

EL PASO COUNTY



CIVIL SERVICE RULES AND REGULATIONS

Approved
January 29, 1996

Revised: December 07, 2009

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ACKNOWLEDGEMENT

This is to acknowledge that I have received the El Paso County Civil Service Rules and Regulations, and its contents have been explained to me by my Supervisor. I understand that if I do not understand any Section of the Rules and Regulations, I can go to the Human Resources Department or my Elected Official/Department Head for explanation.

Date

Signature

Name (Please Print)

Social Security Number

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FORWARD

The management of the County's most important assets, its employees, is a matter of ever-increasing significance and complexity. Good morale among county employees is essential to effective government and the efficient provision of governmental services to the citizens of El Paso County. A good understanding of civil service policies and procedures together with uniform and fair administration is essential to the development and maintenance of good employee relations.

To this end, the El Paso County Civil Service Commission has been created for the guidance of El Paso County elected officials and department heads in the supervision of their employees and for the regulation of labor relations in the County as authorized by State law. The policies and procedures provide a consistent basis for fair and equitable interpretation on matters of policy which must be made on a regular basis. All county employees, particularly elected officials, department heads and managers, are expected to be familiar with the contents of the rules and regulations manual and to maintain it as a ready reference.

These rules supersede all other related personnel policies previously in effect that would relate to civil service employees. These rules are not contractual and are not intended to create a property right for employees. They may be amended at any time by the El Paso County Civil Service Commission, with submission of amendments to the El Paso County Commissioners Court for approval. Amendments become effective upon approval by the El Paso County Commissioners Court.

The El Paso County Civil Service Commission Rules and Regulations, as amended, were approved by the El Paso County Commissioners Court on October 23, 2006.

Chairperson: Paula Mitchell

Commissioners: Carol Garcia
Trini Munoz

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SECTION I
ORGANIZATION

PURPOSE

1.00

The El Paso County Civil Service System is a systematic method of hiring employees, managing employees and promoting employees based upon competency and performance. The following rules are designed to delineate and clarify the procedures for administering the El Paso County Civil Service System on a day to day basis for those employees who fall under civil service jurisdiction.

1.01

Hereinafter the pronouns he, him, his or their are used to signify both male and female individuals, are only used to condense the language of this text, and are not to be construed as discriminatory against either sex.

EL PASO COUNTY COMMISSIONERS COURT

1.02

The El Paso County Commissioners Court is the legally authorized, elected body of five officials (one County Judge and four Commissioners) who manage El Paso County.

1.03

The El Paso County Commissioners Court is authorized under Section 158.003, Texas Local Government Code, to establish a three-member Civil Service Commission, with one member designated to act as chair, which shall make, publish and enforce rules relating to: (1) selection and classification of County employees; (2) competitive examinations; (3) promotions, seniority and tenure; (4) layoffs and dismissals; (5) disciplinary actions; (6) grievance procedures and other procedural and substantive rights of employees; and (7) other matters having to do with selection of

employees and their advancement, rights, benefits and working conditions, or as authorized by Section 158.009 of the Texas Local Government Code.

EL PASO COUNTY CIVIL SERVICE COMMISSION

1.04

The El Paso County Civil Service Commission was established on May 14, 1990 under authority of the preceding section. The three-member Commission shall be appointed by members of the El Paso County Commissioners Court. Names of present members of the Commission are on file with the El Paso County Clerk and the El Paso County Human Resources Department.

1.05

Regular meetings shall be held on the first Tuesday of each month and shall comply with the Texas Government Code, Chapter 551. ("Texas Open Meetings Act"). Two Commission members must be present to constitute a quorum. Should the first Tuesday of the month fall on a County Holiday, the Civil Service Commission meeting for that month will be held on the second Tuesday of the month. The El Paso County Civil Service Commission may change the day designated for its regular meeting. Special meetings and emergency meetings may be held as permitted by the Texas Open Meetings Act.

1.06

The El Paso County Civil Service Commission shall appoint a Secretary to serve the Commission as outlined in the position job description.

1.07

The El Paso County Attorney's Office shall make an attorney available to the Civil Service Commission to serve as Legal Advisor.

GENERAL RULES

1.08

The following rules are in force for all covered employees under the Civil Service System, and have been approved by the El Paso County Civil Service Commission and the El Paso County Commissioners Court. Violations of these Rules may result in disciplinary action up to and including dismissal, depending on the severity of the violation.

1.09

Any Elected Official/Department Head shall have the right to promulgate rules and regulations regarding the operation of his department, and the conduct of the employees therein, provided that such rules do not conflict with these Rules. A copy of all such rules and regulations shall be filed with the El Paso County Civil Service Commission.

1.10

Whenever these Rules require a notice to be given to an employee, if the notice cannot be presented in person to the employee, it should be sent within the required time limits by certified mail and regular first class mail to the employee's last known address as indicated in the personnel records.

1.11

In computing any period of time prescribed or permitted by these rules, the day of the act, event or default after which the designated period of time begins to run is not to be included. All references to "days" are to calendar days, unless otherwise noted. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or County holiday, in which event the period runs to 5:00 p.m. of the next day which is not a Saturday, Sunday or County holiday.

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SECTION II

EMPLOYMENT

DEFINITIONS

2.00 Revised: 07/21/08

Not Covered Employees: The following employees are excluded from the provisions of the civil service system:

- a) Elected Officials (Texas Local Government Code §158.013).
- b) An elected official within thirty (30) days of taking oath of office shall submit to the El Paso County Civil Service Commission any position(s) that shall not be covered by these Rules, provided that said position(s) involve confidentiality or policy making in the elected official's office. In the event a new position is added to the elected official's manning table more than 30 days after taking office, the elected official shall have 30 days after the approval of the new position by El Paso County Commissioners Court to submit the position to the El Paso County Civil Service Commission as not covered, provided the position meets the requirements listed above.
- c) Department Heads, who, for the purpose of these rules and regulations, are defined as those persons appointed by the El Paso County Commissioners Court to administer the County departments which are not administered by an elected official (Texas Local Government Code §158.001).
- d) Doctors, Dentists, Pharmacists, Psychiatrists, or Psychologists.
- e) Contract employees (Texas Local Government Code §158.001).
- f) Employees hired pursuant to specific Federal or State grants.
- g) Members of all County boards, commissions, and committees who serve without compensation (Texas Local Government Code §158.001).

- h) Employees of the County Judge and County Commissioners.
- i) All District Court, Statutory County Court at Law, and Statutory Probate Court Coordinators (Texas Government Code §74.101).
- j) All Court Reporters (Texas Local Government Code §158.013).
- k) All Attorneys.
- l) All Temporary employees (Texas Local Government Code §158.010).
- m) All Assistant District Attorneys, investigators and other employees of the District Attorney's Office (Texas Local Government Code §158.013).
- n) Juvenile Probation Officers (Texas Local Government Code §158.001).
- o) County Auditor and all employees of the County Auditor's Office (Texas Local Government Code §158.001 and Texas Local Government Code, Chapter 84).
- p) Bailiffs (Texas Government Code §53.005).

2.01

Covered Employees: All Regular/Full-time and all Regular/Part-time employees as defined in Section 158.001, Sec. 2 (2) of the Texas Local Government Code, are covered by all provisions of the El Paso County Civil Service Rules and Regulations unless otherwise specifically stated.

2.02 Revised: 10/13/08

Definitions of Employees: The following definitions of employees are for payroll as well as for Civil Service purposes:

- a) Regular Employee: An individual hired by the County on a continuing basis.
- b) Temporary Employee:

1. Seasonal employees, working less than 1200 hours per year for peak periods of time (e.g. lifeguards),
2. On call employees who are called in on a sporadic, unplanned basis to fill in for short term needs (e.g. visiting judges)
3. An individual hired by the County to perform a job for a limited period of time, not to exceed six (6) months (e.g. temporary staffing while an employee is out on FMLA or work comp leave).

Temporary employees are not eligible for paid leave (e.g., vacation, sick leave), insurance or retirement benefits, unless specifically approved by the El Paso County Commissioners Court on a case by case basis.

- c) Full-time Employees: An employee who has a regularly assigned work schedule of thirty (30) hours per week or more, not including authorized leave with pay.
- d) Part-time Employee: An employee who has a regularly assigned work schedule of less than thirty (30) hours per week.
- e) Exempt Employees: Exempt employees are defined by the provisions of the Federal Fair Labor Standards Act (FLSA) and are compensated on a salary basis. Exempt employees have no legal right to receive overtime pay or compensatory time.
- f) Non-exempt Employees: Non-exempt employees are defined by the provisions of the FLSA and are compensated on an hourly basis. Non-exempt employees may not work in excess of 40 hours per week without compensation at time and one-half according to county overtime policy.

2.03

Inactive Employee: An inactive employee is an employee who is on an approved leave of absence without pay, in excess of 31 continuous days but not to exceed 90 days, and who does not accrue length of service credit for any benefit purposes.

2.04

Employment Probationary Period: The probationary period consists of the first six (6) months of employment with the County, beginning from the employee's Effective Date of Employment, for all regular full-time and part-time employees, during which time they must demonstrate their ability to satisfactorily perform the duties required. The immediate supervisor will periodically advise the employee of his progress and assure that the employee receives any reasonably necessary training required in order for the employee to successfully perform the job duties. Failure of the employee to perform satisfactorily during the probationary period will result in dismissal without right to appeal. Any employee successfully completing the six (6) month probationary period shall thereafter be covered by these Rules during their tenure of employment in a covered position.

2.05

Separation of Employment: Separation is defined as the discontinuation of an employee's service with the County as a result of resignation, dismissal, reduction-in-force, retirement or death.

2.06

Classification: A hierarchical structure of jobs, usually arranged into classes or pay grades according to a job description.

