director of Human Resources.

EMPLOYMENT PROCEDURES FOR LAW ENFORCEMENT POSITIONS:

2.22 In addition to all the procedures required for non-clerical positions in paragraphs 2.12 through 2.16 all, county law enforcement applicants must also meet the requirements of the "Texas Commission on Law Enforcement Officer Standards and Education Act" (TCLEOSE).

RETENTION OF RECORDS:

2.23 Certification Lists: All, certification lists will be retained for a period of twelve (12) months.

2.24 Applications: All applications for employment may be destroyed after being on file for twelve (12) months. Any applicants who wish to receive further consideration for employment are required to submit a new application or update existing application in the Human Resources Department.

AGE:

2.25 No person shall be eligible for employment in the classified service, nor shall any applicant be admitted to an open examination therein, who is less than eighteen (18) years of age, provided, however, that the Commission may change this age limit at its discretion. In the case

of applicants for law enforcement positions, the age criteria prescribed by the "Texas Commission on Law Enforcement Officer Standards and Education Act" will be enforced by the county.

EDUCATIONAL ATTAINMENT:

2.26 All applicants that are selected for positions which require education at the high school level or equivalent, or above will be required to provide the applicable transcripts or diploma from the high school, college(s) or universities they attended. New hires for positions that require special training or licensing must also provide satisfactory evidence of completion of the prescribed requirement(s).

DISQUALIFICATION OF APPLICANTS AND EMPLOYEES:

2.27 Any falsification or misrepresentation of facts, or failure to report pertinent data on the application form shall be cause for disqualification or just cause for dismissal. An applicant or employee may also be disqualified from employment and/or advancement consideration for the following reasons:

- a. Any employee may be disqualified from promotions for a minimum period of 90 days, when the employee makes a misrepresentation of facts or fails to report pertinent data on the application for promotion or any other document(s), or;
- b. Lacks the minimum qualifications, or;
- c. Is physically unable to perform the full range of job duties of the position to which the applicant seeks appointment, and which he or she would be unable to perform after reasonable modifications/accommodations to the job site or requirements were considered, or;
- d. Has had a positive result confirmed by the County's Medical Review Officer on a pre-employment drug test, or;
- e. Has been convicted of a felony or a criminal offense involving moral turpitude. The word convicted shall be construed to mean a conviction by a verdict, by plea of guilty, or nolo contendere upon a judgment of the court, a jury having been waived, without regard to subsequent disposition of the case or suspension of sentence, probation, deferred adjudication, pre-trial diversion, or otherwise. The words moral turpitude shall be construed to mean any act of baseness, vileness or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives, or;
- f. Has used or attempted to use any personal or political influences to further eligibility or appointment, or;
- g. Has intentionally made a false statement to any official body of the county, regarding a material fact, or;
- h. Has practiced or attempted to practice any deception or fraud in his/her application or examination, or in securing his eligibility or appointment, or;
- i. Has been disqualified within the past three years from the same or any other county examination or removed from a position under circumstances which the applicant is unfit for the position for which he/she applies, or;

- j. Has been convicted of a felony committed in the furtherance of, or while participating in a civil disorder, or;
- k. Has been unable to be contacted after a reasonable amount of effort (as may be determined by the appointing authority), or has failed to appear for an interview or has declined an interview or job offer, or;
- l. Has indicated through clear actions or words an inability to attend work on a regular basis, or;
- m. Information garnered through reference checks discloses a valid basis for rejection.

APPLICATIONS NOT TO BE RETURNED:

2.28 Applications and any attachments whether accepted or rejected, are the property of Nueces County and shall not be returned to the applicant or any representative.

EMPLOYMENT PHYSICALS:

2.29 Initial Employment: Prior to final selection for certain positions, a physical examination will be required to ensure that the applicant meets the physical requirements of the position as stated in the job description. The physical will be conducted at a medical facility designated by the Commissioners Court. Applicants that fail to pass the physical examination will not receive further consideration for employment. Positions requiring employment physicals will be identified to the Department of Human Resources by the responsible appointing authority submitting the personnel action request (NCF-1). Prior to directing any applicant to submit to physical examination, the appointing authority must offer that individual the position for which he/she has applied.

Prior to employment, applicants for positions in any Nueces County Law Enforcement agency must also submit to a psychological evaluation by a provider designated by the Commissioners Court.

2.30 Re-Employment: Any applicant who is being reappointed to serve in a position that requires a pre-employment physical is required to take a physical examination if the break in service has exceeded six months.

2.31 Promotions: Any individual who applies for a position that requires specific physical attributes, and is offered the position in accordance with the provisions of the Americans With Disabilities Act, as amended, must pass a physical examination (if required by the appointing authority) prior to entering the new position. Failure to pass the physical will be grounds for disqualification.

EMPLOYMENT STATUS:

2.32 Upon completing his/her probationary period in accordance with the provisions of paragraph 2.35, each employee will be classified as a "REGULAR FULL-TIME OR PART-TIME" employee unless otherwise specified at the time of hiring.

EVIDENCE OF ELIGIBILITY FOR EMPLOYMENT:

2.33 All new hires must complete an I-9 form and submit any additional documentation required for employment prior to assuming duties in any county department. These documents must

verify the individual's legal status for work in the United States. All new hires must be processed through the Nueces County Department of Human Resources on their first day of employment, in order to comply with the Immigration Reform and Control Act.

EQUAL EMPLOYMENT OPPORTUNITY:

2.34 It is the County's policy to provide equal employment opportunities to all applicants and employees in accordance with the requirements of state and federal law prohibiting illegal discrimination or retaliation in connection with legally defined protected statuses, classifications, conditions, and conduct.

NEW EMPLOYEE PROBATIONARY PERIOD:

2.35 Each individual who becomes newly employed or reemployed with Nueces County serves a six month probationary period. The probationary period does not include time served as:

- a. a temporary employee;
- b. periods of absence of five days or longer during the probationary period, in which case the probationary period would be extended by the same number of days, or;

During the probationary period, the employee serves at the discretion of the elected official/department head and may be separated "at will" from employment at any time prior to completion of such probationary period. If employees are dismissed during the probationary period, no access to the grievance procedure is allowed. Employees dismissed during the probationary period are removed from any eligible lists, and cannot be certified to other departments for vacancies as specified in this Chapter. However, exception can be made for an employee who fails to complete a probationary period because of illness or other cause for which the appointing official does not wish to disqualify the individual from certification. In such cases, that probationary employee may return to work and complete the probationary period so long as the total period spent on probation does not exceed six months, and so long as the vacancy in which the individual was serving the probation is still open.

NEPOTISM:

2.36 State Law: A County Employee shall not be hired in a manner that would violate state laws against nepotism or any local rules that have been passed prohibiting nepotism. Elected Officials/Department Heads or their appointees are prohibited from evading nepotism rules by trading favors in appointing relatives for each other. Such trading is prohibited by State Law and constitutes grounds for immediate removal from their office or position.

2.37 Appointment of Employees: Elected Officials/Department Heads or other County officials may not appoint or supervise any person related to them within the second degree by affinity (marriage) or within the third degree by consanguinity (blood).

2.38 Ineligibility. No person related within the second degree of affinity or within the third degree of consanguinity to any County employee shall be hired, transferred, assigned, reassigned or reinstated to a position in the same Chain of Supervisory Command in which said employee is employed.

2.39 Employees who are married either legally or through common law may continue employment as long as it does not result in any of the above situations. If the conditions

prohibited in the other paragraphs of this policy should occur, the employees affected will be given 60 days to seek other employment within the County. At the conclusion of 60 days, the employees will be given the option to determine which of them will resign, if a suitable position has not been found within the County.

Termination of a marriage by divorce or the death of a spouse terminates relationships by affinity created by that marriage, unless a child of that marriage is living, in which case the marriage is treated as continuing to exist; as long as a child of that marriage lives.

The CHAIN OF SUPERVISION is defined as all management and supervisory positions in a major division of a department, beginning with the head of the division and flowing downward through the organization. Any personnel action that changes the established chain of supervision in any department serviced by county civil service, or which effects position/job class management, must be submitted through the Director of Human Resources for approval by Commissioners Court.

TRANSFERS:

2.40

a. Definition: A transfer is the movement of an employee from one department to another department. Such a transfer is subject to the approval of county governing body and must be requested through the Director of Human Resources on a personnel action form (NCF-1) by the appointing authority. An NCF-1 form must also be submitted by the department that is losing the employee.

b. Voluntary transfer to a position under another appointing authority will require the employee to serve a six month probationary period (Paragraph 2.10 b) in that position. During the probationary period, the employee must satisfactorily demonstrate the ability to perform the duties required. The immediate supervisor will periodically advise the employee of his/her progress. Failure of the employee to perform satisfactorily during the probationary period may result in return to the employee's old position and salary, if vacant, or termination in the event no suitable positions are open. In the event of layoff, the employee shall be given the first right of refusal of any future position (for a period of two years) for which the individual qualifies. In all cases, the receiving appointing authority must approve the employee's placement.

2.41 Voluntary: Transfers may be made at the employee's request. A request for such transfer shall meet the following criteria:

- a. be on a form furnished by the county Department of Human Resources, (NCF-1);
- b. be signed by the employee and the receiving appointing authority.
- c. must be signed by the transferring authority.

2.42 Involuntary: Subject to appeal through the grievance process, employees may also be involuntarily transferred at management's request; provided that the recipient department or office is in agreement with the transfer. However, prior to effecting the transfer, the proponent department must get approval from the county governing body by submitting an NCF-1 through the county Human Resources Department. Also, the proponent department must notify the subject employee in writing with the reason for such transfer, and allow sufficient time (7

calendar days) for the employee to exercise the grievance procedure. Given this seven day elapsed time, and approval from the Commissioners Court, the department may transfer the individual.

2.43 Temporary: Transfers for temporary or emergency work may be made after obtaining the consent of the Commissioners Court.

REASSIGNMENT:

2.44 The appointing authority may reassign employees to positions in the same grade and salary under the same appointing authority. Although reassignments are not subject to the same rules as transfers, the employee should be given advance notice in writing of the re-assignment, along with the reasons for it. In this event, there will not be an additional probationary period. Access to the grievance procedure is not allowed in cases covered by this sub-section.

DEMOTIONS:

2.45 Definition: A demotion is the movement of an employee to a position or classification that has a lower starting salary. Acceptable reasons for demotion are:

- a. employee's request;
- b. reduction in force;
- c. disciplinary action;
- d. District Clerk employees who have served their probationary period under a District Judge and are rejected for duty in the District Court.

2.46 Voluntary Demotion: Employees that request demotions must do so in writing and such a request must be indorsed in writing by the employee's appointing authority. An application for employment may also be required if the employee is seeking a demotion by applying for a lower level position in another department.

2.47 Review of Compensable Factors: Employees may also be demoted if a review of the compensable factors of their job, or if a salary survey determines, that the position should be at a lower pay grade. All requests for review of the compensable factors of any position must be submitted on an NCF-1 through the Department of Human Resources for approval by the Commissioners Court. Disposition of all compensable factor reviews shall be directed by the Commissioners Court.

2.48 Reduction in Force: A reduction in the county budget, as well as changes in program emphasis, or a lack of work, may cause a reduction in force. Employees that are affected by a reduction in force may be considered for a demotion or transfer in lieu of layoff. Such a change is possible only if approved by the Commissioners Court and if a vacant position exists where the affected employee may be placed with the consent of the appointing authority.

2.49 Involuntary: When a demotion is the result of a disciplinary action, the appointing authority must provide the employee with the specific reason in writing. The employee will then be given seven (7) calendar days to exercise the grievance process before the demotion is requested through the Department of Human Resources. Employees demoted under this provision shall be entitled to a hearing in accordance with the grievance procedures set forth in Chapter 8.

2.50 Compensation: Employees that are demoted shall receive a salary reduction in accordance with the job pay difference.

2.51 Promotion Reversal. Any employee who is promoted to a position in another department and cannot perform satisfactorily during the probationary period in the new position, may request demotion to the old grade, classification, and salary, if such opening is available. In all such cases, the receiving department head must approve in writing. The alternative to this would be dismissal for cause in accordance with the due process of paragraph 7.02 of this Manual.

PROMOTIONS:

2.52 Definition: A promotion is any personnel action resulting in movement to a position affording higher starting salary or greater rank and/or providing for greater skill or responsibility. It is the County's policy to give qualified employees advancement opportunities whenever possible. Therefore, job vacancies will be posted for a period of not less than seven (7) calendar days for either departmental (internal) or county-wide (internal) announcements.

a. Departmental (internal) announcements - When a job vacancy is expected to be filled from qualified individuals in the same department, that appointing authority will post the notice and accept applications or a letter of interest. Interviews are scheduled at the discretion of the department.

b. County-wide (internal) announcements - When an appointing authority has no expectation of finding a qualified applicant within his/her existing employees, the vacancy notice is posted in accordance with paragraph 2.12 of this chapter. Interested employees should notify their immediate supervisor and submit an application to the Department of Human Resources to have their qualifications reviewed. Qualified employees' applications shall be sent to the appointing authority where the vacancy exists. Interviews are scheduled at the discretion of the department.

c. Any employee who applies for and accepts a promotion into a position under another appointing authority is required to serve a six month probationary period. During the probationary period, the employee must satisfactorily demonstrate his/her ability to perform the duties required. The immediate supervisor will periodically advise the employee of his/her progress. Failure of the employee to perform satisfactorily during the probationary period may result in demotion to the employee's old position and salary, if vacant, or termination, in the event no suitable position is open. In the event of layoff, the employee shall be given the first right of refusal of any future position (for a period of two years) for which the individual qualifies. In all cases, the receiving appointing authority must approve the employee's placement.

d. Employees promoted within the same appointing authority will be subject to a thirty calendar day evaluation period. During this period, the employee must demonstrate the ability to successfully perform the new job. In the event the employee fails to perform satisfactorily within this period, the promotion will be reversed. The employee will be returned to their previous job and salary, unless the Commissioners Court has eliminated the position or the position is no longer vacant. In this event, the employee shall be given the first right of refusal of any future position (for a period of two years) for which the individual qualifies. The promotion reversal is not subject to the grievance process.

