

**SECTION 2:
EMPLOYEE
COMPENSATION AND
BENEFITS**

Trinity County

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

Trinity County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen, and are called to the payroll department's attention, Trinity County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the County will make the necessary corrections at the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time sheet must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time sheet if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time sheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell the Human Resource Manager or Treasurer.

It is a violation of Trinity County policy for any employee to falsify a time sheet or to alter another employee's time sheet. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time sheet to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Human Resource Manager or Treasurer.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons: 1) partial day absences for personal reasons, sickness or disability; or 2) your absence because the facility is closed on a scheduled work day; or 3) your absence because of the County's operating requirements; or 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or 5) any other deductions prohibited by state or federal law.

Please note: it is not an improper deduction to reduce an employee's accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the Treasurer. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney. Every report will be fully investigated, and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

2A-2 Internal Revenue Service (IRS) FRINGE BENEFITS

Trinity County will comply with the IRS with regard to fringe benefits such as County uniforms, County vehicle usage and day-trip meals. You may be responsible for paying payroll taxes on such fringe benefits.

2A-3 COMPENSATION

Trinity County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

Trinity County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption. (*See Policy 2A-10 Below*)

All non-exempt County employees shall be paid an hourly wage.

Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

For part time regular employees, the monthly salary compensates the employee for all hours worked in each workweek of that month up to the amount designated by the County for the position.

Temporary employees shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

2A-4 PAYROLL DEDUCTIONS

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System (TCDRS) will have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

2A-5 WORK WEEKS AND WORK PERIODS (Revised 4-24-18)

The official work period for most county employees is a seven-day period beginning at 12:01 a.m. on Monday and ending at 12:00 midnight on the following Sunday. All full-time employees must be accountable for a 40-hour work week. A flexible work schedule may be designed with the prior approval of the Elected Official/Department Head; however full-time employees must account for a 40-hour work week and must remain in accordance with the Fair Labor Standards Act.

Law Enforcement Officers, Certified Jailers and Dispatchers work varying eight and approximate twelve (12) hour shifts in order to provide services 24 hours each day.

In accordance with provisions of the U.S. Fair Labor Standards Act (FLSA) for public safety workers, the county has elected to adopt the Section 7(k) exception to the seven-day work period for the county's certified sheriff's officers and certified jailers/dispatchers. Those certified officers and certified jailers/dispatches who are not exempt from FLSA provisions work scheduled shifts on a 28-day work period and provide, as directed, an additional 11 hours of unscheduled work (emergencies, court appearances, other necessary duties) for a total of 171 hours per 28-day work period. Each certified peace officer and jailer/dispatcher is paid a set amount of all hours worked up to 171 in a 28-day work period.

Any paid leave or holiday taken are not considered as "hours worked" in determining FLSA compensation time under preceding paragraph.

2A-6 TIMESHEETS (Revised 4-24-18)

Each employee shall fill out a time sheet to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Time sheets must be signed by the employee and the appropriate elected official or department head and submitted to the Treasurer's office by 3 p.m. on the day of the bi-weekly time reporting period. Law Enforcement Officers, Certified Jailers and Dispatchers times sheets must be submitted by 9:00 a.m. on the first workday after the bi-weekly time reporting period.

Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record, is a criminal offense.

2A-7 PAY PERIODS

The pay period for Trinity County shall be bi-weekly with paychecks being issued every other Friday. Salaried and hourly employees shall be paid in 26 payments for their annual compensation and allowances. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

2A-8 WORK SCHEDULES

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Each department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

2A-9 HOURS WORKED

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

2A-10 LAW ENFORCEMENT PAY AND OVERTIME (Revised 4-24-18)

Trinity County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies certified jailers and dispatchers. These employees have a work period of 7 days and straight overtime will be due after 80 hours and one and one-half (1 ½) times will be due after 86 hours actually worked. Overtime will be paid as compensatory time or paid time off as determined in the County's annual budget. Overtime will not accrue in any work period during which an employee reports sick, vacation, or compensatory time until the number of actual hours worked reported during the work period exceeds 86.

Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

2A-11 OVERTIME CALCULATIONS AND RULES

Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek, with the exception of law enforcement (See policy 2A-10 on "Law Enforcement Pay and Overtime").

Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from his/her supervisor before working overtime.

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked.

Exempt employees do not earn overtime leave or pay, except in cases of emergencies or disaster as declared by Federal, State or County governments. When a state of emergency or disaster is declared, exempt employee's overtime for services rendered for Trinity County related to the declared emergency will be compensated in the same manner as nonexempt employees after overtime expenses are reimbursed to Trinity County by the entity requiring this overtime.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours except for the Sheriff's office which is 480 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor approval. Trinity County shall have the right to require employees to use earned compensatory time at the convenience of the County. A department head may require an employee to use accrued compensatory time in lieu of other paid leave

If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, they shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

Trinity County shall retain the right to "buy back" all or part of an employee's unused compensatory time by paying the employee for that time at the employee's current regular rate. Trinity County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee's regular rate of pay.