2.07

Class: A class consists of all jobs regardless of departmental location, that are sufficiently alike in duties and responsibilities to be called by the same descriptive title, that are to be accorded the same

pay scale under like conditions, and require substantially the same education, experience and skills.

EMPLOYMENT PROCEDURES

2.08

Any person desiring employment with the County must first complete an El Paso County Employment Application which shall be filed with the Human Resources Department.

2.09

The Human Resources Department shall screen all applicants applying for employment to assure that they meet minimum qualifications for the job. All qualified applicants shall be referred to the Elected Official/Department Head for consideration except as provided for under Section 158.010 of the Texas Local Government Code.

2.10

The completed application form and the applicant will be referred to the department for an interview, if the applicant has the minimum qualifications and if an appropriate vacancy exists.

2.11

A completed and approved Vacancy Requisition must be submitted to the Human Resources Department by the Elected Official/Department Head in order that the position can be posted and interviews can be conducted.

2.12

No candidate will be considered for a covered County position unless referred by the Human Resources Department.

2.13

Any applicant for employment may be required to take and pass a physical examination, to include

drug and alcohol screening, at the County's expense, as a precondition to employment, insofar as the physical examination is necessary and reasonably related to perform the job function in accordance with any applicable State or Federal statutes.

2.14

All new employees will report to the Human Resources Department on their first day of work to process necessary forms. Mandatory orientation for new employees will be held as scheduled by the Human Resources Department.

2.15

To be eligible for employment with the County, all applicants must be able to show proof of legal authority to work in the United States. Such proof must be in the form required by the Immigration Reform Act of 1986 and any future amendments to the Act. Every male who is at least 18 years old but has not attained the age of 26 years seeking employment with El Paso County shall submit documentation evidencing his registration with the Federal Selective Service System. Any male within this age range who is offered employment with El Paso County may not commence his employment with the El Paso County until such time as he does submit the required documentation.

2.16

All applicants shall have attained the minimum age of sixteen (16) years, and must be able to provide proof of age (i.e., driver's license, passport or birth certificate). Minors below the age of eighteen (18) years of age are permitted to work only as provided for under FLSA Regulations (29 C.F.R., Part 570).

2.17

Any material misrepresentation or omission of material fact on the application form shall be just cause for dismissal at any time.

2.18

Applicants may be required to pass a job skills test to qualify for positions in which particular job skills are needed. Each Elected Official/Department Head may develop job skills tests for his department. All tests shall be administered by the Human Resources Department or the hiring department. Copies of all job skills tests shall be filed with the El Paso County Civil Service Commission.

2.19

Each employee will be classified as a Regular/Full-time employee unless otherwise specified at the time of hiring.

NEPOTISM

2.20

The hiring, promotion or any other personnel action of employees shall not violate applicable laws against nepotism contained in the Texas Local Government Code or other applicable laws. This section shall apply to any position for which public funds will pay compensation, salary or other consideration.

EQUAL EMPLOYMENT OPPORTUNITY

2.21

It is the County's policy to provide equal employment opportunities to all applicants; to that end the County will recruit, hire and promote in all job classifications without regard to race, color, creed, sex, age, national origin, handicap, or political affiliation, to ensure compliance with El Paso County Affirmative Action Plan and any applicable Federal and/or State statutes.

2.22

The preceding policy, however, is not to be construed to prohibit the County from establishing "bona-fide occupational qualifications" that relate to physical or mental abilities required to perform a job, in compliance with the El Paso County Affirmative Action Plan and any applicable Federal and/or State statutes.

LATERAL TRANSFERS

2.23

A lateral transfer is the job classification change or inter-departmental change of an employee that does not affect the person's salary grade or salary.

2.24

Lateral transfers must be approved by the receiving Elected Official/Department Head prior to the lateral transfer becoming effective.

2.25

Any employee that is accepted for a lateral transfer between departments must remain for two weeks with the original department before transferring between departments, unless a mutual agreement of lesser or greater notice is made between the affected Elected Officials/Department Heads.

PROMOTIONS

2.26

A promotion is the advancement of an employee to a job in a higher job classification.

2.27

When a vacancy is created in a department, a Job Posting Notice shall be posted simultaneously in the affected department and the Human Resources Department. It is the employee's responsibility to inform himself of position vacancies. Failure of the employee to learn of a position vacancy shall not be the basis of a grievance.

2.28

Applications from qualified employees shall be sent to the Elected Official/Department Head where the vacancy exists and interviews will be scheduled by the Elected Official/Department Head or his designee. At least the top three (3) qualified applicants (if there are at least three qualified applicants) will be interviewed by the department.

2.29 Revised: 04/13/09

Employees promoted to a higher grade will start at the entry level of the grade or the first step of the grade that provides a minimum of a 3.78% increase from the employee's previous hourly base pay rate, whichever rate is higher. The seniority date will change to reflect the promotion date.

2.30

Any employee who is promoted shall give his supervisor/department head two weeks prior notice before accepting promotion to another department unless a mutual agreement of lesser or greater notice is made between the affected Elected Officials/Department Heads.

2.31

An employee who is promoted shall be placed on a six (6) month probationary period in his new position from his Effective Date of Promotion during which time the employee must satisfactorily demonstrate his ability to perform the duties required. The immediate supervisor will periodically meet with the employee as needed or upon reasonable request of the employee concerning his progress with the intent to ensure that the employee receives any reasonable and necessary training required in order for the employee to successfully perform the job duties. Failure of the employee to perform satisfactorily during the probationary period may result in: 1) demotion; 2) transfer to another suitable position; or 3) dismissal (see Sections 2.32 and 2.33).

2.32

An employee promoted to a higher level position who fails to satisfactorily perform those duties and responsibilities required of the higher level position within a period of six (6) months from the date of promotion, will be demoted to his former position or a similarly rated position for which he would qualify if there is a vacant position available within the department.

2.33

If no position is available, the promoted employee will be separated from employment but will have the first right of refusal for a period of six (6) months from the date of the separation for any covered position available for which the employee is qualified in his original department or any other department. It is the employee's obligation to inquire with the Human Resources Department as to which vacancies exist and to apply for said vacancies. The Human Resources Department will make available, to the affected employee, a list of all County wide vacant positions upon request.

DEMOTIONS

2.34

A demotion is a reduction of an employee from a higher salary grade to a lower salary grade as a result of: 1) the inability of the employee to fulfill the functions of the job; 2) the employee's request for such change; 3) disciplinary action; or 4) any action pursuant to paragraph 2.32.

2.35

All demotions shall be made known to the employee in writing and shall state the reason for demotion within ten (10) days from the date of demotion.

2.36

An Elected Official/Department Head has the authority to demote employees for just cause as defined in Section 2.51. The demoted employee's new salary grade will be determined by the Elected Official/Department Head in accordance with the County's Wage and Salary Administration Program and cleared with the Human Resources Department. The Elected Official/Department Head shall notify the El Paso County Civil Service Commission of all demotions within ten (10) days. The seniority date will not change to reflect the demotion date.

REDUCTION IN FORCE

2.37

A reduction in force is a decrease in the number of authorized employees resulting from a discontinuation of services, organizational changes, or change in fund authorization, and is not to be considered a disciplinary action.

2.38

Changes in position authorization required in a reduction in force will be determined by El Paso

County Commissioners Court and will be initiated by the ordered reduction of budgeted funds, or the reduction of authorized position numbers in a specific department/section.

2.39

Once the number of positions to be reduced in a job classification is determined in each County department/section, the Elected Official/Department Head shall review the existing job performance records of the employees currently occupying that job classification in the department/section to determine which employees shall be retained in the remaining positions in that job classification. Employees who will not be retained in the remaining positions in that job classification shall be referred for reassignment to other available position openings for which they are qualified in the same or other sections/departments by coordinating this action with the Human Resources Department.

2.40

Retention of employees in the remaining positions in the job classification shall be based on job performance and length of service. Those employees who have demonstrated continued, documented excellence in job performance shall be given preference in the retention decision. Reassignment of employees who are not retained to other available position openings shall be based on job performance and length of service. Those employees who have demonstrated continued, documented excellence in job performance shall be given preference in the reassignment decision.

2.41

Length of service is defined as the number of calendar months of continuous County service in the affected employee's current classification unless otherwise dictated by law. Periods of unapproved absence or leave without pay shall not be credited as County service. Length of

service in the class for which reassignment to another available position is computed shall include service in any other class as determined by the appointing authority, subject to the approval of the El Paso County Civil Service Commission and/or El Paso County Commissioners Court, to be equal to, or greater than the employee's current classification. Any employee separated as a result of a reduction in force shall regain the seniority credit he possessed at the time of the reduction in force if he is reemployed by the County.

2.42

Non-probationary employees may appeal any retention or reassignment decision to the El Paso County Civil Service Commission through the Grievance Procedures.

2.43

When efficiency and job performance are documented and equal, length of service shall be the determining factor in the retention or reassignment rankings. In the event that no job performance records exist, length of service shall be the determining factor in the retention or reassignment rankings.

2.44

The employee shall have an option of demotion, provided that no such demotion shall in turn require reassignment or demotion of any other employee.

REINSTATEMENT

2.45

If an employee should be dismissed or demoted as the result of a reduction in force, and if within a

period of (6) six months thereafter, a vacancy should occur in the same department and in the same or in a lower class, the said employee shall be reinstated in the vacant position, provided that such employee is willing to accept the offered employment, and that such employee meets all qualifications for said position. It is the employee's responsibility to inform himself of position vacancies. Failure of the employee to learn of a position vacancy shall not be the basis of a grievance. The Human Resources Department will make available, to the affected employee, a list of all County wide vacant positions upon request.

2.46

All employees reinstated pursuant to Section 2.45 within six (6) months are entitled to restoration of benefits including sick leave balance, vacation accrual rate, immediate health and dental insurance coverage and the equivalent salary step based on seniority date at the time of separation.