2.53 Salary:

- a. An employee that is promoted will be placed in the appropriate new grade and salary as specified in the county salary schedule and approved by Commissioners Court. Step placement within the pay group shall be the same as the employee had before the promotion, unless the promotion results in a pay increase of more than ten percent (10%), in which case, the employee will keep only the continuance pay steps that he or she has earned.
- b. The salary of an employee who is also a member of a duly recognized bargaining unit will be determined by the applicable provision of a labor agreement.
- c. The salary of City/County health district employees will be in accordance with the cooperative agreement between the City of Corpus Christi and Nueces County, as amended from time to time.

2.54 Notification: Employees who are promoted to a position in another department must give his/her elected official/department head two weeks prior notice before transferring between departments unless a mutual agreement of lesser or greater notice is made between the affected department heads or elected officials.

PERFORMANCE APPRAISAL:

2.55 Frequency: The job performance of each employee may be evaluated once a year using the county's EMPLOYEE EFFICIENCY REPORT FORM (NCF-3). The evaluation shall be based on the performance of the employee's job duties and will be conducted in accordance with the performance appraisal guidelines manual. A copy of each report will be given to the employee by his/her immediate supervisor within ten calendar days of the date on the report. Special evaluations may also be conducted as necessary to document inordinately poor or extraordinarily high employee performance under any given circumstance.

2.56 Record keeping: The original of the evaluation must be submitted to the Department of Human Resources and Civil Service for inclusion in the employee's official personnel record.

2.57 The appointing authority may maintain records showing the performance ratings of employees for use in determining the order of layoff and reinstatement; and for consideration and recommendations relating to promotion, transfer, demotion and dismissal.

2.58 Employees have the right to present an appeal concerning interpretation of the Performance Appraisal Process and/or resulting appraisal. The following method is provided to ensure rapid and fair hearing of an appeal:

Step 1: The employee should discuss the appeal with the immediate supervisor first and try to resolve it. This must be done no later than seven (7) calendar days after the occurrence of the action. The supervisor will answer the appeal within five (5) calendar days.

Step 2: If the appeal has not been settled, it may be presented in writing to the department director outlining the specific concerns within five (5) calendar days after receiving an answer from the immediate supervisor. The employee will receive a written reply within five (5) calendar days from the Department Head or Elected Official. The

employee may thereafter submit a written response within seven (7) calendar days to be included in his/her personnel file.

2.59 Nothing in this section shall be construed to entitle an employee to a satisfactory performance rating.

REINSTATEMENT:

2.60 Definition: Reinstatement is the re-employment of a former regular employee, or return of a transferred employee, without requiring the employee to go through the competitive selection process for a stated period of time. The reinstatement policy of the county provides for the following:

- a. To rehire employees who have been laid off or involuntarily separated because of lack of work or funds.
- b. To return employees who were transferred or promoted and failed to fulfill the six month probation period or are requesting return to originating department prior to transfer
- c. To rehire former employees who voluntarily left the service with good records and who could be re-assimilated into the work force as productive employees with minimum training.
- d. to rehire former employees who were improperly separated or dismissed.

2.61 Layoff: For two years following the date of layoff, the Director of Human Resources will include the names of all laid off employees on the eligible lists of applicants for vacancies which occur in any County department and for which the employee possesses the required knowledge, skills and abilities.

2.62 Voluntary Termination: Any regular, non-probationary employee who has resigned from county employment or is demoted in lieu of layoff, may request the Director of Human Resources to restore his name to the appropriate eligible list, if a vacancy exists in the same department for the same or a lower class position for which he/she is qualified. Eligibility for such list will expire after one year. However, an employee may request a one (1) year extension from the Director of Human Resources in order to remain on the eligible list for the same class, unless the former employee's name is removed from the list in accordance with the provisions of this Chapter.

2.63 Candidates for Public Office: Any regular employee that resigns from county service to become a candidate for or accept the nomination for a public office, may upon written request to the Commissioners Court, be eligible for reinstatement. Eligibility however, will be contingent upon acceptance of the applicant into a vacant position by an appointing authority. In such reinstatements, the applicant does not have to go through the certification process.

2.64 Benefit and Salary Restoration for Reinstated Employees: All employees that are reinstated by court order or by Commissioners Court order, will be subject to the restoration of benefits and their salary level at the time of separation, if they have not received prior compensation for them. However, in the case of candidates for public office, their restoration salary will be determined by the Commissioners Court at the time that approval is granted for their re-entry.

2.65 Preference: When more than one laid off person qualifies for reinstatement under these rules, the preference shall be given to the person laid off last.

2.66 Waiver of Probationary Period:

- a. Employees reinstated to the same appointing authority under these rules are not subject to a probationary period. All requests for waivers must be submitted through the Department of Human Resources for approval by Commissioners Court.
- b. Employees reinstated to other than the same appointing authority from which they were laid off will serve a six month probationary period in accordance with paragraph (2.10 a) of these rules.

RE-EMPLOYMENT:

2.67 Individuals who are re-employed, will be subject to a six (6) month probationary period, and may be separated from employment if it is determined that the employee is unable to perform the job duties assigned, or is not suited to the duties of the position. Access to the grievance procedure is not allowed in cases covered by this sub-section.

Individuals who are re-employed will be subject to the restoration of continuance pay steps held at the time of separation.

RESIGNATION:

2.68 An employee who desires to leave the County in good standing must file with the appointing authority a written resignation on a personnel action request form (NCF-1), giving at least a two week notice of his/her intention to leave, unless for good cause, the appointing authority consents that the employee may leave sooner. Written resignations must be filed with the Department of Human Resources. Employees who leave without filing a written resignation and/or giving the appropriate notice will have that fact entered on their employment record and will be denied future consideration for employment for three years unless good cause is shown and approved by the Director of Human Resources.

RETIREMENT:

2.69 Eligibility: Any regular employee may retire from county service in accordance with the rules and regulations of the Texas County and District Retirement Systems.

REORGANIZATION AND/OR CONSOLIDATION

2.70 Reorganization and/or Consolidation: A reorganization and/or consolidation occurs when the structure of a department or division is changed in such a way as to alter the number of employees and/or level of job classes within that department or division. Such changes may be proposed by appointing authorities or by the Commissioners Court under their budgetary authority. All reorganizational plans must be submitted in writing to the County Director of Human Resources and must have attached a completed personnel action request form (NCF-1) with specific changes requested for each effected position. The Director of Human Resources will review and coordinate administrative items such as job descriptions and support documents with requesting departments, and will forward the completed package to the Commissioners Court for approval.

In all cases, the affected employees must be given at least seven (7) days written notice prior to the plan implementation. Promotions resulting from re-organization do not require announcement/ recruitment in accordance with provisions of Chapter II. Any vacancy resulting from re-organization, or which occur during the re-organization, must be filled in accordance with the provisions of Chapter II.

Intra-departmental: Not more than once in any fiscal year, appointing authorities may request reorganization and reclassification of employee positions within their respective departments only. Included in the request must be copies of support documents (such as legislative or budgetary changes) that justify the re-organization.

Interdepartmental or Consolidation: As the Commissioners Court of the County deems necessary for the purpose of service to the people of Nueces County, consolidations of departments and services may be effected if approved by majority vote and properly budgeted.

CHAPTER III

POSITION CLASSIFICATION & PAY MANAGEMENT

COVERAGE:

3.00 Non-Exempt and Exempt Employees Classification: The Department of Human Resources shall make recommendations to the Commissioners Court for assignment of an exempt or non-exempt classification to each county employee position. Except for elected officials, employee positions that are administrative, executive or professional (as defined by 29CFR, §541, court decisions and other authority) shall be classified as exempt. All positions not classified as exempt shall be non-exempt.

SALARY ADMINISTRATION:

3.01 Base Pay Per Hour: The "Base Pay Per Hour" of any position is the amount of salary (exclusive of any benefits) allocated for that position for one hour of work. All pay administration of the county, except for elected officials and exempt employees, will be computed on an hourly basis.

3.02 Pay Authorization for County Employees:

a. **Pay Authorization for Regular Non-Exempt Employees:** Authority for the compensation of any "Regular Employee" is based upon Commissioners Court approval of the annual budget allocation for that position, calculated on the level of utilization. The essential criteria of the utilization level for any regular non-exempt employee position approval is an ongoing demand for a specified number of hours of services which that position is expected to produce during that budget year. Effective hereafter, department requests for new regular employee position(s) must be accompanied by a "Desk Audit" of the annual tasks which the incumbent in that position is expected to perform, and which require a specified number of hours of work per year. In all instances, requests for new law enforcement positions must demonstrate a utilization level of 2223 hours per year. New "regular employee" positions must be requested on a Nueces County Personnel Action form (NCF-1).

- b. Pay Authorization for Regular Exempt Employees: Compensation for regular exempt employees is based on salaries adopted by the Commissioners Court. Any new exempt positions should be requested on a Nueces County Personnel Action Form (NCF-1).

3.03 Pay Authorization for Temporary Employees: Authority for the compensation of any temporary employee is based upon the Commissioners Court approval of the department's request for that position. In all cases, the duration of pay authority for any temporary position will not exceed ninety (90) days. Departments wishing to extend authority for any temporary position beyond ninety (90) days must request same on a "case-by-case" basis. Extension of temporary authority beyond a total of 270 days is limited to cases of replacing a regular employee on workers comp or leave without pay, or other reasons approved by Commissioners Court. Temporary employees will be compensated only at ninety percent (90%) base pay rates in grade and step as authorized by the Commissioners Court for each specific case, and will not receive nor be entitled to any benefits beyond the statutory requirements. Department authority for temporary positions must be requested on a Nueces County Personnel Action form (NCF-1).

3.04 Pay Groups and Steps: Compensation rates for all employees of Nueces County are authorized and published annually by the Commissioners Court. Compensation rates for all collective bargaining employees of Nueces County are authorized using the collective bargaining process. For all other employees, the county format for compensation is arranged in a county pay chart that is composed of the following:

- a. "NUMBERED PAY GROUPS" which identify a range of compensation on the county pay chart which is allocated for each specific job classification.
- b. "STEPS" within the range of each pay group, which identify the specific allowance for any position that is assigned that step in a respective pay group.

Each year the Commissioners Court approves a budget that provides for implementation of the county pay chart, any applicable labor agreement, and any interlocal agreements. Annually, or whenever fiscal urgency requires, the Commissioners Court may adjust all or part of the county compensation chart.

3.05 County Pay Schedule:

- a. Elected officials and exempt employees: the compensation schedule provides for payments on the 15th and the last day of each month.
- b. Non-exempt employees: The compensation schedule provides for payments on a bi-weekly schedule (26 times per year).

3.06 Base Pay Computation for Non-Exempt, Non-Law Enforcement Positions: Beginning with a demand for a specified number of hours of service as justification for each position, the ANNUAL ALLOCATION of base pay for any non-law enforcement position is based upon the hourly rate authorized by Commissioners Court times the specified number of hours. To compute base pay per month, the annual allocation is divided by 12 monthly increments. With exception to absences authorized by the Commissioners Court, base pay for non-law enforcement positions will be computed on "HOURS ACTUALLY WORKED". However, in order to standardize the amount of each bi-monthly pay check, the Commissioners Court may authorize standard amounts of pay allocations from month to month although hours actually worked will fluctuate with the variable number of work days in each month. The yearly total of

the twelve monthly allocations for pay will however, balance with the annual total of base pay allocated for each position in the respective budget year.

3.07 Base Pay for Non-Exempt, Law Enforcement Positions: Base pay calculations for covered members of the bargaining unit shall be paid in accordance with the applicable provisions of an existing labor agreement for hours actually worked.

3.08 Longevity Pay:

a. Excluding elected officials, longevity pay will be allocated to each Nueces County Employee with ten (10) or more years of service as of October 1 of each year based on the total number of years of service he/she has completed as of September 30, of each year. The amount will be computed monthly at the rate of \$5.00 for each year of service completed up to thirty years of service.

1. In effect the maximum longevity pay an employee could receive would be (\$5 x 30 = \$150) one hundred, fifty dollars per month.

2. Annually (on or about October 1) or whenever fiscal urgency requires, the Commissioners Court may adjust or eliminate the rate of longevity pay.

b. Bargaining Unit: Longevity pay will be calculated in accordance with the applicable provisions of an existing labor agreement.

c. City/County Health District Employees: Longevity pay will be calculated in accordance with the applicable provisions of an existing Cooperative Agreement between the City of Corpus Christi and Nueces County, as amended.

d. Re-Employed / Reinstated Employees: Individuals who are re-employed or reinstated will be subject to the restoration of longevity pay in accordance with the time of service as a regular full-time Nueces County employee.