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

2A-12 DEMOTIONS

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or department heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.

2A-13 TRANSFERS

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary. Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

2A-14 PROMOTIONS

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary. Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

2A-15 SEPARATIONS/RESIGNATIONS

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Trinity County shall be designated as one of the following types:

1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Trinity County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to his/her supervisor. An Employee Resignation Form should be completed and forwarded to the Payroll Department. (See Section 3: Employee Forms)

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Trinity County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

An employee shall be separated from employment because of a reduction in force when his/her position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, their designated beneficiary or estate shall receive all earned pay and payable benefits.

An Employee Exit Interview Checklist should be completed upon separation, resignation or dismissal and forwarded to the Payroll Department. (See Section 3: Employee Forms)

2A-16 PERSONNEL ACTION FORM

The Personnel Action Form (PAF) is the official document for recording and transmitting to the personnel file each personnel action. The Personnel Action Form must be completed on or before a new employee's first day of work and submitted to the Treasurer's Office along with standard employment documents (W-4 and I-9). For existing employees, it must be completed for any and all personnel changes. This form is used to promote uniformity in matters affecting:

- Employment Status
- Position or Title
- Pay Rate – Salary, Supplement & Allowance
- Actions Affecting the Employee's Personal Information

No changes of payroll or employment status for any employee may take place until a completed Personnel Action Form has been properly submitted to the Treasurer's Office, reviewed by the Auditor, and approved by the County Judge through Commissioners' Court action.

Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee. (See Section 3: Employee Forms)

2A-17 RETIREE REHIRES

Retired employees shall be eligible to apply for open positions with Trinity County as long as the following provisions are met: 1) The retiree has been retired for at least a full 12 calendar months, 2) No prior arrangement or agreement was made between Trinity County and the retiree for re-employment, and 3) strict adherence to normal separation employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of 12 calendar months. A bona fide separation means there is no prior agreement or understanding between Trinity County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

Newly-elected officials who have recently retired from the County cannot draw their retirement because they have an arrangement to return to work for the County. Employees also cannot retire with an agreement to go to work in a different department or different position. Changing employee status does not matter when determining if someone is still working for the County. Also, an employee cannot retire from the County with an arrangement to begin work as an independent contractor either.

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

B. EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL PLANS

All full-time regular employees of Trinity County shall be eligible for the group medical plan and dental plan benefits. Regular part-time (1/2 time) and regular variable hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health insurance after the measurement period. Regular part-time (1/2 time), temporary seasonal, temporary short-term part time, and regular variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance.

Premiums for the coverage for eligible employees and elected officials shall be paid entirely by the County.

Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Details of coverage under the group medical insurance plan and dental plan are available in the County Treasurer's Office and may be obtained during the normal working hours for that office.

Employees who leave the employment of Trinity County or who lose their coverage eligibility, may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation

Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Treasurer's Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

Retiree Coverage

Employees who retire from the County with eight (8) years or more of continuous service shall be eligible for the group medical insurance benefit. Premium for the coverage for eligible retirees shall be paid on a sliding scale based on the number of years of County service the retiree earned. Retirees with 8-11 years of continuous service will pay 75% of the coverage premium, retirees with 12-15 years of continuous service will pay 50% of the coverage premium, retirees with 16-19 years of continuous service will pay 25% of the coverage premium. The County will pay the remainder of the coverage premium for retirees and the full coverage premium for retirees with 20 or more years of continuous earned service. Eligible retirees may cover their qualified dependents by paying the full premium for the dependents. When a retiree or their spouse reach Medicare eligibility, Medicare becomes primary and County plan is secondary.

Any retiree who is employed and is eligible to participate in their employer's Medical Plan must do so as their eligibility to continue in the County's Plan ends.

If you and/or your eligible dependents are enrolled in our medical plan, you may have the opportunity to purchase continuing health coverage in a number of situations. The events listed below qualify for COBRA for the following length of time:

36 months of continuing coverage:

- a) Surviving spouses and children of deceased employees;
- b) Separated or divorced spouses and children of current employees;
- c) Dependent child ceasing to be a dependent child under the plan; or
- d) Spouses and dependents who lose coverage due to the employee becoming entitled to Medicare.

18 months of continuing coverage:

- a) Reduction of work hours;
- b) Voluntary termination of employment;
- c) Involuntary termination of employment (except termination for gross misconduct); or
- d) Strike, layoff, or walkout of workers.

It is your responsibility to notify the Treasurer (within 30 days) when a qualifying event has occurred, and you will be given information as to the cost, your rights and the forms for signing up for it.

2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL

Trinity County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Trinity County provides other supplemental life insurance coverage from other companies. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from the County Treasurer's Office.

2B-3 VACATION

The following employee classifications shall be eligible for the vacation benefit: Full-Time Regular. These following employee classifications shall not be eligible for the vacation benefit: Part-Time and Temporary.