2.47

When more than one dismissed or demoted person qualifies for reinstatement under these rules, the preference shall be given to the person laid off last. It is the employee's obligation to inquire with the Human Resources Department as to which vacancies exist and to apply for said vacancies.

REEMPLOYMENT

2.48

Former employees who resigned in good standing shall be eligible for reemployment.

2.49

In such reemployment cases, if not more than one (1) year's break in service has occurred, the employee may be reinstated in his old classification, if a vacancy is available, and may be reinstated

at the old grade upon recommendation of the Elected Official/Department Head. It is the policy of El Paso County that employees who leave the employment of El Paso County will be reinstated with no loss of accrued benefits if the following conditions are met:

- a) The employee had left of his own accord through resignation; and
- b) The employee's break in service was no longer than thirty (30) calendar days.

A former County employee may not be reinstated if he was dismissed or had resigned in lieu of dismissal. Breaks in service due to dismissal are to be handled on a case by case basis depending on the circumstance of the discharge and its final resolution. The reinstatement of accrued benefits is authorized only with the explicit approval of the appropriate hiring authority of the department to which the employee is returning.

RESIGNATION

2.50

An employee who desires to resign in good standing with the County shall submit his written resignation to his supervisor, Elected Official/Department Head, and the Human Resources Department, and except for good cause shown, give at least two (2) weeks' notice of his date of resignation.

DEMOTION/SUSPENSION/DISMISSAL

2.51

An employee may be demoted, suspended, or dismissed from the County without prior notice for just cause, including, but not limited to: insubordination; offensive conduct; conviction of a felony; conviction of a misdemeanor involving moral turpitude; guilty plea to a felony; guilty plea to a

misdemeanor involving moral turpitude; failure to report for work; gross or repeated neglect of duty; intentional, reckless or negligent damage to, destruction of or theft of county-owned property; or other conduct inconsistent with the interests of the County.

2.52

Should an employee who is not on authorized leave fail to report to work for three (3) consecutive work days, the employee will be deemed to have resigned and removed from the payroll. Records will be coded "Resigned - No Notice Given."

2.53

Any employee who is the subject of personnel action pursuant to Section 2.51 shall be furnished a written notice of the personnel action at the time of the personnel action or the earliest possible time after such date. Such notice shall specify the cause for the personnel action, and a copy will be filed with the Human Resources Department.

2.54

Only the Elected Official/Department Head has the authority to dismiss an employee, unless the Elected Official/Department Head has previously given the employee's supervisor dismissal authority in writing.

2.55

Employees who are being dismissed may request a post-dismissal conference with their Elected Official/Department Head to review the reasons for dismissal. The request must be made by the employee no later than the effective date of the dismissal. Post-dismissal conferences shall be held within five (5) working days of the employee's request. If the Elected Official/Department Head

rescinds the action based on additional information provided by the employee, the dismissal will be null and void. If, however, the Elected Official/Department Head does not rescind the dismissal, the request for a post-dismissal conference does not alter the employee's dismissal date.

EFFECTIVE DATE OF SEPARATION

2.56

The effective date of an employee's separation will be the last actual day the employee worked for the County. The employee shall be paid compensation for hours worked and any accrued leave benefits as of the employee's separation date. Accrued leave includes vacation time and compensatory time, but does not include sick leave or military leave. An employee who has been dismissed shall be paid in full not later than the sixth day after the date of dismissal. All other separated employees shall be paid in full not later than the next regularly scheduled payday.

WORKING HOURS SCHEDULING

2.57

The Elected Official/Department Head has the right to establish and schedule reasonable work hours, rules, overtime, and working conditions as required in order to accomplish the County's service and work requirements, and comply with applicable statutes.

2.58 Revised: 07/14/08

Office hours for employees of El Paso County shall generally be based on an eight hour work day, Monday through Friday, to be determined by the Elected Official/Department Head who shall also determine the time allocation for lunch periods. However, a department director may establish flexible work schedules.

Flexible Schedules/Flex Time. This Policy establishes a flexible work schedule and flexible working hours program including a compressed workweek for County employees.

A. County offices must be sufficiently staffed at all times during regular office hours.

B. Flexible schedules must comply with basic public sector public accountability rules that require employees to be paid only for time worked or accrued leave taken.

C. The use of a flexible schedule and/or flexing working hours must be approved in advance by the respective department head or elected official.

D. Like the normal work schedule, all work performed before or after regular office hours must be productive and beneficial to the mission of the department.

E. Flexible, compressed, or modified work schedules may be approved by department heads, if:

(1) The work schedule is established in writing;

(2) The work schedule does not result in the accrual of comp (compensatory) time or overtime by the participating employee; and

(3) The proposed work schedule is approved by the HR Director.

F. A compressed workweek is a full-time weekly work schedule completed in less than five days. An example is working 4 ten hour days.

G. A modified work schedule shifts daily work hours from the traditional 8 a.m. to 5 p.m. day.

Examples include working 7 a.m. to 4 p.m., 7:30 a.m. to 4:30 p.m., and 9 a.m. – 6 p.m.

H. In order to maintain budget, an employee will not be permitted to work a compressed workweek during any week that contains a County observed holiday.

I. Scheduling of work is a management right. Flexible schedules are subject at all times to revocation or alteration by the department head or elected official to meet staffing needs, to achieve performance initiatives, or failure by the participating employee to

work the necessary hours for flexing.

J. Any leave time taken will be based on the hours the employee was scheduled to work.

For example, an employee working 4 ten-hour work days takes a day off for vacation.

They would utilize ten hours of accrued vacation leave.

2.59 Revised: 07/14/08

The work day will generally include two breaks not to exceed fifteen (15) minutes each; one during the first part of the work day, the second one in the second half of the work day. Break periods are not mandatory and may not be accrued. The lunch period is time in addition to the scheduled work day.

OVERTIME GENERAL

2.60

Overtime work, overtime pay, and compensatory time shall be based on policy established by the El Paso County Civil Service Commission and the El Paso County Commissioners Court in accordance with provisions of FLSA.

2.61

Based on available budgeted funds allocated to a line item for overtime, specifying tasks to be accomplished, and with prior certification by the County Auditor that funds are available for tasks to be performed, and where compensatory time off is impractical or not authorized under FLSA, overtime pay is authorized for eligible County employees who are required to work in excess of a forty (40) hour week.

2.62

Overtime must be for work definitely ordered or approved in advance by the Elected Official/Department Head, or his designee. Overtime pay is allowed only when funds are appropriated by El Paso County Commissioners Court.

2.63

Employees eligible to receive overtime pay are employees classified as non-exempt as defined by the provisions of the FLSA.

2.64

Employees generally ineligible to receive overtime pay are those defined by job function as exempt as defined by the provisions of the FLSA unless overtime pay is expressly approved by El Paso County Commissioners Court.

OVERTIME PAY

2.65

Overtime pay is paid at the rate established by the FLSA, Section 207, for all hours worked in excess of an eligible employee's forty (40) hour work week.

2.66

The appropriate supervisor shall keep all necessary records relating to overtime, such as each instance of overtime worked, the reason therefore, and will supply the Auditor's Office with such information each pay period.

COMPENSATORY TIME

2.67

Accumulation of compensatory time shall be authorized in advance and documented by the

appropriate supervisor and with the employee's concurrence, but accumulation shall not exceed 80 hours at any one time in a fiscal year. Each department will be responsible for monitoring the balances to ensure that negative balances do not occur. If an employee submits an electronic time sheet that reflects compensatory time taken in excess of the accrual, the payroll division will charge the employee for vacation time if available, or time without pay. The electronic time and attendance program will reflect the compensatory time on the employee's electronic timecard.

2.68

Employees that are eligible to earn overtime, whenever possible, and practical, should be granted compensatory time off in lieu of overtime pay. Compensatory time is earned on an equivalent basis as the overtime rate.

2.69

Actual compensatory time earned shall be reported on the employee's bi-weekly electronic time card as prescribed by the County Auditor, and must be approved by both the employee and the manager who is authorized to certify payroll records for that department. Each department will be able to view compensatory hours earned and used as well as the related balances.

2.70

The electronic time and attendance program calculates the overtime hours.

2.71

Employees ineligible to receive overtime pay, with the approval of their appointing authority, may be granted compensatory time off on an hour for hour basis for hours worked in excess of their forty (40) hour work week.

2.72

The department shall require the employee to use all accrued compensatory time within the same fiscal year it is earned. The Elected Official/Department Head may extend the time for using accrued compensatory time up to sixty (60) days beyond the beginning of the next fiscal year. The department shall encourage use of compensatory time instead of vacation time when practical.

2.73

Each department shall continually monitor each employee's accumulation and usage of compensatory time.

SECTION III
COMPENSATION

3.00

The current Wage and Salary Administration Program, approved October 1, 1998 was established to provide a mechanism whereby eligible El Paso County employees may be equitably compensated for the employee's increased value to the County through length of service.

3.01

The Wage & Salary Structure is composed of the following three categories: General Services, Professional Services, & Executive Services.

3.02

The General Services category contains 30 grade levels. The Professional Services category contains 33 grade levels. The Executive Services category contains 40 grade levels. Each step is a 2.5% increase for the previous step.

3.03

New employees are hired at the entry rate of the grade unless otherwise approved in advance by El Paso County Commissioners Court.

3.04

Further increases may be authorized annually as approved by El Paso County Commissioners Court for the fiscal year.

3.05

All County employees are paid biweekly. Employees are not permitted to borrow on their earnings.