3.09 Red Line Rate: Red Lined means a rate of pay in excess of the maximum rate prescribed for the classification of any specific position. A Red Line Rate shall be assigned only if an employee (immediately prior to the implementation date of the current classification and compensation plan) is paid at a rate higher than the maximum for his or her prescribed class. In all such cases, that employee's salary shall remain unchanged while he/she remains in such class, or until changes in "Structure" result in that salary falling below the new maximum.

CLASSIFICATION OF NEW APPOINTMENTS:

3.11 Starting Salary: The classification and starting salary for all new hires or appointments will be determined by Commissioners Court. Newly hired employees shall be placed at the entry level of the authorized pay group for the job class into which they are appointed.

Starting salary for entry level covered members of a bargaining unit shall be paid in accordance with the applicable provisions of an existing labor agreement.

3.12 In-Grade Transfer: If an employee is transferred to a job in the same pay group, the salary will remain the same.

REINSTATEMENT:

3.13 If reinstated to the same class, an employee appointed from a reinstatement list after having been laid off pursuant to Chapter VI, shall be paid at a rate (in the current range for the class) at which he/she was paid when laid off. Reinstatement to positions other than the class held at the time of lay-off will be treated as "new appointments" and will be re-classified by the Commissioners Court under the provisions of paragraph 3.11 above.

Individuals who are re-employed or reinstated will be subject to the restoration of longevity pay and continuance pay steps in accordance with the time of service.

3.14 Voluntary Resignations: For purposes of compensation only, an applicant appointed from a reinstatement list after voluntarily resigning from the county in good stead, will be treated as a "new appointment" and will be classified by the Commissioners Court in accordance with paragraph 3.11 above.

Individuals who are re-employed or reinstated will be subject to the restoration of longevity pay and continuance pay steps in accordance with the time of service.

DEMOTION AND SALARY REDUCTION:

3.15 Performance Related: If an employee is reassigned to a position at a lower grade due to poor performance in the current job, the appointing elected official/department head may request an adjustment in the salary of that employee. In all such cases, the Commissioners Court will make the final determination. All requests for demotion and/or salary reduction will be submitted on a Nueces County Personnel Action form (NCF-1), and all such actions will be dependent upon there being (within that department) a vacant authorized position of the lower grade to which the employee is being demoted.

3.16 Employee Requested: If an employee voluntarily requests reassignment to a position at a lower grade, the following conditions apply:

- a. There must be an authorized vacant position of the lower grade to which the employee is requesting re-assignment and a consenting appointing authority who agrees to receive the employee.
- b. The receiving authority must request the action on an NCF-1 form.
- c. Attached to the NCF-1 must be a signed statement from the employee indicating his/her acknowledgement that he/she voluntarily accepts the lower salary level of the lower position.
- d. The Commissioners Court must render final approval before the pay change and position transfer is authorized.

3.17 Reorganization Salary Adjustment: If an employee is reassigned without prejudice to a position of a lower grade and the reassignment was the result of reorganization within his/her department wherein that employee's current job was eliminated, the following conditions will apply:

- a. The reorganization request must be submitted on an NCF-1 for approval by the Commissioners Court.
- b. The current salary may be retained, subject to the approval of commissioner court.

3.18 Change in Pay Group or from Full-time to Part-Time Status: Employees may be demoted if a review of the compensable factors of their job determines that the position should be at a lower level pay group within the county pay structure. Also, when, with the approval of the Commissioners Court, an employee's status is changed to part-time because of a diminished workload or other extenuating circumstances, the salary will be reduced proportionately. All such requests must be submitted on an NCF-1.

RECLASSIFICATION OF POSITIONS

3.19 Salary Factors.

a. Position Salary Evaluation: The Commissioners Court is the approving authority for all position salary evaluations. All evaluations will be completed by reviewing the "compensable factors" of the position being evaluated. These compensable factors include but are not limited to the following:

1. The level of supervisory responsibility of the job.
2. The level of fiscal responsibility of the job.
3. The local job market survey value of the type of work being evaluated.
4. The required training, skills, test scores, or education necessary to perform the functions of the position.
5. The difficulty of the work to be performed.
6. The hazardous components of the job.
7. The stress factors of the work (both mental and physical).
8. Any other compensable factor that may be found essential to the acquisition and maintenance of qualified personnel for a particular position, at the time that position is being evaluated.

b. The Commissioners Court may order a salary evaluation for a single position or an entire job classification. Any elected official or department head may request a "Position Salary Evaluation" of any position in their department prior to the adoption of the annual budget or otherwise not more often than once per budget year. Appointing authorities request such evaluations on an NCF-1 submitted to the Department of Human Resources. There must be a demonstration that market conditions, duties, or other compensable factors for the job have changed materially to justify such a study. The Commissioners Court has the authority of final approval for salary evaluations for reclassifications.

c. Upon approval of the reclassification by Commissioners Court, the employee shall be moved to the newly approved pay group. The step within the new pay group shall be the same as the employee had before the change.

d. The following applies to pay increase of more than ten percent (10%):

1. If step level is only a result of Continuance Pay step increases, the step level will be the same as the employee had before the promotion; or,
2. If the step level is a result of Continuance Pay step increases and other prior step increases, the prior step increases will be decreased to a level equal to the

Continuance Pay steps; provided, however in no case will prior step increases be reduced to a level that results in a less than ten percent (10%) increase.

REEMPLOYMENT OF FORMER REGULAR EMPLOYEE:

3.20 Reemployment: Individuals who are reemployed shall be placed in the same step that the employee held at the time the prior employment status terminated. The earning of additional continuance pay step increases upon reemployment shall start with the new employment date and shall be based on the completion of three consecutive years of service that the employee had completed as of September 30, of each year.

EQUITY ADJUSTMENT:

3.21 Upon request of the appointing authority, the Commissioners Court, if it determines that past salary practices have resulted in the payment of an employee at an inequitably low rate as compared to other employees in the same class, may raise the salary of such employee to the level it determines most equitable. All such requests must be treated on a case by case basis and may not include retroactive pay. Requests for equity adjustments must be submitted on an NCF-1.

OVERTIME PAY PROCEDURES FOR NON-EXEMPT EMPLOYEES:

3.22 In all instances, the definitions, practices, and procedures in regard to payment of overtime for Nueces County employees are in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended.

a. **Work Period Defined:** Effective hereafter and for purposes of calculating overtime pay, the regular workweek for all non-exempt employees of Nueces County will begin at 05:00 a.m. Saturday morning until the succeeding Saturday morning at 04.59 a.m. and will proceed for the various categories of employees as follows:

1. Non-exempt, non-law enforcement employees will, from the beginning of the workweek through its end be paid at straight time for up to and including 40 hours of service performed during the defined work period. Thereafter, said employees will be paid at time and a half for all other hours (over forty) actually worked within the prescribed work period.

2. Non-exempt law enforcement employees will, from the beginning of the work period through its end 14 days thereafter (which applies to all law enforcement personnel), be paid at straight time for up to and including 86 hours actually worked. Overtime compensation for said non-exempt law enforcement employees will be authorized at the rate of time and one half for all hours over 86 worked within the above defined 14 day work period.

b. Time not actually worked does not count towards computation of overtime.

3.23 Lunch and Rest Periods:

a. Lunch and rest periods will be scheduled at the discretion of the responsible department head. Time off for lunch will not be paid by the county. However, rest periods not to exceed two (2), each for durations of not longer than fifteen (15) minutes in any work session of eight (8) hours, will be paid by the county. Daily rest periods not taken are lost. Modifications to this rule may be granted for mission essential resources

such as certain county jail personnel. However, each department modification must be approved by the Commissioners Court on a case by case basis.

b. Nursing Mothers: Department heads who oversee employees covered by these Rules should also be aware of obligations created by recent amendments to §7 of the Fair Labor Standards Act requiring employers to provide reasonable break time, and reasonable privacy accommodations for nursing mothers covered by the Patient Protection and Affordable Care Act (“PPACA”). Details regarding such obligations may be reviewed at www.wagehour.dol.gov in the summary document entitled WHD Fact Sheet #73, Break Time for Nursing Mothers Under FLSA, the contents of which are hereby incorporated by reference.

3.24 Compensatory (Comp) Time / Administrative Leave:

a. COMP TIME: Only non-exempt employees shall be eligible for payment of overtime or accrual of compensatory time. This section provides authorization by which an employee may accrue compensatory time, including taking time off, in lieu of a payroll payment.

1. Non-exempt Employees Compensatory Time Off in Lieu of Payroll Overtime Compensation: This sub-paragraph refers to awarding one and one half hours of compensatory time for each hour of overtime work. Department heads may have understandings with employees to provide compensatory time off in lieu of paying payroll overtime compensation. The agreement or understanding for employees may take the form of an express condition of employment provided:

a. the employee knowingly and voluntarily agrees to it as a separate condition of employment, and;

b. the employee is informed that the compensatory time received may be preserved, used or paid out in accordance with applicable federal overtime regulations.

c. An agreement or understanding may be evidenced by a notice to the employee that compensatory time off will be given in lieu of overtime pay. In such case, an agreement or understanding is presumed to exist with respect to any employee who fails to express to the employer an unwillingness to accept compensatory time off in lieu of overtime pay. The employee's decision to accept compensatory time off in lieu of overtime payment must be made freely and without coercion or pressure.

2. Non-Exempt Employees Combination of Compensatory Time and Paid Overtime: Department Heads may have an understanding with employees to provide for any combination of compensatory time off and payment (for example, one hour compensatory time credit plus one-half the employee's regular hourly rate of pay in payment for each hour of overtime worked) so long as the principle of "time and one half" is maintained.

3. Non-Exempt Employees Limit On Accumulation of Compensatory Time: Eligible Law enforcement employees may accumulate up to 480 hours of compensatory time (representing 320 hours of overtime work times the 1.5

premium). Other county employees may accumulate up to 240 hours of compensatory time (representing 160 hours of overtime work times the 1.5 premium). Any amount of overtime accumulated in excess of these limits must be paid.

4. **Non-Exempt Employees Use Of Compensatory Time:** An employee who has accrued compensatory time and requested use of this compensatory time shall be permitted to use such time off within a "reasonable period" after making such a request. A "reasonable period" will be that defined by federal law. *See 29 CFR §553.25.*

5. **Disposition of Compensatory Time for Employees Promoted From a Non-exempt to an Exempt Position:** An employee who is promoted to an exempt position from a non-exempt position shall be paid all accrued overtime or comp time on the next payroll following the promotion.

6. **Department Review of Compensatory Time Accruals:** Each department head is herein requested to review (as necessary) the accrued compensatory time of each employee in his/her respective department and insure that subject employees are authorized to take (off from work) the necessary amounts of comp time to avoid payroll payments for the same. Forced payroll payments will occur at the end of each month wherein a non-exempt employee exceeds the maximum number of hours allowed for accrual by law as cited herein.

b. **Exempt Employees and Administrative Leave:** Employees classified as "Exempt" should meet the criteria established by 29 CFR, Part 541, and applicable case law interpretations. Exempt employees are compensated on a salary basis. They are not paid overtime and do not accumulate compensatory time. They are eligible for all other benefits. Exempt employees may utilize earned paid leave or administrative leave for absences. If leave is not used or is exhausted, the employee's pay may be reduced. Exempt law enforcement and exempt non-law enforcement employees are expected to work as necessary to get the job done. It is recognized that under certain circumstances, some exempt employees may be required to work for inordinately long periods. In such case, department heads may grant paid administrative leave for not more than eight (8) hours in any one week period. In no case (without prior approval from the Commissioners Court) shall administrative leave in excess of eight (8) hours in any one week period, be granted to any exempt employee. Department Heads should, for information purposes, keep a record of time worked and absences of exempt employees.

c. **Elected Officials:** County Elected Officials receive annual salaries as determined by the Commissioners Court or state law. These elected officials are not eligible to receive any payment of accrued sick leave or vacation upon termination or retirement from the county. They are not eligible for longevity pay. They are eligible for workers compensation benefits if injured in the course of employment.

3.25 Final Pay For Departing Employees: At the time of departure from county employment, the departing employee's benefits and time accruals will be balanced and paid off. If an employee leaves on a month wherein the monthly pay allocation for that month exceeds the number of hours worked, the balance will be adjusted so the county pays only for the hours actually worked and benefits actually accrued up to the point of termination. Pay-off for accrued

vacation is limited to 96 hours for non-law enforcement, and 102 hours for law enforcement personnel. Remaining sick leave balances, at the rate of one-half (1/2) the accrued time and not to exceed 240 hours, will be paid only to employees eligible for retirement under the Texas County and District Retirement System (exclusive of elected officials). All other employees' sick leave balances will be adjusted to zero at the time of departure, as stated in paragraph 4.27. Pay-offs for compensatory time will be computed in accordance with the provisions of paragraph 3.24 above.

3.26 Call Back Compensation For Eligible Employees During Holiday: Eligible non-exempt employees who were not scheduled to work on a given holiday but are called back to work during that holiday, will be granted HOLIDAY CALL BACK PAY at the rate of two (2) hours for each hour worked during that holiday. The limits of this provision are not to exceed eight (8) hours (for non-law enforcement). If the individual ends up working the entire day, the provisions of paragraph 3.27 below apply.