Employees who have worked for less than 10 years in a position eligible to receive vacation shall earn vacation at the rate of .833 working days per month, which is equivalent to 10 working days per year.

Employees who have worked for 10 or more years in a position eligible to receive vacation shall accrue vacation at the rate of 1.25 working days per month, which is equivalent to 15 working days per year.

Employees who have worked for 20 or more years in a position eligible to receive vacation shall accrue vacation at the rate of 1.67 working days per months, which is equivalent to 20 working days per year.

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of six (6) months in such a position before being eligible to take any vacation.

The maximum amount of unused vacation an employee shall be allowed to have at one time is the amount the employee would normally earn in (1) year at his or her current accrual rate plus five (5) additional workdays. (This would be 15 working days for employee with less than ten (10) years working in a position eligible to accrue vacation and 20 working days for employees with ten (10) years or more in such a position.) When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.

Accrual over the maximum may be allowed if an employee is unable to take vacation because of the needs of the County and:

- a) Within thirty (30) days after an employee accrues the maximum amount of unused vacation time, the employee's supervisor prepares and submits, to the Commissioners' Court, a written request for accrual above the maximum explaining why the employee was unable to take vacation; and
- b) The request is approved by the Commissioner's Court at its next meeting and the employee must take the leave within two (2) months or the time will be lost.

Scheduling of vacations shall be at the discretion of the individual department heads.

The minimum amount of vacation that may be taken at one time shall be one-half (1/2) day.

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals.

Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the POLICY ON HOLIDAYS and shall not be charged against the employee's vacation balance.

If an employee has worked for at least one year in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy at the hourly rate at which it was accrued.

An employee who has not worked a minimum of one year in a position which accrues vacation shall not be eligible for any vacation pay upon termination of employment.

Each employee shall be responsible for accurately recording all vacation time used on their time sheet.

2B-4 SICK LEAVE

The following employee classifications shall be eligible for the sick leave benefit: Full-Time Regular. These employee classifications shall not be eligible for the sick leave benefit: Part-Time and Temporary.

Eligible employees shall accrue sick leave at a rate of one workday per month. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 60 work days.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, or other relative living in the employee's home who is dependent on the employee for care.

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employees' own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees shall not be allowed to borrow sick leave against future accruals.

Employees shall not be paid for unused sick leave at the termination of employment.

Sick leave may not be used as vacation or any other reason not addressed in this policy.

2B-5 HOLIDAY

The following employee classifications shall be eligible for the holiday benefit: Full-Time Regular. These employee classifications shall not be eligible for the holiday benefit: Part-Time and Temporary.

The County holidays shall be determined by the Trinity County Commissioners' Court at its first meeting of each September.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days.

Exception: Law Enforcement – See Below. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 day's equivalent to the amount of time worked on the holiday.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Trinity County. Each supervisor is responsible for granting this leave based on the needs of their individual departments. Vacation, compensatory time, or leave without pay may be used for special leave granted.

Holiday Compensation for Section 207(k) Employees: (Revised 4-24-18)

Law enforcement employees required to work approved holidays during regularly scheduled shifts in excess of eight (8) hours due to "round the clock" operations of the Sheriff's Department and Jail, will be compensated in an amount equal to the number of hours regularly scheduled for the employee's daily shift and will accrue an alternate day off.

If law enforcement employees do not work on an approved holiday, they will be compensated for the holiday in an amount equal to the number of hours regularly scheduled for the employee's daily shift. They will not receive an additional accrual of holiday time.

The maximum amount of accrued holiday time is 480 hours. Unused accrued holiday time will not be paid at termination.

2B-6 JURY DUTY

Employees of Trinity County who are called for jury duty shall receive their regular pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time they actually serve on the jury. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require. If an employee is absent from work to appear in private litigation in which he/she is

a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

2B-7 FUNERAL LEAVE

This policy applies to all Full-Time regular employees:

All employees shall be allowed up to three (3) working days leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse and the child, parent, grandparents, grandchildren, brother or sister of the employee or the employee's spouse's grandparents, grandchildren, brother, or sister.

Employees shall be allowed up to five (5) working days leave with pay for a death in the immediate family including the employee's spouse, child of the employee or the employee's spouse, parent of the employee or the employee's spouse, or other relative who is dependent on the employee or employee's spouse for care.

Employees may be allowed time off with pay, up to a maximum of four (4) hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay.

Additional time may be allowed for out-of-County funeral at the discretion of the Department Head.

Copies of the funeral announcement or other documentation may be required by the Department Head to be turned in with the time sheet when the leave was taken.

2B-8 MILITARY LEAVE

All Trinity County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year with pay to attend authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use annual leave, earned compensatory time, or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum.

An employee going on military leave shall provide his or her supervisor with a set of orders within two (2) business days after receiving them.

Trinity County will provide upon request of the employee a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year.

Trinity County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with state and federal laws in effect at the time of their release from duty.