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SECTION IV

LEAVE POLICIES

NOTIFICATION OF ABSENCE

4.00

Regular attendance is important to the overall operation of the County. If for any reason an employee is unable to report for work, notification shall be made by the employee to the employee's immediate supervisor at the earliest time possible and in compliance with the notice requirements below. Based on prior timely notification, the Elected Official/Department Head shall determine an employee's eligibility to receive paid leave. Pursuant to Section 2.52 of these rules, an employee who is not on authorized leave and who fails to report to work for three days shall be deemed to have resigned and shall be removed from the payroll. If the employee is physically unable to report the absence to his supervisor, the employee shall make the best possible effort to have some other person report the absence to the supervisor at the earliest time. If a person other than the employee reports the absence to the supervisor, when the employee returns to work, the employee will provide the supervisor with documentary evidence showing good cause for the employee's inability to personally notify the supervisor.

LEAVE CATEGORIES

4.01

Leave shall be designated as one or more of the following:

- Sick Leave
- Vacation Leave
- Administrative Leave

- Military Leave
- Leave Without Pay
- Workers' Compensation Leave
- Family and Medical Leave Act - (FMLA) Leave

SICK LEAVE

4.02

All full-time, regular non-elected employees who have completed three (3) months of full time service are eligible to use accrued sick leave with pay when the employee is unable to perform his duties because of illness, injury or other temporary disability. An employee may use accrued sick leave to care for one or more member(s) of the employee's immediate family.

4.03

Sick leave is accumulated from the date of employment for all full-time regular non-elected employees, defined as those working thirty (30) hours per week or more, at the rate of 4.616 hours per pay period. Maximum accumulation is ninety (90) days.

4.04

To be eligible for paid sick leave, the employee is required to notify his supervisor at the beginning of the work day. Absences of three (3) consecutive days or more for sick leave or dependent illness must be verified by a licensed physician. The verification, in the form of a certificate or statement, shall be presented to the supervisor upon returning to work. The supervisor, in his discretion, may require verification for absences of less than three days if sick leave abuse is suspected.

4.05

For the purpose of Section 4.02 "Immediate Family" is defined as husband, wife, father, mother, son, daughter, brother, and sister or any blood relative residing in the same residence with the employee.

4.06

Use of accumulated sick leave is not authorized after notice of separation of employment has been given.

VACATION LEAVE

4.07

Regular full-time and part-time non-elected employees of El Paso County shall be eligible to use vacation leave with pay after one (1) full year of continuous service with the County.

4.08

Based on years of service to the County, non-elected employees shall accrue vacation leave at the following rates:

Full-Time Employees

Up to 5 years: 10 working days per year, earned at the rate of 3.077 hours per pay period.

5 through 15 years: 15 working days per year, earned at the rate of 4.616 hours per pay period.

15 years or more: 20 working days per year, earned at the rate of 6.154 hours per pay period.

Part-Time Employees

Up to 5 years: 5 working days per year, earned at the rate of 1.539 hours per pay period.

5 through 15 years: 7.5 working days per year, earned at the rate of 2.308 hours per pay period

15 years or more: 10 working days per year, earned at the rate of 3.077 hours per pay period.

Part-time employees, who change to full-time status, after having worked one (1) or more consecutive years, will receive full-time credit for ½ of the time served during their part-time employment.

4.09

Vacation leave may be accumulated up to a maximum of two (2) times the annual vacation benefit depending on the length of service. Days earned in excess of the accrued limit will be forfeited.

4.10

The Elected Official/Department Head shall establish a written policy for which employees may submit requests for vacation time. Requests for annual leave shall not be unreasonably denied.

4.11

After one (1) year of continuous service, should a non-elected employee separate from employment with the County, he will be paid for accrued vacation leave.

4.12

Generally, if an employee is transferred from one County department to another, all unused vacation leave shall remain to the employee's credit as though no change had been made.

4.13

Official County holidays occurring during an employee's vacation leave shall not be counted against vacation leave used.

ADMINISTRATIVE LEAVE

4.14

At the discretion of the Elected Official/Department Head, an employee may be granted Administrative Leave for any of the following reasons:

- a) Jury Duty;
- b) Voting in National, State, County and City elections;
- c) if an employee is under investigation, the Elected Official/Department Head may elect to suspend the employee with pay during the time of the investigation;
- d) when the employee is required by subpoena to attend any court proceeding; or
- e) as authorized by the Elected Official/Department Head.

4.15

An employee shall receive pay for all authorized Administrative Leave.

4.16

An Elected Official/Department Head may authorize up to five (5) working days of Administrative Leave; any additional Administrative Leave must be approved by the Commissioners Court.

4.17

The Elected Official/Department Head shall grant administrative leave with pay for the appearance of an employee before the El Paso County Civil Service Commission either as a grievant or as a witness to a grievance if the attendance is during the employee's regular working hours on the day of the meeting and only to the extent that such attendance occurs during the employee's regular working hours.

MILITARY RESERVE TRAINING

4.18

For periods of active military service, a county employee shall be granted up to 15 working days of leave within a fiscal year without loss of salary or reduction of any accrued vacation or sick leave. Compensation of employees classified as Regular Part-time will be based on the established work schedule for the employee.

VETERAN REEMPLOYMENT RIGHTS

4.19

The Universal Military Training and Service Act provides for a reemployment rights program for employees who leave their jobs to perform training or service in the Armed Forces. Reemployment requires that the person make timely application for resumption of his old job following release from service. Application must be made within ninety (90) days after release from service, unless the person is disabled from service and is hospitalized, in which case the application may be delayed for up to one year.

4.20

Under the law, El Paso County must reemploy the veteran within a reasonable time after he makes the proper application. He is to be returned to his old position if it is available and if he is qualified for the job. He is entitled to full restoration of all seniority, pay status, etc., that he would have earned had he remained with the County instead of entering service.

FUNERAL LEAVE

4.21

As approved by the Elected Official/Department Head, an employee shall be granted three (3) days of funeral leave with pay, plus additional time as necessary without pay, for a death in the immediate family as authorized by the Elected Official/Department Head.

4.22

Immediate family is defined for purposes of this section as: spouse; children; step-children; parents; grandparents; grandchildren and, siblings.

4.23

In the case of the death of any other relative, the employee shall be granted funeral leave for one-half (1/2) day to attend the funeral.

HOLIDAYS

4.24

Employees of El Paso County will observe the holidays as designated by the El Paso County Commissioners Court.

4.25

When it is not feasible to grant holiday leave at the appropriate time to employees assigned to shifts on an around-the-clock operation, holiday leave shall be extended to a subsequent date convenient to the department but no later than thirty (30) days beyond the holiday.

4.26

In special cases, an employee not assigned to an around-the-clock operation who is required to work

on a regularly scheduled holiday, with prior approval by the Elected Official/Department Head and where subsequent time off is not practical, may be compensated for such work at the standard overtime rate in lieu of equivalent time off.

4.27

Employees on Workers' Compensation Leave will not be paid for a holiday.

4.28

An employee must work or be on paid leave the day before and the day after a holiday to be paid for the holiday.

LEAVE WITHOUT PAY

4.29

At the discretion of the Elected Official/Department Head, an employee may be granted leave without pay. Leave without pay is generally discouraged because it deprives a department of needed services. The granting of leave without pay is a matter for the discretion of the Elected Official/Department Head and the denial of such request is not subject to review or grievance.

4.30

An employee may be granted leave of absence without pay for the following reasons:

- a) For the recovery from an illness or disability after the depletion of accrued sick leave;
- b) When return to work would threaten the health of others;
- c) When the service to be performed will contribute to the public welfare;
- d) To provide necessary care for a family member who is ill or incapacitated after the exhaustion of

sick and vacation leave;

e) To participate in a training program or obtain educational achievement, that will increase job ability or qualify an employee for advancement within the County;

f) any other reason deemed acceptable by the Elected Official/Department Head.

4.31

Prior to granting an employee leave without pay, a request must be submitted to the Elected Official/Department Head for approval. The date leave without pay begins and terminates along with a brief explanation as to the need for such leave should be included in such request.

4.32

An employee who is granted leave without pay will continue to receive paid health and life insurance benefits from the County for a period not to exceed ninety (90) days in any 12-month period as long as the employee continues to pay his portion of the premiums; thereafter, the paid health and life insurance benefits will cease. An employee who is granted leave without pay will not accrue vacation and sick leave benefits while on leave without pay status.

4.33

An employee may remain on leave without pay status for a maximum of ninety (90) days within any 12-month period. Any employee who remains on leave without pay status more than ninety (90) days shall be separated for excessive absenteeism.

4.34

An employee placed on leave without pay is entitled to reinstatement upon the termination of the

leave period; as such, an Elected Official/Department Head that grants leave without pay may fill the vacant position only with a temporary employee.

WORKERS' COMPENSATION LEAVE

4.35

In the event an employee sustains an on the job injury which is compensable as a workers' compensation claim, and which requires the employee to be absent from work, such employee shall be placed on Workers' Compensation Leave until such time as the employee reaches Maximum Medical Improvement (MMI), receives a permanent disability rating or returns to work. If the injury meets the criteria for a serious health condition under the Family Medical Leave Act (FMLA) and the employee qualifies for FMLA Leave, the County shall provide the employee the notice and information required under FMLA. Any FMLA Leave shall run concurrent with Workers' Compensation Leave.

4.36

During the period an employee is on Workers' Compensation Leave, the County shall continue to pay health and life insurance benefits as long as the employee continues to pay his portion of the premiums, and the employee shall continue to accrue vacation leave and sick leave.

4.37

At such time as a determination of MMI or permanent disability becomes final with respect to an employee on Workers' Compensation Leave, the Human Resources Department shall forward to the employee a Notice of Final Determination of MMI or Permanent Disability. Along with the

Notice of Final Determination, the Human Resources Department shall also provide the employee with a statement explaining his rights to request leave without pay status and forms to request leave without pay status, sick leave and vacation pay, and FMLA leave (if FMLA notices have not already been given and FMLA leave has not already been exhausted). The Notice shall specifically state that the employee must request leave without pay status within thirty (30) calendar day of receipt of the Notice and explain that failure to submit the request within the specified time period shall result in separation. For the purpose of these Rules, a determination of MMI or permanent disability becomes final when one of the following situations exist:

- a) there has been no appeal from the initial determination of MMI or permanent disability and the ninety (90) day period to appeal has expired;
- b) the two-year statutory maximum period for workers compensation status has expired; or
- c.) there has been a determination of MMI or permanent disability by a designated doctor.