3.27 Holidays: Eligible non-exempt employees in departments that routinely work through holidays, shall receive their regular pay for such work day plus an extra day's pay not to exceed eight (8) hours. This provision applies to hours actually worked during the holiday. In no case shall an employee draw holiday pay rates for working during a holiday if the department also gives that individual a replacement day off for the holiday worked. In such cases, the individual simply draws straight time for working during the actual holiday and is paid straight time for the day off given in lieu of the holiday.

RECORDING WORK TIME:

3.28 For purposes of compensation, the county's time-keeping systems shall control the county's payroll obligations.

GENERAL PRACTICES:

The following are general practices of the County:

3.29 Overtime Kept to Minimum. It is the direct responsibility of each department manager to control overtime payroll costs within the department and to control the early or late departures of employees.

3.30 Whenever possible, overtime will be preplanned in order that affected employees may be notified of required overtime as far in advance as possible. Overtime is a job requirement when determined to be necessary by the appointing authority and may be required to be worked without advance notice.

3.31 Overtime will be approved by the department head before it is worked. Failure to secure pre-approval for overtime hours worked may subject an employee to disciplinary action.

RECORD KEEPING:

3.32 Records To Be Kept By Departments and County Auditor: In accordance with 29 CFR, §516, and other authority, all department heads and the County Auditor shall keep necessary time and attendance records for all employees. These shall include time worked and overtime for non-exempt employees. All records shall be kept and preserved as required by law. The Department of Human Resources shall advise the Commissioners Court of the compliance with applicable laws.

3.33 Responsibility: Each appointing authority shall designate a member of his/her staff to perform this personnel record keeping function.

CONTINUANCE PAY:

3.34 Responsibility: Once every three years, continuance pay will be allocated to each Nueces County Employee, including elected officials, based on the completion of three consecutive years of service he/she has completed as of September 30, of each year. The pay will be a step increase according to the current pay schedule/chart of that position. The continuance pay shall continue every year thereafter unless further action taken by Commissioners Court. Commissioners Court may adjust or eliminate the rate of continuance pay annually (on or about October 1).

CHAPTER IV LEAVES OF ABSENCE

DEFINITIONS:

4.00 A "DAY" of leave or absence from work means "eight" (8) hours for non-law enforcement employees, and "eight point six" (8.6) hours for law enforcement employees, during any pay period wherein the effected employee is expected to work, unless otherwise specified for exception by Commissioners Court.

4.01 "HOLIDAYS" declared such by Commissioners Court order, are authorized days off from work for all county employees. However, only eligible employees may earn compensation during such holidays. The county holiday schedule is planned and granted from year to year, or may be omitted from one year to the next, by the county governing body. Upon adoption by the said governing body, holiday schedules apply to all employees of the county, except for employees covered under an inter-local agreement. The county courthouse is closed for business during holidays. However, to facilitate ongoing essential county services such as law enforcement, department heads may adjust holiday schedules for "essential personnel" so long as the holiday is granted to the effected individual(s) within the same work period (for purposes of pay) in which it was scheduled by the county. (See Chapter III, paragraph 3.27 for holiday pay)

4.02 "HOURS" means working or work hours during any work period or combination thereof.

4.03 "PAID SERVICE" includes actual time worked as well as (for eligible employees) any holidays, leaves of absence, and compensatory time off or portions thereof, which are followed by return to duty for which an employee receives compensation, provided that paid service shall not include overtime worked.

4.04 "SEPARATION" means any suspension from employment, whether temporary or permanent, and voluntary or involuntary, wherein the employee's compensation is stopped.

4.05 For eligible employees, "SICK LEAVE" means a paid absence from duty which is caused by:

- a. Illness or injury which incapacitates an employee from performing his/her duties, provided however that in no case shall any employee receive both workers comp and sick leave for the same injury.

- b. A requirement for medical or dental care or consultation which is not available except during working hours.
- c. The illness or injury of an immediate family (as defined in paragraph 4.25 e) requiring the presence of the employee.

4.06 "CONTINUOUS SERVICE" means County Service uninterrupted by separation from County employment.

4.07 "ELIGIBLE EMPLOYEE" means a regular employee, as defined in Chapter II, paragraph 2.07 a, who has completed six months of continuous service during the present term of employment.

4.08 "PRESENT EMPLOYMENT" means the period starting with the employee's most recent entry into the County service and continuing until separation from such service. However, continuous service immediately prior to separation of a regular employee because of disability, retirement or layoff shall be counted in computing the duration of present employment, if the employee returns to County service within three years of such separation.

4.09 For eligible employees, "VACATION" is time-off from work with compensation at the same rate as hours actually worked. Vacation is allocated on an accrual basis and may be taken by an eligible employee, with approval of his/her appointing authority or to any extent not exceeding the accrued vacation credit of said employee. The methods of documenting and computing vacation accrual are prescribed in paragraphs 4.10 and 4.19 below. During vacation, the salary and benefits of eligible employees continue to accrue. Vacation requests for durations of six (6) days or longer must be submitted not less than fifteen (15) days in advance. Vacation requests for five (5) days or less require at least one week notice.

4.10 The amount of accrued "VACATION CREDIT" determines the eligible employee's authorized vacation time. Such accrual is documented in the following manner:

- a. The credit is recorded, expressed in hours, in the payroll records of each employee maintained by the County Auditor. This value is the net result from adding all accumulated credits and subtracting all usage.
- b. Vacation credit is earned by each eligible employee and allocated to his/her payroll record as he/she completes the applicable requirements in paragraph 4.19 below.

GENERAL PROVISIONS:

4.11 Entitlement: From year to year, the Commissioners Court may authorize or omit authority for compensated leaves of absence. When authorized by said governing body, employees are entitled to leaves of absence only as specified in this chapter.

4.12 Appointing Authority Designates Time of Leave: The time when any leave of absence may be taken, other than sick leave, military leave, and court leave, will be designated by the employee's appointing authority.

4.13 Submission of Requests: Each request for leave of absence of any type shall require at a minimum the following:

- a. be submitted by the employee to the appointing authority who shall approve or disapprove;

- b. accurately document the time at which the absence is to begin and end, and must be forwarded by the appointing authority through the Department of Human Resources to the county auditor for accountability;
- c. be approved or disapproved by the employee's appointing authority;
- d. be accompanied by a doctor's statement in cases where the requested period of sick leave exceeds seven calendar days.

4.14 Medical Statements for Confirmation of Sick Leave: A medical statement from a physician or health care professional is required for illnesses in excess of seven calendar days. It may also be required anytime the appointing authority suspects abuse of sick leave privileges.

4.15 Medical Release: A medical release from the employee's attending physician will be required prior to the return to work for:

- a. any leaves of absence involving injuries that incapacitated the employee from performing assigned job duties;
- b. any leave of absence without pay for a disability that has been medically documented by a physician;
- c. provided that the employee is also able to fulfill the essential functions of the job.

RESIGNATION UPON FAILURE TO RETURN AFTER LEAVE:

4.16 Automatic Termination: Any employee who fails to report for duty within one working day after the expiration of an authorized leave of absence may be terminated from employment and be considered in effect resigned from county employment as of the last day of said leave. However, his/her appointing authority may cancel such termination if he/she determines circumstances warrant such cancellation. In all cases of termination, the employee may file a grievance as set forth in Chapter VIII of these personnel policies and procedures. In the event such grievance is successful and the employee is reinstated, the Commissioners Court will determine whether such reinstatement shall be with or without a break in continuous service for purposes of accrual of sick leave and vacation credits, or for determining the salary at which the employee shall be paid.

4.17 Disciplinary Action: Nothing in this section shall preclude an appointing authority from taking disciplinary action against an employee pursuant to Chapter VII for absence without leave.

VACATION:

4.18 Employees Who May Earn Vacation:

- a. Only eligible employees may earn vacation credit or become entitled to vacation. Vacation credit shall not be available for use until the first day of the pay period following the pay period in which it was earned. All eligible persons must complete six months of service prior to being entitled to vacation privileges.
- b. Employees in temporary status shall not earn any vacation credit or become entitled to any vacation.
- c. Where the employment status of an eligible employee is changed from regular to temporary, such employee shall not be entitled to any vacation and shall discontinue

earning vacation credit. Such employee shall be paid the monetary value of all unused vacation credit subject to the limitations of paragraph 4.23.

d. Where the employment status of an employee is changed from temporary to regular, such employee upon becoming an eligible employee shall be credited with vacation earned from that time as provided herein. None of the prior service in temporary status will be counted in computing any vacation.

e. Vacation leave may be used only by the employee who earned it. Vacation credit may not be loaned, traded, or gifted for use by another employee.

4.19 Computation of Vacation: Effective with the adoption of this manual, and until this policy is changed by the Commissioners Court, employees shall be entitled to receive vacation credit and vacations on the following basis:

a. For non-law enforcement personnel, after 173.3 hours actually worked (excluding overtime) said employees are authorized eight (8) hours of vacation credit.

b. For law enforcement personnel, after 185.25 hours actually worked (excluding overtime) law enforcement employees are authorized eight point six (8.6) hours of vacation credit.

c. After completing fourteen (14) years of continuous service, that employee's annual accrued vacation credits prescribed in sub-paragraphs a. and b. above are increased by twenty-five (25%) percent.

d. After completing twenty (20) years of continuous service, that employee's annual accrued vacation credits prescribed in sub-paragraphs a. and b. above are increased by sixty-six (66%) percent.

e. Paid holidays immediately preceding, immediately following, or wholly within the vacation period shall not be charged as vacation.

f. In computing vacation credits, employees will be allowed to continue earning vacation credits during time away from the job which is taken for vacation purposes, and provided that employee returns to work for at least one full month following the vacation absence.

4.20 Priorities for Granting Vacation, Vacation Schedules, Holidays:

a. The needs of public service, and;

b. The needs of the employee.

4.21 Carry Over of Accumulated Vacation Credit: An eligible employee may accumulate vacation days from the year earned and any unused portion of vacation may be carried over to the next year or years. The maximum number of vacation credit hours to be accumulated at any time by any Nueces county employee is 240. Employees having more than 240 hours accumulated after September 30th of each year will lose those excess hours.

4.22 Vacation Planning: As much as possible, employees should be encouraged to plan their vacation requests so that department needs are maintained. No vacation shall be granted to, nor taken by, an employee without the consent of the appointing authority.

4.23 Separation from County Service: At the time an eligible employee is separated from the County Service, whether voluntarily or involuntarily, he/she shall be paid, within the following limits, the monetary value of all accumulated vacation to which he/she is then entitled including vacation credit based upon his/her paid service during the pay period in which the separation occurs.

The limits on paid vacation at time of separation shall be:

- a. Non-law enforcement employees will be paid at their current rate of pay for up to 96 hours of vacation leave credit.
- b. Law enforcement employees will be paid at their current rate of pay for up to 102 hours of vacation leave credit.

SICK LEAVE:

4.24 Computation of Sick Leave: Sick leave shall be earned and computed at the following rates:

- a. For non-law enforcement personnel, at the rate of eight (8) hours for each increment of 173.3 hours actually worked not counting overtime.
- b. For law enforcement personnel, at the rate of eight point six (8.6) hours for each increment of 185.25 hours actually worked not counting overtime.
- c. Sick leave hours earned shall be credited to each employee's sick leave bank at the beginning of a pay period and may be carried forward from the year in which it was earned by an eligible employee and kept for use by that employee.
- d. Sick leave may be used only by the employee who earned it. Sick leave credit may not be loaned, traded, or gifted, for use by another employee.

4.25 Use of Sick Leave: Sick leave may be used for any of the following reasons:

- a. Sick leave credit shall not be available for use until the first day of the pay period following the pay period in which it was earned. All eligible employees must complete six months of service prior to being entitled to their sick leave privileges.
- b. Sick leave must be approved by the appointing authority. In cases where the employee will be off from work for more than seven consecutive calendar days, the Department of Human Resources will be notified. Departments may use the remarks section of the county personnel action form (NCF-1) to transmit this information.
- c. No paid sick leave shall be granted in excess of the employee's accrued sick leave credit.
- d. Sick leave may be used by the employee to care for a sick or injured member of the employee's immediate family. For this purpose, immediate family includes the employee's spouse, child, parent, grandparent, or sibling when that person resides with the employee or is a dependent of the employee.
- e. Pregnancy shall be treated as any other condition which warrants sick leave usage. In no case shall sick leave usage exceed sick leave credit.

f. An employee who (due to illness or injury) becomes incapacitated for work for more than seven consecutive calendar days while on paid vacation, may substitute sick leave credits for vacation. However, the request for sick leave substitution must be approved by the appointing authority and must be accompanied by a doctor's statement or other evidence that substantiates the illness or injury.

g. Paid holidays immediately preceding, immediately following, or wholly within the period for which sick leave is granted shall not be regarded as part of such period of sick leave.

4.26 Sick Leave Practice: Requests for sick leave shall include the following:

a. Each request for sick leave shall set forth the reasons for the request and shall be submitted on an NCF-1 form, when requesting leave for seven or more days.

b. Each request for more than seven consecutive calendar days of sick leave shall be accompanied by a doctor's verification which demonstrates the employee's incapacity or necessity to be absent.

c. Any abuse of sick leave privileges such as malingering and other non-authorized uses shall constitute grounds for dismissal from employment.

d. A statement from a physician shall be required under the following circumstances:

1. prior to return from sick leave in excess of seven calendar days;
2. prior to return from any absence that involves an injury that incapacitates the employee from performing assigned duties;
3. when the supervisor, in good faith, believes the employee is abusing sick leave privileges.