2B-9 SICK LEAVE POOL

The Trinity County Sick Leave Pool ("Pool") is a single, County-wide program in which eligible employees make voluntary contributions of accrued sick leave to become members; and may be granted sick leave in the event of catastrophic illness or injury after the employee uses up all accrued sick leave, accrued vacation and compensatory time and is still unable to return to work.

Catastrophic Illness or Injury: For purposes of this policy, a *catastrophic illness or injury* is one that meets the criteria of a "Serious Health Condition" as defined in the Family and Medical Leave Act (FMLA).

Serious Health Condition: For purposes of this policy, Serious Health Condition is defined as an illness or injury that meets the definition and criteria of the Family and Medical Leave Act. The FMLA defines a serious health condition 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. A serious health condition does not include pregnancy, but may apply to a disability due to pregnancy. A serious health condition does not apply to bonding time after pregnancy.

The Sick Leave Pool program is authorized by Commissioners Court and administered by a Sick Pool Administrative Committee (see Pool Administration section) who decides on withdrawal requests in accordance with the pool procedures. The Pool is an optional benefit offered to employees and affords no right or claim other than as specifically expressed in this policy.

This policy is not intended, nor shall it be interpreted, to interfere with an employee's rights in accordance with the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act with Disability Act Amendments Act (ADA/ADAAA), or the Workers Compensation Act. Further, this policy shall not be interpreted to in any way alter an employee's "at will" status of employment with Trinity County.

The Trinity County Shared Sick Leave Pool has been established consistent with Sections 157.071-157.075: "Pooling of Sick Leave by County Employees," of the Texas Local Government Code.

Consistent with the provision of Sections 157.071-157.075 of the LOCAL GOVERNMENT CODE, employees may not donate accrued vacation hours to the Pool.

The Basis of The Sick Leave Pool Program

The pool is established and maintained by voluntarily donated sick leave hours by those who become pool members. Pool hours may be granted to member employees only for bona-fide reasons (catastrophic illness or injury, etc.) *. Consideration will only be given to employees who have exhausted all sick leave, vacation leave and compensatory time. The program, however, is exclusive of unpaid leave available under the Family and Medical Leave Act.

*As approved by the Sick Pool Administrative Committee.

Pool Membership

All regular full-time employees with twelve (12) or more months of continuous employment with the County and have accrued sufficient sick leave (must have minimum of 48 hours accredited after donating 8 hours to the pool) are eligible for membership. They may join by donating a minimum of 8 hours.

Employees not joining at the time of eligibility are not participants in the pool and cannot apply for membership until the next January or July enrollment period. Only employees who are pool members can participate and apply for withdrawal of pool hours.

Pool membership is effective after the second full pay period following the date of application to join the Pool.

The process of joining the Sick Leave Pool and maintaining membership is as follows:

Eligible employees desiring to join the pool shall complete a Sick Leave Membership Application Form and submit it to the Treasurer who will coordinate with the Auditor's office.

Borrowing against anticipated, but unearned sick leave in order to join the pool is not permitted.

No employee may donate hours for another employee, only for himself or herself.

During the months of January and July each year, Non-participating employees who are eligible for membership may join as shown above. Also during each January all current members must have a minimum of 48 hours of sick leave in order to donate 8 hours of sick leave in order to continue membership in the pool. This donation will be done automatically by Payroll each January unless the

Treasurer has an employee's signed notice of cancellation of membership in writing by December 31st of the preceding year.

If a member cancels membership in the pool, regardless of reason, all hours that employee contributed remains property of the pool. Cancellation of membership must be in writing. If, at a later date this individual wishes to rejoin the pool, they may do so by again donating a minimum of 16 hours of accrued sick leave during the January enrollment period.

Contributions

Contributed hours will be subtracted from the employee's sick leave record upon acceptance of initial membership status and each January thereafter until termination of membership or eligibility. Contributions may not be specified for use by a specific individual. All hours donated become the property of the Trinity County Sick Leave Pool for use by eligible members under the pool administrative procedures. All hours in the pool at the end of a year (December 31) shall be carried over to the next calendar year (January 1).

Additional sick leave hours may be contributed to the pool by employees who are retiring by their notice of the donation in writing to be effective upon their last day of active employment.

Pool Administration

At the direction of the Commissioners' Court, the Trinity County Treasurer shall serve as the Pool Administrator. The Treasurer along with the Pool Administrative Committee may be responsible for further developing mechanisms to transfer accrued sick leave into and out of the Pool; developing rules and procedures for the operation of the Pool; and developing forms for contributing leave to, or using leave from, the Pool.

The Pool Administrative Committee shall be composed of the following members: The Treasurer, an Elected Official designated by Commissioner's Court, the County Auditor, the Insurance Manager, and a non-supervisory employee designated by Commissioner's Court. This committee shall be responsible for receiving and viewing all applications for use of leave from the Pool.