In the event a determination of MMI or permanent disability by the designated doctor is overturned by the Texas Department of Insurance, Division of Workers Compensation, and a new MMI date is established, the County will adjust the employee's benefits accordingly. The adjustment shall include only compensation for lost sick leave and vacation leave and the amount of contributions the County would have made for health benefits and life premiums only.

4.38

A full-time regular employee who has served the required probationary period and who, as a result of an injury sustained in the course of his employment with El Paso County, is unable to return to

work will receive full salary payments for the first seven (7) days following notice from the physician of inability to return to work.

4.39

Prior to reinstatement the employee must submit a letter from the attending physician that states the employee is physically able to return to work.

4.40

A probationary employee who is on Worker's Compensation Leave pursuant to Section 4.35 shall accrue vacation and sick leave during such leave. The probationary period shall be extended for the period of the Worker's Compensation Leave upon the employee's return to work.

4.41

It may be required that an injured employee, in addition to medical treatment secured by the employee under workers' compensation laws, submit to an examination and treatment at the County's expense by a physician or physicians chosen by the County.

4.42

An employee who has used all his accrued sick leave and vacation leave before returning to work may be granted leave without pay in accordance with the leave without pay section above.

POOLED LEAVE FOR EMERGENCIES

4.43

Subject to the provisions contained in the following, a full-time regular employee who has served

the required probationary period and who has a medical or family emergency or other hardship situation likely to require the employee's absence from work for a period of more than ten (10) days and to result in a substantial loss of income to the employee because of the unavailability of paid leave, may make written application through the employee's Elected Official/Department Head to the El Paso County Civil Service Commission to become a pooled leave recipient.

4.44

The application to become a pooled leave recipient must include the following information:

- 1) Name, position title, and pay/grade level of potential pooled leave recipient;
- 2) Description of the nature, severity, and anticipated duration of the medical, family, or other hardship situation affecting the potential pooled leave recipient; and
- 3) Medical or other documentation of the personal emergency.

4.45

In order for an employee to qualify for pooled sick leave, the El Paso County Civil Service Commission must determine that the employee's entire absence from work is due to personal emergency and that the leave will be without pay and last for at least ten (10) days. The El Paso County Civil Service Commission may request additional information or documentation as it deems necessary.

4.46

If the El Paso County Civil Service Commission approves the application, the Director of Human Resources will establish a "pooled leave account" for the recipient into which other full-time, regular employees may voluntarily transfer a specified number of hours of their accrued vacation leave to be used by the recipient. The maximum number of hours that may be accumulated in the pooled leave account is 360 hours per recipient.

4.47

Pooled leave donations are conditional upon the following requirements:

- 1) Donation of accrued vacation leave hours must be absolutely and unequivocally voluntary. No employee or supervisor may directly or indirectly intimidate, threaten, or coerce any other employee to donate, receive, or use pooled leave.
- 2) The employee donating leave must submit to the Director of Human Resources a signed written request for a specific number of accrued vacation leave hours to be transferred to the "pooled leave account" of the recipient.
- 3) The leave donor may donate, in any one year, no more than a total of one-half of the annual number of vacation hours he is entitled to accrue; however, in order to donate vacation hours, the donor must have accrued, by the date of transfer, the number of vacation hours he wishes to donate.
- 4) Only accrued vacation leave hours may be donated; sick leave hours may not be donated.
- 5) A leave donor may donate vacation hours to any other El Paso County employee, regardless of pay grade, except for the donor's immediate supervisor. Supervisors may, however, donate vacation hours to employees under their supervision.

4.48

At the end of each biweekly pay period, the leave recipient will be required to provide written documentation to the Elected Official/Department Head substantiating the continuation of and the expected duration of the personal emergency.

4.49

When the personal emergency affecting a leave recipient terminates, any unused vacation hours remaining in the recipient's "pooled leave account" will be restored in an equitable manner to the leave donors.

SECTION V

PERSONAL CONDUCT AND AFFAIRS

EMPLOYEE APPEARANCE AND CONDUCT

5.00

Reasonable standards for employees' personal appearance and conduct shall be determined by the Elected Official/Department Head.

CODE OF ETHICS

5.01

All covered employees shall be bound by the El Paso County Code of Ethics (see Appendix L).

CONFIDENTIALITY

5.02

All information concerning County business must be held in strict confidence and must not be discussed with others on or off the job except for purposes of necessary County business.

CONDUCT OF EMPLOYEES AND USE OF COUNTY OWNED PROPERTY

5.03

An employee of El Paso County shall not participate in bidding on El Paso County equipment sales unless such item(s) are auctioned.

5.04

Intentional, reckless, or negligent damage to County equipment or property may be grounds for disciplinary action up to and including dismissal.

OFFICE DONATIONS

5.05

No employee shall be obligated to contribute or make donations to any fund or collection.

OUTSIDE EMPLOYMENT

5.06

It is the policy of El Paso County that employees recognize that their primary duties are to El Paso County. Employees are subject to call at any time for emergencies, special assignments, overtime and the like, and the obligations of outside employment are always subordinate. A county employee who seeks to engage in employment outside of his duties with El Paso County must receive the approval of his supervisor prior to engaging in the outside employment. The employee must furnish to the supervisor a detailed written description of the outside employment. Approval shall be given by the supervisor, provided that such employment is not conducted during the hours the employee is scheduled to work for the County; that such employment does not conflict with the employee's duties with the County; that such employment does not adversely affect the public image of the County; and that such employment does not adversely affect the employee's availability and usefulness as an employee of the County.

PERSONAL DATA CHANGES

5.07

The employee's original address and telephone number shall be the official address and telephone number for use by El Paso County and the employee. If the employee changes his address, or telephone number, he shall promptly notify the Human Resources Department and his Elected Official/Department Head.

SECTION VI

DISCIPLINE/DISCIPLINARY ACTION

GENERAL

6.00

Any covered employee may be subject to disciplinary penalties for any action that is determined to be a violation of El Paso County Civil Service Commission Rules & Regulations.

6.01

Except for dismissals during the probationary period, all written reprimands, suspensions, demotions or dismissals shall be subject to the provisions of these Rules.

6.02

Cause for written reprimand, suspension, demotion, or dismissal shall include:

- a) Incompetence, i.e., Non-satisfactory performance of assigned tasks.
- b) Poor Attendance, i.e., Excessive absence and/or tardiness. Policies defining absenteeism and tardiness will be promulgated by each Elected Official/Department Head for his department and will be filed with the Civil Service Commission.
- c) Insubordination, i.e., Failing to follow a supervisor's or higher authority's directive, or when an employee is wantonly offensive in his conduct or language towards the public, supervisor or higher authority.
- d) Dishonesty, i.e., Stealing County property or funds, wrongful appropriation of County property or funds, or any other falsifying or dishonest act detrimental to the County or its employees.
- e) Intentional, reckless or negligent damage to or destruction of County property.
- f) Conviction of any felony or Class A or B misdemeanor.
- g) Guilty plea to any felony or to Class A or B misdemeanor.

- h) Untruthfully stating a reason of sick leave.
- i) Disturbance, i.e., Fighting or otherwise disrupting the harmonious relations between employees.
- j) Violation of any policy promulgated by El Paso County Commissioners Court or by the Elected Official/Department Head. Disciplinary action will be in keeping with the specific provisions of the policy.
- k) Any violation of County Anti-Discrimination Policy or Anti- Harassment Policy.
- l) Poor job performance.
- m) Any other specifically stated offense.

PROCEDURES FOR DISCIPLINARY ACTION

6.03

Any act on the part of a County employee found to be in violation of these rules may be subject to the following disciplinary actions, listed in order of severity: written reprimand, suspension without pay, demotion, or dismissal.

6.04

Supervisors and Elected Officials/Department Heads may employ other corrective measures to improve performance and/or behavior, such as: warnings, counseling statements, training, performance improvement plans, and/or Employee Assistance Program referrals. These actions are not disciplinary actions appealable under the civil service grievance system. Employees who receive these types of corrective actions have the right to rebut them in writing within seven (7) calendar days of receipt of the corrective action.

6.05

In determining the appropriate corrective or disciplinary action, the supervisor or Elected Official/Department Head shall consider the severity of the violation and the employee's employment history.

6.06

- a) In most cases, a suspension without pay shall be for a set period of time ranging from one (1) to five (5) days depending on the type of violation.
- b) During a suspension without pay, a non-exempt employee shall not be eligible to use or accrue any type of County benefits.
- c) All rules under FLSA must be followed.

6.07

If a grievant's suspension/demotion/dismissal is overturned by the El Paso County Civil Service Commission, the Commission may recommend back pay and benefits, as appropriate. Suspended/demoted/dismissed employees reinstated to employment may receive back pay and benefits if approved by the El Paso County Commissioners Court.

6.08

A written statement of violation shall be delivered to the employee at the time disciplinary action is administered, or at the latest, within three (3) working days. Signature of the receipt by the employee is encouraged. Signature of the department official who delivers the notice of violation is required. Department officials shall include the following in the written statement of violation: "Signature by the employee does not indicate that the employee admits to any of the allegations, but only signifies receipt of the written statement of violation."

6.09

A statement of violation shall advise the employee of the following:

- a) The alleged violation that caused the need for discipline;
- b) The specific policy or rule violated;
- c) Nature of discipline being enforced;
- d) Except in the case of dismissal, a statement of disciplinary action that will be taken if any future violation of the rules occur; and a
- e) Statement of employee's rights to appeal disciplinary action in accordance with Section VII of these Rules.