4.27 Sick Leave Credits:

a. An employee's sick leave credit shall be canceled upon his/her separation from county employment.

b. Pay for Unused Sick Leave: Terminating employees who are eligible to retire from County service under the Texas County and District Retirement System, will be paid for one-half of their remaining sick leave credits not to exceed 240 hours.

4.28 Workers Compensation. Employees must give notice to their department head of any injury or occupational disease in accordance with Texas Worker's Compensation Rules. This sub-paragraph relates to employees injured on the job who are eligible for workers compensation weekly benefits according to state law. Employees injured will be paid workers compensation benefits instead of their regular salary. No vacation or sick leave shall accrue during the time an employee is on workers compensation. An employee that has accumulated vacation or sick leave and is eligible for workers compensation payments may use vacation or sick leave only as follows:

a. Up to five (5) days vacation and/or sick leave may be used at regular pay until workers compensation benefits are eligible to be paid.

b. Earned vacation and/or sick leave may be used to supplement workers compensation benefits up to a total of the regular base salary, provided, however, that an employee's net "take-home" compensation while receiving workers compensation benefits shall not exceed his last net "take-home" pay prior to the commencement of workers compensation benefits. Workers Compensation benefits shall be paid and available vacation and/or sick leave benefits used to supplement at the request of the employee. When vacation and/or sick leave is exhausted only workers compensation benefits shall be paid.

c. The provisions of 4.28 are the only applications by which vacation and sick leave may be used to pay employees injured and eligible for workers compensation.

LEAVE WITHOUT PAY:

4.29 General Provisions:

a. Under the following conditions, an employee may be granted leave without pay (LWOP):

1. For a period not to exceed one year for such purposes as recovery time from a temporary disability, education, assisting another public jurisdiction or any other reason considered sufficient by his/her appointing authority and Commissioners Court, when such leave is in the best interest of the County. Successive leaves without pay may be granted even though the total absence exceeds the maximum period of one year. In all cases of LWOP, the existing regular employee position must remain vacant for the duration.

2. For military service, including periods in excess of one year.

b. No leave without pay shall be granted without the consent of the employee's appointing authority. In addition, the consent of the Commissioners Court shall be required before leave without pay is granted for more than ten consecutive workdays.

c. Paid leave benefits do not accrue while an employee is on LWOP nor is credit given for retirement. Group insurance benefits may remain in force, provided the employee pays the entire premium (including the County's portion).

d. When leave without pay is granted for a bona fide temporary disability, the employee must submit a written doctor's statement specifying the reason for such leave and the expected duration of same. A doctor's statement is also required prior to the employee's return to work. A doctor's certification of continuous disability is required every thirty days during the duration of LWOP.

e. When an employee is granted LWOP he/she shall be entitled to his/her former position at the expiration of the leave.

f. Application for LWOP must be submitted on an NCF-1.

COMPULSORY LEAVE:

4.30 Compulsory Leave: If, in the opinion of an employee's appointing authority, the employee is mentally or physically incapacitated to perform his/her duties, the employee may be required by the appointing authority to submit to examination by a licensed physician designated or approved by the Commissioners Court. If the report of the physician shows the employee to

be in a mentally or physically unfit condition to perform his/her duties, the appointing authority shall have the right, subject to approval of the Commissioners Court, to compel such employee to take sufficient leave of absence to recover his/her capacity to an adequate performance level.

COURT LEAVE:

4.31 General Provisions: Subject to approval after submitting proof of the period of required attendance, a regular employee is entitled to compensated court leave when he/she is required by court order to attend a local court as a prospective juror, or as a witness in a court action to which he/she is not a party.

4.32 Court Leave Limitations:

- a. Compensated Court Leave shall be limited to:
 - 1. required attendance by formal subpoena or other binding order before Federal, State, County, Municipal Courts and the County Civil Service Commission
 - 2. time in attendance at Court together with reasonable travel time between Court and work if attendance is for less than a full day and the employee can reasonably be expected to return to work.
- b. Compensated Court Leave shall not be granted when:
 - 1. The employee is paid a fee as an expert witness;
 - 2. The employee is a party to the court action.

4.33 Court Leave Compensation: Court Leave compensation shall consist of full pay and allowances during the period of such leave.

MILITARY LEAVE:

4.34 General Provisions: Subject to approval of the Commissioners Court, and after submitting appropriate orders from the concerned military branch, an employee with regular status may receive his or her regular full compensation during periods of active duty within the limitations of paragraph 4.35; provided, however, that these Rules shall be interpreted and applied so as to be in full compliance with any applicable provisions imposed by USERRA or any other applicable state or federal law.

4.35 Military Leave Limitation:

- a. Full compensation for qualifying military leave will be allowed for a maximum of three weeks during any one calendar year, except as otherwise provided below.
- b. Compensation for military leave will be limited to:
 - 1. required attendance in activities of various branches of the armed forces of the United States;
 - 2. the minimum time frame required by state and federal laws per year unless exception to this is specifically approved by the Commissioners Court for good cause related to appropriate military orders.
- c. Compensation for military leave will not be allowed:

1. for volunteer duty;
2. for any period in excess of three weeks during any one calendar year unless specifically approved by the Commissioners Court.

FUNERAL LEAVE:

4.36 Employees shall be entitled to paid funeral leave while arranging for or attending the funeral of a member of the immediate family which includes the spouse, child, parent, grandparent, or sibling of either the employee or his/her spouse.

4.37 Funeral leave shall not exceed two days per occurrence.

COMPENSATORY TIME OFF:

4.38 Compensatory time may be taken in conjunction with leave but must be requested by the employee and same must be approved by the appointing authority.

EMERGENCY/DISASTER LEAVE:

4.39 Purpose: the County recognizes that from time to time adverse weather conditions or emergency situations, natural or manmade disasters, will prevent employees from working their regularly scheduled hours.

A. Definition: Disaster means emergency situations, natural or manmade, which require the office/department to immediately remove an employee from work location and before any adverse action has been initiated including situations where there is an immediate threat to County property or the well-being of an employee or the public. A disaster may include suspending normal operations of the County or an office or a department of the County because of events beyond the control of the County. It may include a closure of an office or department of the County for repairs.

B. Procedure: Regular employees are entitled to paid emergency/disaster leave for hours not able to work due to an emergency/disaster and as instructed by the county official vested with authority to close the office or department county-wide or specific area.

C. Authority. The county official who instructs an employee(s) not to report to work must be an official vested with such authority. That county official shall be the County Judge or designee. The county official may instruct the closure of county offices county-wide or a specific designated area and for a specific length of time not to exceed ten (10) business days during any one calendar year unless specifically approved by the Commissioners Court.

D. Essential Personnel: Each Elected Official/Department Head shall identify "Essential Personnel" who are required to work during or immediately following an emergency situation. The Elected Official/Department Head shall complete the "Emergency Services Essential Personnel Notification" Form (NCF-9) which identifies the employees that are charged with performing duties when an Emergency / Disaster occurs.

Note: When essential personnel are called in or directed to work during a disaster and fail to report they are subject to disciplinary action.

FAMILY AND MEDICAL LEAVE:

4.40. In accordance with the provisions of the "FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993", an eligible county employee will be entitled to twelve (12) workweeks of "unpaid" leave under the following conditions:

a. To qualify for the provisions of this sub-section (4.39), an "eligible county employee" is one who has been employed by the county for not less than twelve (12) months and must have served not less than 1,250 hours during the previous twelve (12) month period.

b. An eligible county employee under this subsection is entitled to twelve (12) workweeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

1. because of the birth of a son or daughter of the employee and in order to care for such son or daughter; or

2. because of the placement of a son or daughter with the employee for adoption or foster care; or

3. in order to care for a spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; or

4. because of a serious health condition that makes the employee unable to perform the functions of the position of such employee. "Serious Health Condition", for purposes of this subsection is defined as " an illness, injury, impairment, or physical or mental condition that involves:

a. inpatient care in a hospital, hospice, or residential medical care facility; or

b. continuing treatment by a health care provider.

c. "EXPIRATION OF ENTITLEMENTS" under sub-paragraphs "4.39 b1" and "4.39 b2" above for a birth or placement of a son or daughter shall occur at the end of the 12 month period beginning on the date of such birth or placement.

d. "INTERMITTENT FAMILY LEAVE" or "FAMILY LEAVE ON A REDUCED LEAVE SCHEDULE", which shall not result in a reduction of the total amount of leave entitled, may be taken under certain circumstances provided by the act, given the following general provisions:

1. when medically necessary or when mutually agreed upon by the employee and his/her appointing authority; and/or,

2. when a foreseeable "planned medical treatment" is scheduled; and/or,

3. when the employee under the circumstances of "d-1" and "d-2" above, agrees to temporarily accept (if required by the appointing authority) an "ALTERNATIVE POSITION" of equal pay and benefits; and which better accommodates

recurring periods of leave than the regular employment position of the employee.

e. **"RELATIONSHIP OF FAMILY LEAVE TO PAID LEAVE":**

1. Nothing in this subsection shall require the county to provide paid sick leave to any employee in any situation in which the county would not normally provide such paid sick leave.
2. Eligible employees will be required to substitute any accrued paid vacation leave, or family leave, for any part of the twelve (12) week period of leave provided under sub-paragraphs "4.39 b1, 2, &3" above.
3. Eligible employees will be required to substitute any accrued paid vacation and sick leave, or family leave, for any part of the twelve (12) week period of leave provided under sub-paragraphs "4.39 b3 ,&4" above.

f. **"REQUIREMENT OF NOTICE":** Except for medical conditions that occur inadvertently, an eligible employee must render notice to his/her appointing authority, on a Personnel Action Request Form (NCF-1), of his/her intent to take family leave. This must occur not less than thirty (30) days prior to the first day of "FAMILY LEAVE" requested.

g. **"CERTIFICATION":** Any eligible county employee who has requested leave under the provisions of sub-paragraphs 4.39b3),&4) above, must provide, within seven (7) days after the first day of leave, a certification from a health care provider which substantiates the medical necessity for such leave. This certification shall be sufficient if it states:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. for purposes of leave under paragraph 4.39 b3, a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent;
5. for purposes of leave under paragraph 4.39b4), a statement that the employee is unable to perform the functions of the position of the employee;
6. in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;

7. in the case of intermittent leave, or leave on a reduced leave schedule, under the provisions of paragraph 4.39 b4, a statement of the medical necessity for the intermittent leave or leave on reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule;
8. in the case of certification for intermittent leave, or leave on a reduced leave schedule, under the provisions of paragraph 4.39 b3, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

h. "SECOND" and "THIRD" OPINIONS from a medical provider, concerning a family leave condition of an eligible employee who has requested family leave, may (at the expense of the county) be required by his/her appointing authority. In cases of conflict between the FIRST and SECOND OPINIONS, the THIRD OPINION will be final and binding for both, the county and the employee, provided that the Health Care Provider who renders such opinion is not hired by the county on a regular basis. Also, not more frequent than once per month, the appointing authority may require the employee to provide recertification of the condition requiring family leave.

i. The "EMPLOYMENT and BENEFITS" of an eligible employee shall be protected in accordance with the provisions of the act while said employee is in the exercise of his/her rights to FAMILY LEAVE as authorized herein, provided however, that nothing in this policy shall entitle any employee to any right, benefit, or position, to which the employee would not normally be entitled. In general, eligible employees under this provision are entitled to the following:

1. Upon return from FAMILY LEAVE, employees (with exception to those HIGHLY COMPENSATED EMPLOYEES identified by the act) must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
2. The use of FAMILY LEAVE cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
3. The use of unpaid FAMILY LEAVE cannot affect the exempt status of bona fide executive, administrative and professional employees under the Fair Labor Standards Act.

j. "EXEMPTION OF HIGHLY COMPENSATED EMPLOYEES" from all provisions of this paragraph (4.39) as authorized by the act, will be considered on a case by case basis and approved by the Commissioners Court. In such cases, the COUNTY PAYROLL SECTION will certify to the Commissioners Court, that such employee is included among the highest paid ten (10) percent of all employees employed by the county. Appointing authorities wishing to exempt such an employee must submit an NCF-1 through the Human Resources Department to the Commissioners Court not later than five calendar days after FAMILY LEAVE is requested by the applicable HIGHLY COMPENSATED EMPLOYEE.

k. "UNLAWFUL ACTS": It shall be unlawful for any appointing authority or subordinates thereof to do the following:

1. interfere with, restrain, or deny the exercise of any right provided under this policy and/or Federal Law pertaining hereto; and/or
2. discharge or discriminate against any person for opposing any practice made **unlawful** by the "Family Medical and Leave Act" (FMLA) or for involvement in any proceeding under or relating to FMLA.
1. In the event of "CONFLICT BETWEEN THIS POLICY AND FEDERAL LAW", the law shall prevail.

CHAPTER V STANDARDS OF CONDUCT:

INTENT:

5.00 It is the policy of Nueces County that the standards of conduct prescribed in this chapter will be maintained by all employees. The intent, herein is to insure that employees understand their obligation to render optimum service to county constituents, and fulfill the human resource needs of the county governing body and elected officials in an orderly manner. In effect, these standards are designed to insure demeanor among county employees that promotes public trust and professionalism as is necessary to serve the best interest of the county.

For the purpose of this section, the term "employee" shall use the same definition already outlined in these Rules. The term shall not be extended to apply to any independent contractor, nor to members of commissions or committees that function only in an advisory or study capacity unless otherwise specified in a subsection. The term does encompass spouse and any dependent children as it pertains to actions of said spouse/dependents that may place the employee in a conflict with the obligations of this policy or the best interest of the county.