Withdrawing Pool Hours

A member employee may apply to withdraw sick leave hours from the pool if the employee has a catastrophic illness or injury and has, or is about to exhaust all accrued sick leave vacation and compensatory time. Members requesting withdrawal of hours from the pool must complete a Withdrawal Application form and a Statement of Illness/Injury form. These forms are available from the Pool Administrator.

Withdrawal Applications and accompanying backup information should be submitted to the Treasurer at least ten (10) days in advance of the exhaustion of all other accrued time, or when it is known or reasonably anticipated that pool sick leave will be needed.

If an employee, due to their condition, is unable to personally file an application for sick leave hours from the pool, the employee's immediate supervisor, department head, or elected official may initiate the application form at the request of the employee or employee's family member.

Withdrawal Applications must be fully completed and accompanied by a completed Statement of Illness/Injury form from a licensed physician or practitioner concerning the diagnosis and prognosis of the condition or combination of conditions and the approximate date the employee will be able to return to work. The Sick Leave Pool Administrative Committee may refuse to consider an application that is incomplete or does not contain the required information.

Once returned, the Treasurer verifies the forms for member status, then reviews current sick leave status, vacation, compensatory time, etc.

The Treasurer then coordinates with the Auditor and calls a meeting of the Sick Pool Administrative Committee. The Committee in a called meeting shall individually review all applications.

A member (or their representative) may be requested to appear before the Committee to clarify or substantiate their request or a designated Committee member (s) may meet with the individual consistent with member's medical condition.

The Sick Pool Administrative Committee determines from the application with the physician's attached "Statement of Illness/Injury" form, whether or not the illness or injury falls within the scope and intent of "catastrophic". The applicant or their designee will supply full information relating to the condition from the physician. Sick Pool Administrative Committee Members may also validate physician's certification as to the illness or injury if need be. Sick Pool Administrative Committee decision is final.

Once the Committee determines that the criteria have been met, it then determines the number of hours to grant. The amount of pool sick leave hours granted for each application will be based primarily on the attending physician's statement. This statement shows the prognosis and the approximate date the employee may be able to return to work. The Sick Pool Administrative Committee has the right to approve, or modify the number of hours indicated. The maximum amount of time, which can be granted per catastrophic illness or injury, is 80 hours. If the physician's statement indicates a lesser amount of sick leave than the maximum, that amount will more likely be granted if the request is approved. The Committee's decision is final.

The Treasurer completes the "Withdrawal" form with the decision and the Treasurer advises the employee applying and Payroll of the decision for proceeding accordingly.

Other Information

Pool hours may not be granted for a period of disability when monies are paid to employee under the Workers' Compensation Act.

Employees are not required to "pay back" the hours used by the employee from the pool.

The estate of a deceased employee is not entitled to payment for unused sick leave from the pool.

Any withdrawal of hours from the pool or the transfer of hours between accounts must be approved by the Sick Pool Administrative Committee.

An employee member will lose the right to utilize the benefits of the pool only by:

- a) Termination or suspension of employment.
- b) Failure to contribute a minimum of 8 hours sick leave during open enrollment period conducted each year during the month of January
- c) Cancellation of membership by the member (must be in writing)
- d) Being on approved leave of absence.
- e) Falsification or misrepresentation of data.

Days Granted

Days will be granted only for catastrophic illness or surgery or other disability, which necessitates an absence from work for five consecutive days or longer. In case of chemotherapy or radiation for cancer treatment, days can be granted for 1-4 days absence.

Pregnancy will not be covered by the Sick Leave Pool, but complications due to pregnancy or delivery will be considered.

The Pool may be used only by members for his/her personal illness or disability or for a family member whose illness and relationship to the employee meet the guidelines of the Family and Medical Leave Act and the Trinity County Family and Medical Leave Policy.

Days requested for stress related illness will be granted for hospitalized days only.

The maximum number of days granted to an employee each year shall not exceed one-third of the total amount of time in the Pool at the time of the request or 90 days, whichever is less.

A member of the pool, who exhausts all of his/her, accrued paid leave and compensatory time to which the employee is otherwise entitled, may withdraw from the pool for a non-catastrophic illness the exact number of days the member had contributed that fiscal year.

Rules

Applications to the Sick Leave Pool are on a first-come, first serve basis.

An Eligible Employee, or in the event of their incapacity, a member of their Immediate Family, must apply to the Sick Pool Administrative Committee for permission to use time in the Sick Leave Pool. Applications should be made as far in advance as is practicable under the circumstances.

All medical information obtained by the Sick Pool Administrative Committee will remain confidential.

Requests for time from the Sick Leave Pool must give a statement sufficiently describing the illness or injury to enable the Sick Pool Administrative Committee to determine that the illness or injury is catastrophic. The request must be accompanied by a statement from a Health Care Provider which gives the date of onset of the catastrophic illness or injury, the diagnosis and the prognosis, and the date it is anticipated the Employee will be able to return to work. .