6.10

A copy of the statement of violation shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

SECTION VII

GRIEVANCE PROCEDURES

GENERAL

7.00

Purpose: The purpose of the grievance procedures is to settle all grievances between the County and covered employees as quickly as possible and at as low of an administrative level as possible so as to assure efficient work operations and maintain employee morale.

7.01

Grievance hearings are not judicial in nature; therefore, rules of courts of law or of evidence will not be followed. However, the elementary and fundamental principles of judicial inquiry shall be observed. This means the Commission retains the right to restrict the admission of evidence to just relevant and material evidence, and to limit evidence that is repetitive in nature.

7.02

At all grievance hearings, whether in front of the Elected Official/Department Head or the El Paso County Civil Service Commission, all parties will be allowed to present facts or witnesses with the other party(ies) or their representative(s) being allowed to cross-examine.

7.03

The employee may represent himself or have a designated representative throughout the grievance process. The employee must designate his representative in writing. During such period of representation, all communications and notices concerning the grievance between the Elected Official/Department Head, the El Paso County Civil Service Commission or the El Paso County Attorney's Office and the employee shall be through the employee's designated representative. In

the event that the employee desires to end the representation, the employee shall so notify all affected parties in writing.

ELIGIBILITY

7.04

Any covered employee, as defined in Section 2.01 of these Rules, may process a personal grievance, except those relating to his performance evaluation.

PERFORMANCE EVALUATIONS

7.05

Although performance evaluations may not be grieved to the El Paso Civil Service Commission, covered employees may grieve their performance evaluations to the Elected Official/Department Head if the performance evaluation contains negative comments or results in an overall rating of less than 3.0. The employee may grieve a qualifying performance evaluation in writing and/or may request a face to face meeting with the Elected Official/Department Head.

7.06

The employee has a right to have a personal representative assist with any written submission and/or to be present at and participate in the face to face meeting with the Elected Official/Department Head.

7.07

Any grievance of a performance evaluation must be submitted to the Elected Official/Department Head within seven (7) days of receiving the evaluation. The Elected Official/Department Head must schedule the face to face meeting, if requested, to occur within seven (7) days of receipt of the

grievance. The Elected Official/Department Head must issue his ruling within seven (7) days of the receipt of the grievance, if no face to face meeting was requested, or within seven (7) days of the face to face meeting, if one was requested. The Elected Official/Department Head's time limits may be extended if the Elected Official/Department Head is unavailable during the seven (7) days.

7.08

The Elected Official/Department Head's ruling concerning the performance evaluation is final and may not be appealed or grieved further by the employee. Even if the Elected Official/Department Head rules against the employee, the employee has a right to have any written submissions attached to and maintained with the performance evaluation.

SCOPE OF GRIEVANCE APPEAL PROCEDURES

7.09

A personal grievance may be filed by a covered employee on one or more of the following grounds:

- a) Improper application of rules, regulations and procedures;
- b) Retaliation for the employee's exercise of any right they have under Federal or State law;
- c) Discrimination because of race, religion, color, creed, sex, age, national origin, disability or political affiliation;
- d) Disciplinary actions taken against him without proper cause;
- e) Improper application of fringe benefits.

ORDER OF APPEALS

7.10

A grievance must be appealed through the chain of command in the following order:

- a) Elected Official/Department Head (unless dismissal, suspension or demotion);
- b) El Paso County Civil Service Commission;
- c) District Court (if permitted under applicable State or Federal Law).

TIME LIMITS FOR FILING AND RESPONSE

7.11

Grievances shall be promptly filed. To be considered, a grievance must be signed by the employee and filed in writing within fifteen (15) days from the occurrence made the basis of the grievance and/or from the date of receipt of written notification of disciplinary action, unless for "good cause" shown. Dismissal, suspension, or demotion grievances shall be filed with El Paso County Civil Service Commission. All other grievances shall be initially filed with the Elected Official/Department Head.

7.12

A copy of the grievance should be retained by the employee and the original shall be filed with the El Paso County Civil Service Commission or Elected Official/Department Head. All grievances shall note the date the grievance was signed by the grievant and the date the grievance was received by the El Paso County Civil Service Commission or Elected Official/Department Head.

7.13

The date of the action by the Elected Official/Department Head or the employee that forms the basis of the grievance must be noted on the grievance form.

7.14

The Elected Official/Department Head shall then investigate the grievance (other than grievances

involving suspension, demotion and dismissal) and make a written determination within fifteen (15) days from receipt of the grievance and deliver a copy of the determination to the employee.

7.15

If a hearing is conducted and the grievance is between two or more employees of the same department, or between an employee and supervisor, the Elected Official/Department Head will act as presiding official.

7.16

The presiding official will establish a mutually agreeable date and time for the hearing no later than ten (10) days from the date of the filing of the grievance, to be conducted when all witnesses can be present and when it is not disruptive to work patterns of the organization, and will notify all individuals sufficiently in advance so that they may appear at the designated time.

7.17

If the employee is not satisfied with the determination of the grievance by the Elected Official/Department Head, he shall have fifteen (15) days after receiving the Elected Official/Department Head's written determination to make a written appeal to the El Paso County Civil Service Commission. If the Elected Official/Department Head does not issue a written determination within fifteen (15) days as required by Section 7.14, the employee may then file an appeal with the El Paso County Civil Service Commission within fifteen (15) days of the Elected Official/Department Head's deadline.

7.18

The grievant and the Elected Official/Department Head may agree in writing to extend the time limits set out in Sections 7.11, 7.14, 7.16 and 7.17.

7.19

If the employee fails to meet the filing time limits, the grievance will be considered null and void, unless there is "good cause" shown. "Good cause" is defined in Section 7.26.

GRIEVANCE RESOLUTION PROCEDURES

7.20 Revised: 06/18/07

Hearings before the El Paso County Civil Service Commission are De Novo* and the grievant shall have the burden of proof by a preponderance of the evidence, except in cases involving dismissal, demotion or suspension. In cases involving dismissal, demotion, or suspension, the Elected Official/Department Head by whom the action was taken has the burden of proving by a preponderance of the evidence just grounds for the dismissal, demotion or suspension. *De Novo means the Commission will conduct an evidentiary hearing and make a decision independent of any previous decisions or hearings.

7.21

Hearings before the El Paso County Civil Service Commission will be set for the next available meeting date that is at least twenty-one (21) days after the grievance is filed. If more time is needed to hear the matter, the Commission may continue the hearing to another date, either a specially set hearing date or the next regularly scheduled meeting.

7.22

All parties filing documents with the El Paso County Civil Service Commission shall serve a copy of the documents upon the opposing party at the same time.

7.23

At least seven (7) days prior to the date set for the hearing, all parties shall furnish each other and the El Paso County Civil Service Commission with the names of the witnesses to be called, a summary of their expected testimony, and a copy of each document, record, or exhibit to be introduced at the hearing. Each party is responsible for notifying the witness(es) and requesting the presence of its own witness(es). A party cannot rely on the other party's witness list as a guarantee that a witness will be present.

ADDED: 12/07/09

The copy of each document, record, or exhibit provided by the department must be picked up by the grievant or designated party once he/she is notified that the documents are ready for pick up by the Human Resources Department. If a grievant has an e-mail address, the grievant has the option of having the documents e-mailed to them at the e-mail address they provide to the Human Resources Department. If the Human Resources Department is unable to e-mail the documents due to the electronic file size or if the grievant is unable to receive the documents via e-mail, the Human Resources Department shall notify the grievant and the grievant or their designated party must pick up the documents from the Human Resources Department.

7.24

When either party requests a continuance, that party shall file a written motion with the El Paso County Civil Service Commission, setting forth the grounds upon which such motion is made. Except for good cause shown, any such motion shall be made not less than seven (7) days prior to the scheduled date of the hearing. If both parties agree to the continuance in writing and it is the first continuance of the hearing, the continuance shall be automatically granted and the Director of Human Resources is authorized to postpone the item until the next regularly scheduled Civil Service meeting.

7.25

A decision by the El Paso County Civil Service Commission becomes final upon the expiration of thirty (30) days from the date the decision is announced in open session by the El Paso County Civil Service Commission, unless the grievant, Elected Official/Department Head or the El Paso County Civil Service Commission motions to re-open the original decision within that thirty (30) day period. If a motion to re-open is filed in a timely basis, the El Paso County Civil Service Commission will have thirty (30) days to decide whether to re-open the original hearing. The El Paso County Civil Service Commission may only re-open the original hearing upon good cause shown. If the El Paso County Civil Service Commission does not make a decision within thirty (30) days to re-open, the decision becomes final on the 30th day after the motion to re-open was filed.

7.26

"Good cause" may include newly discovered evidence which was not readily available at the time of the hearing despite reasonable efforts having been made to obtain the evidence, inability to have witness(es) appear despite reasonable efforts having been made to secure the attendance of the witness(es), unexpected illness or injury to any party or witness, or when the El Paso County Civil Service Commission's decision is contrary to law.

7.27

If a motion to re-open is granted, the El Paso County Civil Service Commission shall schedule the matter for hearing for the next regularly scheduled Civil Service meeting and shall designate the issues to be considered at that hearing. Only evidence relevant and material to those issues so designated shall be admissible at that hearing. The decision by the El Paso County Civil Service Commission following this hearing becomes final upon announcement in open session.

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APPENDICES

APPENDIX A: EMPLOYEE IDENTIFICATION BADGE

POLICY

In a continuing effort to provide a safe and secure workplace and to allow for the identification of County employees by and from members of the public, it is the policy of El Paso County that all employees wear, while on duty, an Identification Badge as provided for by the County.