NON-DISCRIMINATION:

5.01 It is the policy of Nueces County that all human resources employed by the county be treated equally as required by state and federal law relating to unlawful discrimination. In effect, it is prohibited for any person employed by the county to discriminate against anyone on the

basis of race, color, sex, national origin, citizenship, age, religious preference, disability or veterans status. Nor shall any employee of the county participate in any function that violates, either directly or indirectly, the civil rights of other employees or anyone/group of the general public. Courteous and thoughtful conduct on the part of all county employees, while physically on duty with the county and/or while in representation of the county government, is a specific objective of this policy.

GIFTS

5.02 Gifts shall not be accepted from contractors, vendors or other persons who deal with Nueces County, except as provided by law. The intent of this section is to extend the prohibitions of §36.08 Texas Penal Code to employees of the county as well as elected officials, public servants, or appointed officials who are already subject thereto. This section specifically prohibits employees from accepting tips while exercising their official duty. Exceptions to this section are only those identified in §36.10, Texas Penal Code which allows for gifts between relatives and friends that are of a personal nature. Also acceptable are gifts or benefits conferred for a professional or business relationship that is independent of the official county capacity of the recipient. Neither does this section restrict any of the social activities of employees or the designate of elected officials that are designed to promote a legitimate interest of the County, either formally or informally. This section does not apply to any employee receiving any benefit consisting of food, lodging, transportation or entertainment when accepted as a guest and reported in accordance with the law. In summary, this code does not apply to any benefit that is defined as non-applicable according to §36.10 Texas Penal Code.

PERSONAL APPEARANCE AND JOB CONDUCT:

5.03 Since the nature of county public service obligates every county employee to act as a representative therefore, personal appearance requires a dress code appropriate for the job. Providing therein that said employees maintain a neat appearance and that attire prescribed by department heads is appropriate for public service and is reasonable for the fiscal means of the employee. The Commissioners Court herein defines the term "REASONABLE DRESS" to mean attire that is accepted by society in establishments of common use by the general public, and appropriate for professional environments frequented by children and adolescents of impressionable age. Equally, the term "REASONABLE DRESS" is intended to mean of a fiscal category that does not impose undue hardship on employees of the lowest salary range for the job. Specifically, this term is not intended to provide means for anyone to discriminate against anyone for the type of dress they wear. In all cases of dispute, the employee shall have the right to exercise the grievance process. Specifically, the intent of this provision is to establish and maintain uniform standards for a dress code that serves the needs of the county.

Pleasant telephone manners and good housekeeping are also appropriate attire required of all county employees. Equally important, employees are required to practice punctuality, good attendance, honesty, and other work values as are necessary to promote goodwill and high morale among employees, executives, and officials of the county. It shall be the right of Nueces County to prescribe the maintenance standards for work place neatness of all work components or facilities used by employees in the line of duty.

USE OF COUNTY-OWNED PROPERTY:

5.04 Any time that County property is used in conjunction with employment, extra care should be exercised to minimize damage to the equipment or waste of supplies. Office machines, maintenance equipment, tools, etc., should be properly stored and cared for at the close of each business day. No employee of the County shall intentionally or negligently damage County equipment or property. Such actions may be grounds for disciplinary action or dismissal depending on the severity of the incident. No employee shall participate in bidding on Nueces County equipment or property sales or purchases except as provided for Sheriff's sales or public auctions that are open to any citizen.

Employees or officials who are assigned a County owned vehicle must comply with the state statute on official conduct, and are subject to the following provisions:

- a. A public servant commits an offense if, with intent to obtain a benefit or with intent to harm another, he/she:
 1. violates a law relating to his/her office or employment; or
 2. misapplies anything of value belonging to the government that has come into his/her custody or possession by virtue of his/her office or employment.
- b. No facilities, services, equipment or supplies belonging to Nueces County shall be used by any employee or other person for purposes of or resulting in achieving private profit. Neither shall any employee misuse or misappropriate county property of any value, for the purpose of benefiting his or her personal gain, or for benefiting a relative, friend, or associate. Such an act shall constitute grounds for dismissal.
- c. Any county employee who in the course of employment drives a county owned vehicle, and who is identified by the county's auto liability insurance carrier as an unacceptable risk because of the employee's driving record, shall be subject to re-classification to a lower position. If no position is available or no appointing authority will accept said employee, the individual may be terminated.

CONFIDENTIALITY:

5.05 A considerable amount of County business is conducted pursuant to public disclosure and freedom of information legislation. To that extent, the product of County business is public business and shall be open unless it pertains to those matters made private by law as follows:

- a. personnel grievance matters, except as required to be disclosed by law, or;
- b. the development and discussion stages of the administrative decision-making process, policy development, and feasibility studies or decisions about alternative action plans which dictate that prior to their official legislation, such information must be held in strict confidence, and must not be discussed with others except on a need to know basis.

The use of any such confidential information to advance any personal interest, financial or otherwise, or to harm the interests of the County, is a violation of this policy and may result in disciplinary action.

OFFICE DONATIONS, POLITICAL CONTRIBUTIONS AND POLITICAL SERVICE:

5.06 Employees shall not be forced to contribute to or make donations to any fund or collection process. All such funds or collections made during office hours must be approved by the Elected Official or Department Head prior to contact with employees. No employee shall be required to participate in political campaigns, political services, or related activities, as a condition of employment. Nor shall any employee be disciplined in any fashion for failure to participate in the aforementioned political activities. In effect, Nueces County employees are prohibited from participating in political services, campaigns, or related activities during working hours. Also, employees are prohibited from using county equipment, vehicles, uniforms or other property in the political service, influence, or effort to advance the political cause of any candidate for public office. Nor shall any county employee attempt, while on duty, to affect the results of an election or nomination to public office. This section shall not prohibit any employee from voluntarily making or receiving private political endorsements during non-duty hours.

OUTSIDE EMPLOYMENT:

5.07 Employees of the County shall devote all their time and efforts during their assigned work hours to their specified work for Nueces County. Employees shall not engage in outside work or employment to any extent that conflicts with the County interest or which adversely affects the employee's availability and usefulness to the County during their regular work hours. All employees who have outside means of support or dual sources of income in the form of other employment, or are considering other outside employment, should work closely with their respective department head or elected official on the details of such outside endeavors to assure no conflict with the County mission. Employees are not permitted to engage in any exchange, purchase, or sale of goods or services with the County as an additional income source. However, this section does not prohibit outside employment and personal initiative that is unrelated to an employee's County duties, is specifically defined as not on County time via payroll transmittals, or is otherwise carefully documented as being outside the restraints addressed herein. The Elected Official or Department Head shall have the option of prohibiting such outside employment that is in conflict with the employee's duties. Any employee who feels that approval or support of such outside employment is being unreasonably withheld is entitled to use the appropriate grievance procedures to seek resolution of the dispute. However, in the case of law enforcement employees, disputes between the employee and department regarding off-duty security employment are not subject to the grievance process.

SEXUAL HARASSMENT:

5.08

a. It is the policy of Nueces County that sexual harassment in the work place is prohibited. All employees are responsible for reporting violations and insuring that the work place remains free of sexual harassment. More specifically defined, sexual harassment is the behavior by anyone employed by the county who promotes, initiates, or participates in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. such conduct has the purpose or affect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Nueces County strongly disapproves of offensive or inappropriate sexual behavior at work and all employees must avoid any action or conduct which could be viewed as sexual harassment.

b. Implementation:

1. The county shall maintain a work place free of sexual harassment. Prevention is the best tool for the elimination of sexual harassment. Elected officials and/or department heads are responsible for ensuring that all employees are informed of this policy and that immediate and appropriate corrective action be taken if such conduct is exhibited or made known to the elected official or department head by any supervisor, employee, or non-employee. Appropriate documentation, proof, and confirmation is required in each case resulting in disciplinary action.
2. Any employee who has a complaint or who is aware of sexual harassment at work by anyone, including supervisors, co-workers, non-employees, or visitors, must immediately bring the problem to the attention of the elected official or department head.
3. All complaints will be promptly dealt with by each department head. In cases where the department head is the accused, the matter will be referred to the county attorney or the Commissioners Court for action. In all cases of sexual harassment, special privacy safeguards will be applied in handling the matter. All parties concerned are responsible for insuring that the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential.
4. The County Department of Human Resources will retain confidential documentation of all allegations and investigations and will refer findings to the Commissioners Court. Thereafter, the Commissioners Court may refer the matter to the appropriate appointing authority or the county attorney for corrective action when necessary. Such corrective action may include disciplinary measures such as reprimand, suspension and/or discharge. Sexual harassment is considered by the County to be detrimental to its interest and that of its employees and will be dealt with appropriately.

PUBLIC STATEMENTS BY COUNTY EMPLOYEES:

5.09 A county employee shall not represent the County in an official capacity before any entity where potential private gain to that employee may occur or where a County obligation or liability may be incurred, or where such representation detracts from the County, unless they are in fact officially and legally representing the County in this official capacity, or authorized by law, or executing an appropriate Court Order by the Commissioners Court. This policy does not prevent any employee from instituting a claim or suit against the County or its officials for redress of grievances.

DISCLOSURE OF INTEREST:

5.10 Any employee who has a substantial interest, direct or indirect, in any individual or entity involved, in any decision pending before such employee, or the body of which the employee is a member, shall not vote or otherwise participate in any consideration of action on the matter. Such employee will, as provided herein, disclose the nature and extent of such interest on the official forms as outlined in this policy prior to any discussion or determination of action on the matter. A "substantial interest" is defined as existing if the interest in ownership is 10 percent or greater of the voting stock or shares, or ownership of \$5000 or more of the fair market value of the business. Such interest also includes funds received by the employee from the individual or business that exceed 10 percent of the employee's gross income for the previous year. A "substantial interest" also includes real property if that interest is equitable or real ownership with a fair market value of \$2500 or more, and for purposes of this code an interest of a person related in the first or second degree by either affinity or consanguinity to the employee is a "substantial interest." Thus, the definitions, prohibitions, and exceptions related to "substantial interest" are applied to all covered employees as provided by law in Sec. 171.002 of the local government code. Failure of any employee of the County to comply with or cooperate fully with such disclosures, and/or to maintain the conduct standards of this section, may constitute grounds for reprimand, expulsion, removal or discharge.

At any time that a potential conflict of interest pursuant to this policy may arise in any year, such affected employee shall file in advance of any determination or action, a disclosure statement with the appropriate board, elected official, or governing body responsible for the business in which the conflict has or may occur. It shall be the individual responsibility of the receiving agent or agency to store files of all such disclosures in accordance with applicable public law(s). These files shall be open for inspection to the Civil Service Commission as may be necessary during normal business hours to investigate complaints, and must be retained for a period of three years after which they will be destroyed.

CHAPTER VI REDUCTION IN FORCE

LAYOFF:

6.00 Whenever it becomes necessary to reduce the number of employees of any department in the County, the appointing authority of the department shall communicate in writing, the following information to the Director of Human Resources

- a. the number of employees to be laid off;
- b. the pay group(s) involved;
- c. the job title(s) affected;
- d. and the date the employees are to be laid off.

Upon receipt of such notice, the Director of Human Resources will prepare a REDUCTION IN FORCE (RIF) list of all employees affected. The RIF list will assign an order of layoff to each effected employee and the department must conform to that order. The intent and purpose of this sub-section is to insure fairness and equity in the exercise of employee layoffs.

6.01 Under no circumstances will the provisions of this Manual be used to infringe upon or usurp the power, nor the statutory authority of the Commissioners Court of Nueces County to create, establish, increase/decrease in number, abolish, or delete position(s) or budgeted funds for such position(s).

ORDER OF LAYOFF:

6.02 The order of layoff of employees within the pay group and in the department, board, or institution in which the reduction in force is to be made shall be:

- a. probationary employees;
- b. regular employees.

The order of layoff of regular employees shall be according to layoff ratings. Employees with lowest ratings will be laid off first. Among employees with equal layoff ratings, the order of layoff shall be determined by the appointing authority.

LAYOFF RATINGS:

6.03 Competition: Seniority rating within the class and performance ratings shall determine a layoff rating. The seniority rating will be determined simply by the date in which the employee first became a regular employee with the county in his/her current position/pay group.

The seniority rating shall be the layoff rating.

6.04 Seniority for Layoff Purposes: The seniority of an employee for inclusion in his/her layoff rating shall be based upon the number of completed years of continuous County service in the class from which the employee is laid off. Periods of absence on leave shall not be credited as continuous County service. Seniority in the class for which the layoff rating is computed shall include service in any other class, to be of the same character, but of greater responsibility or difficulty. An employee who resigns from the County service, shall lose all seniority credited to him/her prior thereto, and subsequent reemployment of that employee shall not restore the seniority so lost. Employees dismissed under charges, and whose dismissal is found unwarranted by the Civil Service Commission, will be reinstated with full seniority and benefits restored. An employee laid off after acquiring permanent status, shall after reinstatement, regain the seniority credit he/she possessed at the time of layoff.

DEMOTION IN LIEU OF LAYOFF:

6.05 At the request of the appointing authority, an employee with regular status may, in lieu of layoff, be offered the option of demotion in a position in a related class, if available. However, such a demotion will not occur if a position is not available.