Eligible Employees may be required to sign a Medical Release Form which allows the Sick Pool Administrative Committee to obtain additional medical information. The Sick Leave Administrator may require independent verification of the illness or injury as a prerequisite to approval of the request.

An Eligible Employee may utilize any Sick Leave Pool time credited in the same manner as sick leave earned by the Employee in the course of employment.

Sick Leave Pool time credited to an Eligible Employee will be deducted from Family and Medical Leave Act benefits to which the Employee would otherwise be entitled.

An Eligible Employee absent on sick leave assigned from the Sick Leave Pool is treated for all purposes as if the Employee were absent on earned sick leave.

The estate of a deceased Eligible Employee is not entitled to payment for unused sick leave acquired by that Employee from the Sick Leave Pool. Rather, such unused sick leave hours shall be returned to the Sick Leave Pool.

Should an Eligible Employee return to work with unused sick leave acquired by that Employee from the Sick Leave Pool, such unused sick leave hours shall be returned to the Sick Leave Pool.

Regular Non-Member Employee Donations

Employees must be on active full-time status as defined in Trinity County Employee Handbook. Donations to the Pool cannot cause the employee's sick leave accrual to fall below 48 hours. Employees who end employment with the County for any reason may voluntarily donate up to 40 hours of their accrued but unused sick leave to the Sick Leave Pool. Employees must notify the Payroll Department of their intent to make such a donation on or before their last day of employment.

2B-10 LONGEVITY PAY

Each regular full-time Trinity County employee and elected official with four or more years of continuous employment shall receive annually, from payroll funds, \$75.00 per year for each full year of continuous employment.

The maximum number of years that longevity pay will be calculated on is 20, with a maximum annual payment of \$1,500.00 per employee or official.

Longevity pay is earned and awarded annually and is not otherwise prorated or compensable upon termination. For the purpose of this policy, eligibility for longevity pay shall be calculated as if the employee or elected official began his or her employment on October 1 of the year of the first October in which the employee or elected official received a full or partial paycheck from the County. Longevity will be paid in December following the year in which it was earned. The lump sum longevity payment shall be paid along with the first paycheck in the month of December of the County fiscal year.

The payroll department, County Treasurer, shall prepare a preliminary list of eligible employees and longevity amounts by the end of June of each year. This will be used for budget workshop purposes. The final list and amounts will be presented to the Auditor by October 31.

The County Auditor will certify to the County Treasurer, prior to November 30th the amount of Longevity Pay each Trinity County employee and official will receive in that fiscal year.

The Estate of any Trinity County employee or elected official who qualifies for longevity pay and dies prior to certification, should be entitled to the pro-rata portion of the Longevity earned for the year in which said employee died as of the date of death. An employee may designate in writing who, other than his/her estate, is to receive said payment.

Commissioners' Court may rescind this policy at any time.

2B-11 CERTIFICATE PAY

Elected Trinity County Law Enforcement Officials, regular full-time salaried Trinity County Law Enforcement Officers, the Jail Administrator and regular full-time salaried Jailers will be eligible for Certificate Pay to be paid from County Funds.

The County Treasurer will verify TCLEOSE Certificates for all Law Enforcement Officers or elected officials who apply to the County Treasurer for any level of Certificate Pay.

The Certificate Pay shall be based upon Texas Commission of Law Enforcement Officer Standards and Education (TCLEOSE) guidelines for Intermediate, Advanced and Master Peace Officers. Eligible Law Enforcement Officers will receive monthly; \$100.00 for Intermediate, \$150.00 for Advanced, or \$200.00 for Master certificates. The maximum amount of Certificate Pay that can be earned monthly is \$200.00, with a maximum annual payment of \$2,400.00 per employee or official. Certificate Pay is earned and awarded monthly and shall be paid in 26 equal installments and is not prorated or compensable upon termination.

For the purposes of this policy, eligibility for Certificate Pay shall be calculated as if the employee or elected official began his/her employment on the 1st day of the month in which the employee or elected official received a full or partial paycheck from the County.

Employees qualifying for a change in level of Certificate Pay after a fiscal year budget is adopted will be awarded the new level of Certificate Pay upon the start of the next occurring fiscal year.

Commissioners' Court may rescind this policy at any time.

2B-12 UNIFORM ALLOWANCE

The Trinity County Sheriff, each elected Precinct Constable, and each regular, full-time, salaried deputy Sheriff will be eligible for a uniform allowance to be paid from County Funds.

Upon full-time employment with the Trinity County Sheriff's Office, each deputy will be furnished with three (3) pair of uniform pants and three (3) shirts, two of which will be short sleeve

The maximum amount of Uniform Allowance that can be paid yearly is \$800.00. Each Deputy will furnish at their own expense, one (1) service weapon, (approved by the Sheriff), ammunition, duty belt and footwear.

Funds received in the form of a uniform allowance will be used to maintain uniforms shirts, pants, duty belt, footwear and general maintenance of the same. Uniform allowance shall be paid in 26 equal installments and is not prorated or compensable upon termination.