PROCEDURES

1. An ID Badge will be issued to all full-time regular, part-time regular and temporary employees other than those hired for a specific short-time period not to exceed three (3) months. Examples of those not required to wear an ID Badge are temporary Election workers, summer Life Guards or others as may be identified by the County Human Resources Director.
2. Official ID Badges are those issued by the County Human Resources Department, the Sheriff's Department and Juvenile Probation. Badges issued by Adult Probation are valid for purposes of this policy.
3. Employees hired by the County will have an ID Badge made as soon as possible after employment and will be worn at all times while the employee is on duty.
4. Elected Officials, Department Heads and supervisors are charged with the responsibility to ensure that all employees are identified with their Identification Badge and that the badge is worn in such a way as it is visible at all times.

5. Failure by an employee to wear their ID Badge may result in disciplinary action up to and including termination from employment with El Paso County.
6. Badges Issued by the County Human Resources Department.
 - The first ID Badge issued to an employee will be free of charge. An employee transferring to another department will be issued a replacement badge, at no charge, indicating the change of department.
 - Any and all other replaced badges will be made at the expense of the employee at \$3.00 each.
7. Badges issued by authorities other than County Human Resources will be made and/or replaced as per the individual department regulations.
8. Identification Badges for new employees and replacement badges for current employees will be made by a member of the Human Resources Department staff and according to the following schedule:
 - New Employee Orientation
 - As scheduled by the Human Resources Department
9. The County Identification Badge is and will remain the property of the County and will be surrendered upon termination.

APPENDIX B: POLITICAL ACTIVITY

POLITICAL INVOLVEMENT

El Paso County employees are encouraged to vote on election day for the person or party of their choice.

El Paso County Civil Service employees will not be allowed to perform or be involved in political campaigning or related activities during their normal working hours, while in the County uniform, or while using County vehicular equipment.

Additionally, no covered employee shall be required to participate in political campaigns or contribute labor or monies or engage in related activities as a condition to obtain or retain employment.

No Civil Service employee shall be disciplined, terminated or deprived of their rights for refusal to participate in political activities, to participate in political campaigns, or contribute labor or monies to a campaign or candidate or related activities as condition to obtain or retain employment.

Any employee who feels he/she has been disciplined, terminated or deprived of their rights because of actions specified in the Appendices may utilize the grievance system.

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APPENDIX C: SICK LEAVE POOL

CONTRIBUTIONS

As allowed by State Statute, Commissioners Court established a program to allow an employee to voluntarily transfer earned sick leave time to a County Sick Leave Pool.

To contribute time to the Pool, an employee must submit an application to the Pool Administrator, as designated by Commissioners Court.

Contributions of accrued sick leave to the Pool are absolutely and unequivocally voluntary. Contributions may not be for less than one (1) day nor more than three (3) days per year.

POOL USE ELIGIBILITY Revised: 08/09/00

An employee is eligible to use time contributed to the Pool if, because of a catastrophic injury or illness or because of a previous donation of sick leave time to the pool, the employee exhausted all the sick leave, vacation, and compensatory time which the employee accrued.

An eligible employee must apply to the Pool Administrator for permission to use time in the Pool. One employee may not receive more than one-third of the total amount of donated time in the Pool up to a maximum of ninety (90) days. The Administrator shall determine the exact amount that may be used by an employee. Borrowed sick leave may only be used by an employee who has exhausted all other accrued paid leave. All sick leave or vacation accrued by an employee while on borrowed sick leave shall be used as it accrues to the employee.

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APPENDIX D: FAMILY AND MEDICAL LEAVE

Summary of Benefits

El Paso County **shall** provide eligible employees up to 12 weeks of unpaid leave per year for certain family and medical reasons as set forth herein below,

El Paso County **shall** return the employee to the same or equivalent position and employment benefits if the employee returns to work after the leave.

El Paso County **shall** continue to pay for employee-only health care coverage during the leave.

Eligible Employees

Employees eligible to request family or medical leave are those who:

- have been employed by the County for at least 12 months;
- worked at least 1,250 hours of service during the previous 12-month period, **and**
- have **not** used 12 or more weeks of family or medical leave in the previous 12 months.

Eligible Events

El Paso County is required to grant up to 12 weeks of leave in any 12-month period because of the:

- birth of a son or daughter of the employee, and care after such birth;
- placement of a son or daughter with the employee for adoption or foster care;
- in order to care for the spouse or son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition;

- a serious health condition that makes the employee unable to perform the functions of the position of such employee.

Serious Health Condition

The term "**serious health condition**" means an injury, illness, impairment or physical or mental condition that involves:

- continuing treatment by a health care provider, or
- inpatient care in a hospital, hospice, or residential medical facility.

12-month Period

For the purpose of this policy, the **12-month period** will be calculated by taking the 12 calendar months immediately preceding the request for leave.

Health Care Provider

A "**health care provider**" is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services.

Family Leave

Leave for the birth or placement for adoption/foster care must be taken:

- within 12 months of birth or placement, or
- all at once,

Unless

- agreed otherwise, or
- intermittent or reduced schedule leave is medically required.

The leave may begin before the birth of the child.

Certification

El Paso County will require certification of the condition and may require a second opinion.

Combined Leave Limits

If two or more employees wish to take leave to care for the same individual, then there is:

- a combined leave limit of 12 weeks to care for a:
 - parent
 - child
 - spouse

Reduced Scheduled

Leave for a serious health condition may be taken intermittently or on a reduced schedule if medically necessary.

An elected official or department head may temporarily transfer an employee to an alternative position to accommodate this leave.

The employee must make the attempt to schedule medical care outside of his/her working hours, or with consideration to the needs of his/her department.

Paid Leave

El Paso County will require all accrued sick leave to be taken and run concurrently with FMLA leave.

Health Care Benefits

El Paso County will continue to pay for group health plan coverage for the employee for up to 12 weeks of family or medical leave.

The employee is responsible for paying for dependent health care coverage. El Paso County may discontinue dependent health care coverage if an employee's dependent health care payment is more than 30 days late.

In order to alleviate the financial strain on an employee of paying for benefits during an unpaid leave, the employee may choose to temporarily drop any coverage (such as dependent coverage, additional life insurance, etc.) during the leave, and have such coverage reinstated upon his or her return in accordance with the health care plan.

Recovery of Health Care Payment

IF the employee does not return to work following family or medical leave.

THEN El Paso County is allowed to recover its share of health care payments paid during the unpaid portion of the leave.

UNLESS the failure to return is due to a qualifying serious health condition or other circumstances beyond the employee's control.

REINSTATEMENT

El Paso County will reinstate an employee returning from family or medical leave to the same or an equivalent:

- position
- pay
- benefits
- shift, and
- schedule

Notification Requirements - El Paso County

At the time an employee requests family or medical leave, Department Head/Elected Official must inform the employee of the:

- employee's rights under the Family and Medical Leave Act, as required by law;
- specific expectations and obligations of the employee when requesting family or medical leave, and
- consequences to the employee if he or she fails to meet these obligations.

The initial notification may take place verbally, but must be followed by written notification via a copy of:

- the Family and Medical Leave form;
- this policy, or
- a memo or letter.

Notification Requirements for Employees

An employee expecting to take medical leave should make a reasonable effort to schedule the leave so as not to disrupt his/her department's operations, subject to the health care provider's approval.

The employee must notify the elected official or department head of the need for family or medical leave:

- 30 days prior to the day the employee last expects to work, or **IF** this is not possible **THEN**:
- within 2 days of the day the employee becomes aware of the need for leave. Notice can be given verbally, but the employee must complete the associated request forms (available from the employee's department or the Human Resources Department) as soon as possible to ensure that continuation of medical benefits takes place.

When the employee is unable to give notice personally, notice may be given on behalf of the employee by any other responsible party (spouse family member, medical staff of facility, etc.)

Medical Certification

When the employee requests medical leave, El Paso County will require that the employee provide medical certification from a health care provider that a serious health condition exists. A form is available from the employee's department or the Human Resources Department.

The medical certification must include:

- the date on which the serious health condition commenced;
- the probable duration of the condition;

- the name, address and telephone number of the health care provider;
- the name of the patient;
- diagnosis, and
- a statement that the employee's absence from work is required.

This certification must be furnished by the employee within 15 calendar days of the leave being requested.

Additional Certification

El Paso County may require a second opinion be obtained from a health care provider selected by El Paso County, and at the County's expense. Should the first and second opinions vary, the

County may require the employee to obtain a third medical certification, at the County's expense, from a third health care provider designated or approved jointly by the County and the employee. The opinion of the third health care provider shall be final and binding.

An elected official, department head, or Human Resources Department will require certification of continued need for leave:

- every 30 days;
- when the employee requests an extension of leave,
- if the circumstances surrounding the leave change, or
- when El Paso County receives information that casts doubt upon the continuing validity of the certification.

Failure to Comply

Family and medical leave are granted by El Paso County in the expectation that the employee will comply with his/her obligations outlined in this policy. Failure to do so could result in leave being denied.

Return to Work

IF the employee has been away on medical leave for her/his own serious health condition-
THEN an elected official or department head will require that a "**fitness for duty**" release from the health care provider be provided before allowing the employee to return to work.

Seniority

For the purposes of retirement, family or medical leave will not be considered a break in service. However, El Paso County is not required to grant accrual of seniority during the leave.

Options

Employees and/or their supervisors seeking further information or help in arranging family or medical leave should contact the Human Resources Department for assistance.

If an employee feels that his/her rights under the Family and Medical Leave Act have been violated, she/he may:

- contact the Human Resources Department;
- file a complaint with the U.S. Department of Labor; or
- bring a civil action against the County for violation of this policy.

Questions

Questions regarding this policy and its accompanying procedures should be directed to the Human Resources Department (546-2218).