Also, a probationary employee may be offered the opportunity to accept demotion within the same department to a position in lower class provided no such demotion shall in turn require the layoff of any employee in the lower class. Such probationer shall not become a regular employee in the lower class by this action except by completing a full probation period in such lower class.

CHAPTER VII

PROGRESSIVE DISCIPLINE & TERMINATION

GENERAL PROVISIONS:

7.00 Purpose: The purpose of this chapter is to insure that discipline administered to Nueces County Employees is objective with regard to identifying punishable infractions; equitable for the same cause(s) throughout all county departments; and fair from the standpoint of impact on the employee's career with the county. In effect when necessary, discipline should be administered as an incentive to correct unsatisfactory work behavior. Specifically, it is prohibited for anyone to use management tools and/or disciplinary measures to exploit the human resources of the county for political or other personal reasons. For example, it is prohibited for employees to be retaliated against for failing to contribute or participate or vice-versa, in political campaigns.

7.01 Suspensions, Demotions, Removal: Except for dismissals during the probationary period as provided in Rule 2.35, all suspensions, demotions and removals of persons in the classified service will be made in compliance with and under the provisions of this Chapter VII.

7.02 Calls for Suspension, Demotion, or Removal: The tenure of every person holding a position under the provisions of these rules shall be dependent upon adequate job performance and good behavior. Any such person may be suspended, demoted or removed for any of the following causes depending on the severity of their actions:

- a. incompetency;
- b. inefficiency;
- c. insubordination;
- d. dishonesty;
- e. intemperance;
- f. violation of the provisions of the rules and regulations of the Civil Service Commission, Commissioners Court or the appointing authority;
- g. permanent or chronic physical or mental disability which incapacitates the employee from the proper performance of his/her duties;
- h. the employee has been convicted of a criminal offense involving moral turpitude. The word convicted shall mean a finding of guilty by either the judge or jury without regard to subsequent disposition of the case by suspension of sentence, probation, and deferred adjudication or otherwise. The words moral turpitude shall mean any act of baseness, vileness or depravity; or any act done with deception, or through corrupt motives; or as defined by state law and/or decisions made under state law;
- i. the employee through negligence or willful misconduct has caused damage to public property or waste of public supplies;
- j. has been guilty of any conduct unbecoming an officer or employee of the County while performing his/her job duties;

- k. the employee has been absent without leave, contrary to the rules of the appropriate authority, or has failed to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and canceled by proper authority provided, however, that if such absence or failure to report is excusable, the appropriate authority may dismiss the charges;
- l. the employee has been convicted of a felony committed in the furtherance of, or while participating in, a civil disorder;
- m. the employee has failed to report to work for one working day without notification to the supervisor;
- n. misuse of sick leave privileges;
- o. is negligent in the performance of duties;
- p. fails to meet the written standards of job performance;
- q. has lied about or concealed a material fact on any of the following:
 - 1. Concerning a matter under investigation.
 - 2. Using official capacity to his/her personal benefit.
 - 3. Relating to public services under his/her responsibility.
- r. has made a false statement of or has misrepresented a material fact in the employee's application for employment, or on other work records;
- s. has endangered the health or safety of any employee or the general public;
- t. the employee is in possession or use of controlled substances, as defined by law, or drug paraphernalia, on County property or any place designated as a work site where the County is carrying on business or providing services;
- u. the employee comes to work, is at work, or remains at work under the influence of alcoholic beverages; controlled substances, as defined by law;
- v. just cause, as determined by the merits of each individual case and upheld by the Civil Service Commission;
- w. fails to submit requested documentation to appointing authority concerning a medical condition of the employee which may present a contradiction to continued employment.

TYPES OF DISCIPLINARY ACTION:

7.03 Verbal Reprimand, First and Second Level Discipline: Prior to a suspension, demotion, or termination, the appointing authority depending on the severity of the employee's actions may use lesser forms of disciplinary action. However, nothing in this paragraph shall prohibit the appointing authority from proceeding to the third level of discipline which includes suspension, termination or demotion, if the employee commits a major offense that warrants such discipline. In all levels of discipline, the appointing authority may designate responsible individuals to administer disciplinary actions. In such instances, the designee is acting on behalf of and in the name of the appointing authority.

The lesser forms of action that may be taken against the employee include:

- a. Verbal Reprimand: This is the least severe form of disciplinary action and is designed to advise the employee of the problem which has resulted in unsatisfactory behavior or performance. This level of discipline is not subject to the grievance process.
- b. First Level Discipline: The first formal step in progressive discipline. This level deals with continuation of minor offenses, when two or more previous verbal reprimands do not result in the correction of the problem by the employee. This level of discipline should be documented, labeled "FIRST LEVEL DISCIPLINE", and signed by the supervisor and employee, and should also allow for the employee to respond. Documentation should be distributed to the employee, the Department of Human Resources, and the immediate supervisor. This level of discipline is not subject to the grievance process.
- c. Second Level Discipline: This level of discipline deals with serious offenses or continuation of minor offenses that were not corrected in the first level of discipline. The second level of discipline may be used without the use of first level discipline when the offense is serious enough to warrant such action. The selection of this level over the first level is a management decision that may be appealed through the applicable grievance process by the subject employee. This level of discipline should also be labeled "SECOND LEVEL DISCIPLINE" and documented in writing to include the signatures of the supervisor and the employee. The employee should also be allowed to respond in writing to the discipline. Documentation should be distributed to: the employee, the supervisor, and the Department of Human Resources. This level of discipline may include suspension without pay for not longer than three days.

7.04 Third Level of Discipline: This third level of discipline deals with major offenses or a continuation of serious offenses which were not corrected in the first or second level of progressive discipline. This level may be used without the use of the first or second level when the severity of the offense makes this level of discipline appropriate. All cases of third level discipline must be labeled "THIRD LEVEL DISCIPLINE" and must be properly documented so that the employee understands the severity of the action and is given opportunity to respond in writing to the department head before formal action is taken by the department. In cases such as theft or driving while intoxicated, where the offense itself constitutes a breach of safety or fiscal security that must be corrected immediately, the employee may be suspended from active duty.

Discipline that may be administered at this level includes:

- a. Demotion: The movement of an employee from his/her present position to one with either a lower starting salary, or a salary level that is less than his/her current salary.
- b. Suspension:
 - 1. With Pay: This is an ordered absence from duty while in full pay status for a prescribed period of time. It allows for immediate response to a suspected but not fully substantiated offense as well as a period in which an investigation can be thoroughly pursued.
 - 2. Without Pay: This is an ordered absence from duty without pay for a prescribed period of time. This level of discipline requires a written notice and the right of the employee to respond before the suspension occurs.
- c. Termination: Removal from the public service.

The third level of discipline is subject to the grievance process.

7.05 Documentation of Disciplinary Action:

- a. Any officer or employee of the county may be removed, suspended, or reduced in rank/compensation by the appointing authority (or designee) after the probationary period has been served by an order in writing stating the following:
 1. The cause for the discipline.
 2. The specific reason supporting the cause.
 3. The discipline to be imposed.
 4. The effective date, and
 5. The right of the employee to appeal to appropriate authority such as through the Director of Human Resources who may refer the matter to a review committee or to the grievance process of the Commissioners Court.
- b. Items (a. 1-5) in the subparagraph above should also be used for documenting first and second level disciplinary actions.
- c. Prior to termination, a non-probationary employee will be given written notice of the charges and will be given the opportunity to respond to the charges either orally or in writing. Exceptions to the right of rebuttal will occur when the employee's termination occurs as a result of the exhaustion of leave without pay benefits or when termination occurs as a result of the employee's failure to report to work for one (1) working day without notification to the supervisor.
- d. After the employee's response, a final decision letter should then be forwarded to the employee along with the notice of the employee's right to appeal the decision to the appropriate authority.
- e. A copy of the final decision letter shall be forwarded to the Director of Human Resources and a copy thereof shall be personally served on the employee forthwith or mailed to his usual place of residence.

CHAPTER VIII GRIEVANCES AND APPEALS

ELIGIBILITY TO FILE A GRIEVANCE OR APPEAL:

8.00 Any employee of the county who has completed his/her probationary period may file a grievance or appeal in matters of termination, demotion, or suspension.

By failure to initiate a grievance within seven (7) calendar days in accordance with the provisions of this Chapter, civil service employees waive all rights to exercise the grievance process for that action.

All such appeals or grievances must be filed on an "Employee's Grievance Form" (NCF-4). These forms are available at the Department of Human Resources.

GRIEVANCE PROCEDURE:

8.01

a. Grievances, other than charges of discrimination due to race, color, sex, national origin, citizenship, age, religious preference, veterans status, disability or sexual harassment, shall be processed in accordance with the following steps:

Step 1: The grievance shall be discussed verbally by the grieving employee with the employee's immediate supervisor within seven (7) calendar days of the event. It shall be the responsibility of the grievant to verbally notify the supervisor that this is the first step of a formal grievance. The immediate supervisor shall within five (5) calendar days orally submit an answer to the grieving employee or his/her representative.

Step 2: If the grievance is not settled after the preceding step has been followed, the grieving employee shall state the grievance in writing and submit same to his/her department head, or the department head's designee. This must be done within seven (7) calendar days after the receipt of the supervisor's oral answer to the stated grievance.

Within five (5) calendar days after receipt of the written grievance, the grieving employee's department head, or his/her designee, shall answer the grievance in writing to the grieving employee.

Step 3: If the grievance remains unresolved, the employee shall forward the grievance as originally written and the attached answer from the department head, or his/her designee, to the Department of Human Resources within seven (7) calendar days after receipt of the department head's, or his/her designee's, answer to the grievance.

The above steps must be taken in addition to any other response that may have been rendered under sub-paragraph 7.05 c, or any other department level appeal procedure.

b. All complaints of discrimination by employees on the basis of race, sex, national origin, age, religious preference, physical handicap or sexual harassment shall be filed in writing with the department head. In cases where the complaint involves the department head, the employee may choose to file such a complaint with the Director of Human Resources, who will promptly notify the Commissioners Court. To process complaints from non-civil service employees that are unresolved at department level, the Director of Human Resources shall refer same to the Commissioners Court for disposition. Within two regular sessions from receipt of the complaint, the Commissioners Court will choose from among several remedies which include but are not limited to the following:

1. Appoint a "Review Committee" to inquire into the case and report its findings to the Commissioners Court for disposition.
2. Refer the matter back to the Department for disposition.
3. Refer the aggrieved party to the appropriate court system for remedy.
4. Refer the case to an arbitrator.
5. Refer the case to the county dispute resolution center.
6. Refer the case to the Civil Service Commission for resolution.
7. Refer the case to the County Attorney.

8.02 No Policy.

MAXIMUM PERIOD OF SUSPENSION:

8.08 Any suspension invoked under this rule against any one employee of the county, whether with or without pay, or for one or more periods, shall not aggregate more than 90 calendar days in any one calendar year; provided, however, where the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed 90 calendar days and continue until, but not after, the expiration of 30 calendar days after the judgment of conviction or acquittal of the offense charged in the complaint or indictment has become final.

FINDING AND DECISION:

8.09

- a. The finding and decision of the designated reviewing authority shall be final, and shall be certified to the appropriate appointing authority and shall forthwith be enforced and followed by same.
- b. A County employee who, on a final decision by the Commission, is demoted, suspended, or removed from the employee's position may appeal the decision by filing a petition in a District Court in the County within 30 calendar days after the date of the decision.
- c. Pursuant to the applicable provisions of the Commissioners Court authorizing payment of backpay under certain circumstances, the Commissioners Court may, in its discretion:
 1. Overturn a suspension or termination in whole or in part; and/or
 2. Award back pay in whole or in part if a suspension or termination is overturned subject to the following conditions:
 - a. That back pay for days not actually worked may be awarded for a *maximum* of thirty (30) calendar days provided that the civil service hearing and decision is rendered within forty-five (45) days from the date of the filing of the grievance appeal.
 - b. That if the Commission is unable to schedule a hearing and render a decision within forty five (45) days **and** the delay is attributable to the Commission then the period of thirty (30) calendar days specified above shall be extended for an additional period of thirty (30) calendar days, for a total of sixty (60) calendar days of authorized back pay.
 3. That any back pay award is final and may not be appealed.
- d. The Commission may only award back pay as set out above in grievance appeals pending on, or filed after, July 27, 2011 (as per backpay authorization order of the Commissioners Court of even date).

RECORD FILED:

8.10 A copy of the order in writing, a copy of the answer, together with a copy of the finding and decision of the Commissioners Court shall be filed as a public record in the Department of Human Resources.

TIME LIMITS OF THE GRIEVANCE AND/OR APPEAL PROCEDURES:

8.11

a. No matter shall be entertained as grievance hereunder unless it is raised as such within seven (7) calendar days after the occurrence of the event or after the employee becomes aware of the event giving rise to the grievance.

b. All time limits set forth in this procedure may be extended for good cause by mutual written consent of the aggrieved, the appointing authority, and the Director of Human Resources. Without such written agreement, the time limits shall be strictly enforced. If the grieving party or parties fail to pursue the grievance within the time limits set forth, the grievance shall be considered resolved based upon the last answer given by supervisory representatives of the County. In cases where management failed to meet the time frame requirements, the employee will be entitled to remedy directly with the Commissioners Court whose decision will be final.

CHAPTER IX

OTHER POLICIES AND RULES APPLICABLE TO COUNTY EMPLOYEES

9.00 The following policies are part of the Nueces County Personnel Manual. Therefore, these policies carry the same authority.