The County Treasurer will verify employment with the Sheriff prior to payment of any uniform allowance to a deputy Sheriff.

Commissioners' Court may rescind this policy at any time.

2B-13 VEHICLE ALLOWANCE

Each Justice of the Peace, the County Judge, Commissioner Precinct 1, Commissioner Precinct 2, Commissioner Precinct 3, Commissioner Precinct 4, and Tax Assessor Collector will be eligible to receive an annual vehicle allowance.

Vehicle allowance shall be paid monthly and is not prorated or compensable upon termination. Compensation under this section is for official travel while conducting County business.

Each Justice of the Peace shall receive \$7,000.00 per year vehicle allowance for travel within Trinity County.

The County Judge shall receive \$4,500.00 per year vehicle allowance for travel within Trinity County and travel to Polk, Angelina, Houston, San Jacinto and Walker counties for meetings and conducting County business.

Commissioner Precinct 1 shall receive \$18,000.00 per year vehicle allowance for travel within Trinity County.

Commissioner Precinct 2 shall receive \$12,000.00 per year vehicle allowance for travel within Trinity County.

Commissioner Precinct 3 shall receive \$18,000.00 per year vehicle allowance for travel within Trinity County.

Commissioner Precinct 4 shall receive \$18,000.00 per year vehicle allowance for travel within Trinity County.

The County Tax Assessor Collector shall receive \$1,500.00 per year vehicle allowance for travel within Trinity County.

The County Auditor will certify to the County Treasurer before the start of each fiscal year the amount of vehicle allowance each Trinity County official will receive that fiscal year.

Commissioners' Court may rescind this policy at any time.

2B-14 RETIREMENT

All regular employees (full time, part time, and regular variable hour) and Elected or Appointed Officials shall be eligible for the retirement benefit offered through the Texas County and District Retirement System (TCDRS). Temporary seasonal and temporary short term part-time employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Trinity County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

2B-15 SOCIAL SECURITY/MEDICARE

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck. The County shall contribute an amount equal to the employee's contribution in accordance with the requirements of this program.

2B-16 FMLA/MFL

The federal Family and Medical Leave Act of 1993 (FMLA) as amended in 2009 and 2013 requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available: (1) the basic 12-week Family and Medical Leave entitlement; and (2) the Military Family Leave entitlements described in this policy.

Family and Medical Leave

Employees are eligible for FMLA leave if they: 1) Have worked for the County for at least 12 months in the last 7 years; 2) Have worked at least 1,250 hours for the County during the 12 calendar months immediately preceding the request for leave; and 3) Are employed at a work site that has 50 or more employees within a 75-mile radius.

Employees with any questions about their eligibility for FMLA leave should contact the Treasurer's Office for more information.

For FMLA, employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons: 1) to care for the employee's son or daughter during the first 12 months following birth; 2) to care for a child during the first 12 months following placement with the employee for adoption or foster care; 3) to care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent ("covered relation") with a serious health condition; or 4)

because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

If you are married and both work for Trinity County, then each of you together may take a combined total of 12 weeks' leave during any 12-month period for reasons stated above unless it is your own serious health condition.

Military Family Leave

Under the MFL, there are two types of leave available: 1) a qualifying exigency leave; 2) leave to care for a covered service member; or 3) to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve, or National Guard).

Qualifying Exigency Leave

Eligible employees may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active duty status in a foreign country. Qualifying exigencies may include: 1) short-notice deployment (up to 7 days of leave); 2) attending certain military events and related activities; 3) arranging for alternative childcare; 4) addressing certain financial and legal arrangements; 5) periods of rest and recuperation for the covered military member (up to 5 days of leave); 6) attending certain counseling sessions 7) attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status); 8) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the County and the employee; 9) attending family support or assistance programs and informational briefings; 10) to act as the covered military member's representative before a governmental agency; 11) to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 12) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the County and employee.

Military Caregiver Leave

Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member of the Armed Forces (Regular, Reserve or National Guard) or a veteran of the Armed Forces (Regular, Reserve, or National Guard).

An eligible employee may take up to 26 weeks of leave to care for a covered service member of the Armed Forces (Regular, Reserve, or National Guard) who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the

service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy. This leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12-month period.

Eligible employees may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five-year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

Intermittent Leave

Leave because of a serious health condition, or either type of Military Family leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. Military leave due to qualifying exigencies may also be taken on an intermittent basis. If leave is unpaid, the County will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the County may temporarily transfer the eligible employee to an available alternative position that better accommodates the recurring leave, and which has equivalent pay and benefits.

Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Substitution of Paid Leave

Trinity County requires substitution of paid leave for all FMLA or MFL events. Employees must follow the vacation and sick policy guidelines. Employees also must use all of the earned compensatory time for FMLA or MFL events prior to using accrued vacation or sick leave. The balance of Family Medical Leave is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

While on leave without pay under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

Health Insurance Benefits

During an approved Family Medical Leave, the County will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the County will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium due to the County under this policy no later than 30 days after the due date which the County sets or the coverage shall be discontinued. An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the County for the cost of the premiums paid by the County for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Return from FMLA Leave

Upon return from FMLA leave, eligible employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. An eligible employee is not guaranteed the actual job held prior to leave.

Notice

If the need to use FMLA leave is foreseeable, the employee must give the County at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave, except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the Treasurer's Office. When submitting a request for leave, the employee must provide sufficient information for the County to determine if the leave might qualify as FMLA leave, and provide information on the anticipated date when the leave would start as well as the duration of the leave.

Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

When an employee requests leave, Trinity County will inform the employee whether they are eligible under the FMLA or MFL. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible, the County will provide the employee with a written notice indicating the reason for ineligibility. If leave will be designated as FMLA or MFL protected, the County will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12 or 26-week entitlement.

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Treasurer's Office. When the employee requests leave, the County will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after the employee requests leave).

If the employee provides at least 30 days' notice of medical leave, they should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The County, at its expense, may require an examination by a second healthcare provider designated by the County, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the County, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The County may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the County each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

2B-17 LEAVE OF ABSENCE – OTHER

It is Trinity County's policy to grant a leave of absence to all eligible employees on a non-discriminatory basis. A leave of absence may be granted for a personal emergency, to run for an elected office or educational purposes, that is non FMLA qualifying. A leave of absence may not exceed 12 weeks in a 12-month period unless required by federal or state law and may be with or without pay to the extent the employee has paid vacation, sick or comp time leave accrued.

All regular, full time and part time employees may request a leave of absence at any time.

Subject to any applicable legal restrictions, requests for leave of absence will be considered on the basis of the employee's performance, responsibility level, length of service, reason for request, and the County's ability to obtain a satisfactory replacement during the time the employee would be away from work. If any employee accepts other employment or fails to return to work on the next regularly scheduled work day following the expiration of his/her leave, it will be considered that the employee has voluntarily terminated his/her employment.

Employees on unpaid leave scheduled to extend beyond the calendar month in which the leave begins will be eligible to continue coverage in the County's group insurance plan at their own cost through their right under COBRA. The procedures for continuing coverage on you and/or your dependents will be fully explained at the time the leave is granted.

Unless otherwise stated in the policies, group insurance coverage will not be interrupted for a leave of absence scheduled for thirty (30) days or less and which begins and ends in the same calendar month. Employees will not accrue benefits, (e.g. vacation, sick leave, holidays) etc. during an unpaid leave of absence. Employees who return to active employment at the end of their leave (not to exceed 12 weeks) will be reinstated without loss of seniority earned prior to the commencement of their leave.

All leaves of absence without pay, regardless of reason, require the use of all accrued vacation and compensatory time to minimize the impact of a leave of absence for both the County and the employee. (Exception: Military Leave-see Section 2B-8.)

It is the employee's responsibility to provide his/her immediate supervisor and department head all the following information in writing as soon as he/she becomes aware of the need for a leave of absence.

- a) the reason the leave of absence is being requested;
- b) the anticipated dates the leave of absence will begin and end; and

In addition, during the leave of absence, the employee must provide:

- a) periodic updates to the employee's supervisor and/or department head at least every 15 days concerning the employee's status, expected date of return, and continued intent to return to work upon expiration of the leave;
- b) immediate notification of the employee's supervisor or department head of a need to request a change in the duration of the leave of absence; and

If the employee is unable to return to work at the end of the leave of absence, that is non FMLA qualifying (not to exceed 12 weeks--except to run for elected office), then the employee will be terminated with **no exception**.

If it is determined that the employee is performing a service for money or other remuneration while on a leave of absence, he/she will be terminated. If the employee is found to have misrepresented the reason for the leave of absence, then he/she will be terminated. Should a terminated employee be rehired within 365 days of termination, he/she will not be required to go through an introductory period (waiting period per health insurance benefit provided by County).

2B-18 APPROVED TIME OFF WITH PAY

Approved time off with pay may be granted by County Officials on a case by case basis in-line with the approved department budget and for a reasonable period that would not impose an undue hardship on the County. If paid approved time off is granted for more than three (3) days, it is the County Officials' responsibility to provide Human Resource Manager and Payroll Department the following information in writing as soon as they become aware of the need for additional time off.

- a. the reason the approved time off with pay is being requested;
- b. the anticipated dates the approved time off with pay will begin and end.

If the employee is unable to return to work at the end of the approved time off with pay the employee will be terminated. If it is determined that the employee is performing a service for money or other remuneration while on approved time off, he/she will be terminated.

If the employee is found to have misrepresented the reason for the approved time off, then he/she will be terminated. Should a terminated employee be rehired within 365 days of termination, he/she will not be required to go through an introductory period (waiting period per health insurance benefit provided by County).