9.01 The Nueces County Family and Medical Leave Policy, as amended and in effect at any given time.

9.02 The Nueces County Drug Free Workplace Policy, as amended, and in effect at any given time.

9.03 No Policy.

9.04 Any other employment policies duly adopted by the Commissioners Court so long as such policies are not in conflict with the provisions of these rules and regulations.

9.05 – Any other applicable state or federal law not specifically mentioned herein but which would otherwise apply to the County’s employees.

GLOSSARY

ADA - the Americans with Disabilities Act is federal legislation which prohibits discrimination against the disabled in both public and private employment, public services, public accommodations, transportation and telecommunications.

ADMINISTRATIVE LEAVE - leave granted by department heads to exempt employees who have been required to work for inordinately long periods of time in addition to their regular

work schedule. Administrative leave may be granted for not more than eight (8) hours in any one week period.

AFFINITY, SECOND DEGREE OF - a measure of a relationship by marriage. Elected Officials/Department Heads or other County Officials may not appoint or supervise any person related to them within the first or second degree of affinity. (eg. daughter-in-law, brother-in-law, spouse's grandfather, etc.)

APPEAL - a process by which an employee seeks a resolution to a grievance which is governed by the Nueces County Personnel Manual.

APPLICANT - any person who has completed an application for employment for a specific position for which the Nueces County Department of Human Resources and Civil Service is recruiting candidates.

APPOINTING AUTHORITY - the elected official or department head of a department, board or commission who has the authority to appoint employees.

BASE PAY PER HOUR - the amount of salary (exclusive of any benefits) allocated for a position for one hour of work.

BREAK IN SERVICE - any approved leave of absence that is in excess of 31 continuous days without pay.

CALL BACK PAY - compensation for eligible employees who are "called back" to work during a county holiday. Holiday call back pay is granted for (2) hours for each hour worked during the holiday.

CERTIFICATION - the process by which external applicants for vacant positions in Nueces County are evaluated in terms of criteria which have been designated for a particular position. Criteria may include civil service examination scores, educational level attained, certificates or licenses held and amount of directly related and other work experience.

CHAPTER 174, TLGC – refers to the Fire & Police Employee Relations Act, codified as Chapter 174, Texas Local Government Code (TLGC).

CIVIL SERVICE COMMISSION - a three member body appointed by Commissioners Court which has the responsibility to make, publish and enforce rules relating to selection and classification of employees; competitive examinations; promotions, seniority and tenure; layoffs and dismissals; disciplinary actions; grievance procedures; and other matters having to do with the selection of employees and their advancement, rights, benefits and working conditions.

CIVIL SERVICE EXAMINATION - testing which must be taken by individuals applying for certain positions with Nueces County. The Appointing Authority specifies any testing requirements at the time of recruitment.

CLASSIFICATION - the process of evaluating the components of jobs so that they may be arranged into classes or pay groups as defined in the Nueces County Pay Schedule.

CLASSIFIED SERVICE - denotes the status of all regular full-time and regular part-time employees of the County who are identified as "employees under civil service".

COMPENSATORY TIME - time off which is awarded to non-exempt employees in lieu of payroll payment for overtime hours worked. One and one half hour of compensatory time is awarded for each hour of overtime worked provided the employee has freely agreed to accept compensatory time off in lieu of overtime pay.

COMPULSORY LEAVE - leave which an employee may be compelled to take if a licensed physician designated or approved by Commissioners Court deems the employee to be in a mentally or physically unfit condition to perform his/her duties.

CONSANGUINITY, THIRD DEGREE OF - refers to a relationship by blood. Elected Officials/Department Heads or other County officials may not appoint or supervise any person related to them within the first, second or third degree of consanguinity. (eg. mother, brother, uncle, etc.)

CONTINUANCE PAY – is compensation allocated to each Nueces County Employee in the form of a pay step increase once every three years. The step increase shall be based on the completion of three consecutive years of service that the employee has completed as of September 30 of each year. The pay step increase will be according to the current pay schedule/chart for that position.

COURT LEAVE - compensated leave which is granted to a regular employee who has been required by court order to attend a local court as a prospective juror, or as a witness in a court action to which he/she is not a party. The employee must submit proof of the period of required attendance in order to be eligible for this leave.

DEMOTION - the movement of an employee from his/her present position to one with either a lower starting salary, or a salary level that is less than his/her current salary.

DISCIPLINARY ACTION – personnel action against an employee in response to a punishable infraction. Disciplinary actions may include a verbal warning, a letter of reprimand, suspension, demotion or termination.

DRUG FREE WORKPLACE POLICY - the policy adopted by Nueces County Commissioners Court which states that employees shall not be involved in the unauthorized use, consumption, possession, sale, distribution, purchase or transfer of any drugs, narcotics, inhalants, or alcoholic beverages while on County property or while conducting County business.

EMPLOYMENT PHYSICAL - a physical examination which is administered prior to final selection for certain positions to ensure that the applicant meets the physical requirements of the position as stated in the job description.

EXEMPT EMPLOYEES - meet criteria established by federal labor regulations. They are compensated on a salary basis, are not paid overtime and do not accumulate compensatory time.

EXTERNAL APPLICANT - any applicant for a position who is not currently employed by Nueces County as a regular full-time or regular part-time employee.

FAMILY MEDICAL LEAVE (FMLA) - leave granted to eligible employees because of a) birth of a child b) adoption or foster placement of a child c) serious health condition of a spouse,

parent or child d) serious health condition or physical/mental impairment of the employee. The employee is entitled to (12) weeks of leave under this policy, to run concurrently with vacation or sick leave, if applicable.

FUNERAL LEAVE - leave granted to an employee to arrange or attend the funeral of a member of the immediate family which includes the spouse, child, parent, grandparent, grandchild, or sibling of either the employee or his/her spouse. Funeral Leave shall not exceed two days per occurrence.

GRIEVANCE PROCESS - the process by which an employee of the county who has completed his/her probationary period may seek a resolution of a grievance. An employee may file a grievance when a question of just cause exists in matters of termination, demotion, or suspension; or when there is a question regarding a violation of the Nueces County Personnel Manual. The grievance must be filed within (7) calendar days or the employee waives all right to exercise the grievance process for that action.

HOLIDAYS - are declared by Commissioners Court order on an annual basis. They are authorized days off from work for all county employees. Only eligible regular employees earn compensation during a holiday.

I-9 FORM - a document which verifies an individual's legal status for work in the United States. All new hires must complete an I-9 form and submit any additional documentation required for employment prior to assuming duties in any county department.

INACTIVE EMPLOYEE - an employee who is on approved leave of absence without pay, in excess of 31 days. Benefits do not accrue during this period of time.

INTERNAL APPLICANT - any applicant for a position who is currently employed as a regular full-time or regular part-time Nueces County employee.

JOB CATEGORY - a group of jobs, regardless of department, which have similar duties and responsibilities and have similar requirements regarding education, experience, knowledge, skills and abilities. All jobs covered by civil service will fall into one of three categories; "clerical", "non-clerical", and "law enforcement".

LABOR AGREEMENT – refers to any collective bargaining contract or any written agreement that requires approval by the Commissioners Court and which satisfies the requirements of Chapter 174, Texas Local Government Code.

LEAVE WITHOUT PAY - leave which may be granted to an employee for such purposes as recovery time from a temporary disability, education, assisting another public jurisdiction, or any other reason considered sufficient by his/her appointing authority or Commissioners Court when such leave is in the best interests of the County.

LONGEVITY PAY - compensation allocated to each Nueces County Employee (except those who are included in inter-local agreements) based on the total number of years of service he/she has completed as of September 30 of each year. The amount is paid monthly at the rate of \$5.00 for each year of service completed, up to a maximum of thirty years. For members of a collective bargaining unit covered by a labor agreement, longevity and seniority pay shall be that amount negotiated in the applicable provision of the labor agreement, if any.

MILITARY LEAVE - leave with pay granted to a regular employee during a period of military active duty. The employee must submit appropriate orders from the concerned military branch and seek approval from Commissioners Court.

MINIMUM QUALIFICATIONS - the basic requirements established for a position. In order to be considered for a position, an external applicant must possess the specified education, experience, knowledge, etc.

NEPOTISM - favoritism shown or patronage granted by any county official or supervisor to relatives. County employees shall not be hired in a manner that would violate laws against nepotism.

NON-EXEMPT EMPLOYEES - meet criteria established by federal labor regulations. They are paid at straight time for up to and including 40 hours per week (Non-law enforcement) or 171 hours in 28 days (Law enforcement). They are eligible for overtime and may accumulate compensatory time in lieu of overtime payments.

OUTSIDE EMPLOYMENT - is not prohibited by Nueces County. However, employees who are considering outside employment should consult with their appointing authority to insure that the employment does not conflict with the employee's duties.

OVERTIME - is time worked in excess of the regularly scheduled work period.

PAID SERVICE - includes actual time worked as well as (for eligible employees) any holidays, leaves of absence, and compensatory time off or portions thereof, which are followed by return to duty for which an employee receives compensation, provided that paid service shall not include overtime worked.

PART-TIME EMPLOYEE - a regular County employee who works less than 32 hours per week and whose vacation and sick leave benefits are pro-rated according to the number of hours worked.

PAY GROUP - the range of compensation on the county pay chart which is allocated for each specific job classification.

PERFORMANCE APPRAISAL - the method by which each employee in the classified service is evaluated on an annual basis. The evaluation is based on the performance of the employee's job duties and is conducted in accordance with established guidelines.

PERFORMANCE TEST - a job-related test which may be required of individuals applying for a specific position. Performance tests may cover communication skills, computer skills, clerical skills or any other combination of essential performance factors.

PRE-SCREENING - the process by which external applicants for a specific position are evaluated to insure that they possess the minimum qualifications for the job.

PROBATIONARY PERIOD - the first six months of continuous employment or re-employment with the County, for all regular full-time employees and regular part-time employees. During this period of time, the employee must demonstrate ability to satisfactorily perform the duties required. Failure of the employee to perform satisfactorily during the probationary period will result in dismissal without the right to appeal. The promotion or

transfer of a county employee into a new appointing authority will require a six month probationary period. An employee promoted within his/her present appointing authority is subject to a 30-day evaluation period.

PROMOTION - any personnel action resulting in movement to a position affording higher starting salary or greater rank and/or providing for greater skill or responsibility.

REASONABLE DRESS - attire that is accepted by society in establishments of common use by the general public and appropriate for a professional environment and/or appropriate for the job.

REASSIGNMENT - an action taken by an appointing authority in which an employee is reassigned to another position in the same grade and salary within his/her jurisdiction.

REDUCTION IN FORCE - may occur with a reduction in the county budget, a change in program emphasis or a lack of work. Employees that are affected by a reduction in force may be considered for demotion in lieu of a layoff.

RE-EXAMINATION - the act of retaking the Civil Service Examination by applicants who may take the examination only twice within a 12 month period.

REGISTER - a list of external applicants who have met the requirements for a particular position and may be considered for future vacancies in this position.

REGULAR EMPLOYEE - an employee occupying a position which is annually budgeted, approved by Commissioners Court as a "regular position", and which provides employee benefits.

REINSTATEMENT - the re-employment of a former full-time, regular employee without requiring the employee to go through the competitive selection process for a stated period of time.

RETIREMENT - the act of leaving county employment by a regular, full-time employee in accordance with the rules and regulations of the Texas County and District Retirement Systems.

SEPARATION - any suspension from employment, whether temporary or permanent, whether voluntary or involuntary, during which an employee's compensation is stopped.

SEXUAL HARASSMENT - behavior by anyone employed by the county who promotes, initiates, or participates in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

SICK LEAVE - compensated leave granted to regular county employees in the event of a personal illness or to care for a sick or injured member of the employee's immediate family. Immediate family includes the employee's spouse, child, parent, grandparent, or sibling when that person resides with the employee or is a dependent of the employee.

STEP - the increment within the range of each pay group which identifies the specific compensation for any position which is assigned that level in a pay group.

SUSPENSION - an ordered absence from duty with or without pay for a prescribed period of time. An employee may be suspended without pay because of inadequate job performance or poor behavior. An employee may be suspended with pay due to an alleged offense which has not been fully substantiated and for which time is needed for an investigation.

TCLEOSE - the Texas Commission on Law Enforcement Officer Standards and Education Act. All law enforcement applicants must meet the requirements of TCLEOSE.

TEMPORARY EMPLOYEE - an individual employed by the County to perform a job for a limited period of time. Persons hired to fill temporary positions are not eligible for any employee benefits.

TERMINATION OF EMPLOYMENT - the discontinuation of an employee's service with the County as a result of a resignation, dismissal, reduction in force, retirement or death.

TLGC – refers to the Texas Local Government Code.

TRANSFER - the movement of an employee from one department to another department. Transfers may be voluntary, involuntary or temporary.

USERRA – refers to the Uniform Services Employment and Reemployment Rights Act

VACATION - compensated leave granted to regular county employees which is treated as a fringe benefit of employment with the county.

WORK PERIOD - the regular workweek for all non-exempt employees of Nueces County.

WORK PLACE - the location where an employee is on duty. It may be on county property, while in a county vehicle or operating in the capacity of a county official.

WORKERS COMPENSATION - payment made to an employee in accordance with the Texas Worker's Compensation Rules. Employees injured on the job are eligible for workers compensation weekly benefits according to state law.

-END-