APPENDIX E: EMPLOYEES RETIREMENT SYSTEM AND GROUP INSURANCE

EMPLOYEES RETIREMENT SYSTEM

All new Regular Full-Time employees of El Paso County become members of the Texas County and District Retirement System, pursuant to the policies and procedures established by the Texas District and County Retirement System.

Texas County and District Retirement System Information Handbooks are available in the Auditor's Office from the TCDRS representative.

EL PASO COUNTY GROUP HEALTH, DENTAL AND LIFE INSURANCE

A group insurance plan, paid for by El Paso County, is provided for the benefit of all Regular Full-Time, El Paso County employees. Employees desiring to have coverage for their dependents may do so by making application at the time of employment or during open enrollment. A monthly deduction for dependent coverage will be made from the employee's pay check.

Booklets describing the insurance plans are made available by the Group Insurance Administrator, Access Administrators Inc. and any inquires concerning coverage should be addressed to the Access Administrators Inc.

Claim forms for both medical and dental are available in the Payroll Section of the County Auditor's Office and in the Human Resources Department.

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APPENDIX F: DISCRIMINATION/SEXUAL HARASSMENT POLICY

A. Policy

1. It is the policy of the County of El Paso to employ positive business and personnel practices designed to ensure the full realization of equal employment opportunity without regard to race, color, age, religion, gender, sexual orientation national origin, disability, or veteran status.
2. The purpose of this policy is to provide a workplace that is free from unsolicited and unwelcome behavior, including sexual overtures or conduct, either physical or verbal.
3. Specifically forbidden is discrimination/harassment of a sexual, racial, ethnic or religious nature. Such harassment includes unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender or to a racial, ethnic or religious group; or personnel decisions based on a employee's response to sexually oriented requests; discriminatory intimidation, ridicule or insult as a general course of conduct or as a result of a single severe incident.
4. Violations of this policy will not be permitted. Any employee or supervisor who violates this policy will be subject to immediate and appropriate discipline up to and including immediate termination. It is the duty of each employee to report any incident of prohibited conduct whether it involves them personally or another employee.
5. Retaliation against an employee for reporting conduct in violation of this policy is prohibited and employees who engage in retaliatory conduct will be subject to discipline up to and including termination.

6. Any conduct by a Department Head, manager or supervisor which violates this policy is conduct outside the scope and course of employment with the County and may subject that individual to personal liability.

B. Sexual Harassment - Definition

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal and physical conduct of a sexual nature when:

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

C: Rules of Conduct

1. Personnel actions shall not be taken affecting an employee (either favorably or unfavorably) on the basis of conduct which violates this policy and is not related to the workplace. Such conduct may include submitting to sexual advances, refusing to submit to sexual advances, protesting sexual overtures, or making a complaint concerning the alleged violation of this policy.
2. Employees shall not behave in a manner that is unwelcomed by any other employee and is personally offensive, such as, but not limited to the following examples:

- Repeated sexual flirtations, advances, or propositions;
 - Continued or repeated verbal abuse of a sexual nature, sexually related comments and joking, graphic or degrading comments about an employee's appearance, or the display of sexually suggestive objects or pictures;
 - Any uninvited physical contact by touching, such as patting, pinching, or brushing against another's body; or
 - Any conduct that unreasonably interferes with another employee's performance or creates an intimidating, hostile, or offensive working environment even if no tangible or economic damages result.
3. Employers and employees shall not exert pressure for sexual favors, including implying or threatening that an applicant's or employee's cooperation of a sexual nature (or refusal of it) will have any effect on the person's employment, job assignment, wages, promotion, or on any other conditions of employment of future job opportunities.
4. No employee shall possess any pornographic, sexually explicit, or otherwise obscene material in the work place. Any such material found in the workplace shall be immediately confiscated by the employee's supervisor and then forwarded to the Human Resources Department to be held until the end of the workday at which time it shall be released to the employee and a letter of reprimand placed in the employee's file. An employee who violates this policy may be terminated. This subsection does not apply to evidentiary material handled in the normal course and scope of employment duties relating to civil or criminal litigation.

D. Reporting/Investigations

1. Any employee who feels that he/she is a victim of discrimination or harassment should immediately report the matter to any one of the following:

- the employee's immediate supervisor;
- office manager;
- the department head, elected or non-elected;
- any person designated by the department head, elected or non-elected, as the "Human Resources Liaison Officer" for the department;
- the Director of Human Resources.

In addition, the employee may also file his/her complaint with the Director of Personnel or directly to any field office of the Equal Opportunity Commission ("EEOC") or the Texas Human Rights Commission (THRC). Provided, however, that in the event the employee elects to report directly to the EEOC or the THRC, the employee must provide notice to the County Attorney or Human Resources Department within 24 hours of filing said report or complaint.

2. Any person who receives a report of discrimination or harassment or becomes involved with its investigations shall keep all information about it as confidential as possible in order to protect both victims and witnesses from retaliation and the alleged harasser from defamation if the accusations are unfounded. All written materials relating to the investigation and recommended action, including complaint forms, notes, memos, statements, etc., shall be kept confidential to the greatest extent allowed by law and shall be maintained in a secure file by the Director of Human Resources.

3. Any person who receives a report of discrimination/harassment shall immediately notify the Department Head, the Director of Human Resources, the County Human Resources Officer, or the department Human Resource Liaison Officer. It shall be the primary responsibility of the County Human Resources Officer to convene a Discrimination/Harassment Review Committee and conduct an investigation. A department head remains at all times responsible for the maintaining a non-hostile workplace and may, at his/her discretion, place an employee on administrative leave with pay if he/she determines that it is necessary to do in order to remove the employee from an abusive, hostile, or retaliatory work environment. In addition, the department head retains full authority to discipline or reassign department personnel in accordance with these rules.
4. Each employee has a responsibility to report incidents of obvious discrimination or harassment. The report should be made to one of the officers listed above in Subsection. Each employee shall cooperate with department managers, supervisors, Human Resources Liaison Officer, and the Discrimination/Harassment Review Committee in the conduct of any investigation.
5. Upon receipt of a complaint of discrimination/harassment, any person receiving the complaint shall immediately notify in writing the following:
 - Director of Human Resources;
 - Department Head, Elected or Non-elected;
 - Human Resources Liaison Officer for the department(s) in which the alleged discrimination occurred;
 - County Human Resources Officer.

6. It shall be the duty of the County Human Resources Officer to convene a County Discrimination/Harassment Review Committee to review the complaint; conduct an investigation, and generate a written report summarizing the allegations and findings and making recommendations for remedial action to the department head. The department head is welcome to submit his/her recommendations to the committee for consideration. Consultation with the members of the committee is encouraged.

Elected Officials:

Where the department head is an elected official shall in his/her sole, discretion, determine what remedial action is appropriate under all the circumstances. The elected official may approve the recommended action or may authorize different actions.

Non-Elected Department Heads:

Where the department head is not an elected official, the department head may approve the recommendations and implement the recommended action, or, the department head may object to the recommendation and place the matter on the agenda of the Commissioners Court for consideration, and determination by the Commissioners' Court. Any proceedings before the Commissioners Court shall be heard in executive session and kept confidential to the extent allowed by law.

7. A Discrimination/Harassment Review Committee shall consist of three members which shall include the County Human Resources Officer, the department's designated Human Resource Liaison Officer, and the legal advisor to the County Judge. Each committee shall include at least one male and one female. No person may sit as a member of the Discrimination/Harassment Review Committee in cases in which the committee member is a victim, material witness or alleged perpetrator of the discrimination/harassment. The

Director of Human Resources may, at his/her discretion assign an alternate to participate in the Review Committee.

8. Any employee, supervisor, or manager who is found, after appropriate investigation, to have engaged in discriminatory conduct or sexual harassment toward an employee, will be subject to appropriate disciplinary action, including termination depending on circumstances.

E. Complaint Procedure

1. Employees who believe they are the subject of discrimination/sexual harassment or have witnessed obvious discrimination/harassment should report the matter immediately to any supervisor in his/her department, the office manager, the departmental Human Resources Liaison Officer, the department head, elected or non-elected, or the County Human Resources Officer.

INDIVIDUALS WHO BELIEVE THAT THEY ARE BEING SEXUALLY HARASSED BY A SUPERVISOR ARE NOT REQUIRED TO DISCUSS THE MATTER WITH THAT SUPERVISOR, THEY SHOULD NOTIFY AND REPORT SUCH HARASSMENT TO ONE OF THE OTHER PERSONS LISTED ABOVE.

2. The investigation of discrimination/sexual harassment complaints shall be conducted in the strictest confidence under the direction of the County Human Resources Officer.
3. No person shall be penalized or subjected to retaliation for filing a complaint of discrimination/sexual harassment or for cooperating in the investigation of said complaint/charge.

F. County Human Resources Officer; Department Liaisons:

1. There shall be appointed a County Human Resources Officer who shall report to the Director of Human Resources. The primary function of the County Human Resources Officer shall be to receive and respond to complaints of discrimination and/or sexual harassment and provide training to department heads, supervisors and County employees in general.
2. Each department shall designate a Department Human Resources Liaison Officer. In addition to his/her normal duties the Department Human Resources Liaison Officer shall receive and review complaints of discrimination and/or sexual harassment arising in his/her department and report the same to the Department Head, the Director of Human Resources, and the County Human Resources Officer. Upon request from the County Human Resources Officer, the department liaison shall participate in a discrimination/harassment review committee convened to review a particular complaint.

Adopted February 2, 1994 by Commissioners Court.

APPENDIX G: EL PASO COUNTY SUBSTANCE ABUSE POLICY

Policy

It is the policy of the County of El Paso to maintain a workplace that is free of drugs and alcohol. Any unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace is strictly prohibited and shall be grounds for disciplinary action up to and including immediate termination.

Substance Abuse Awareness Program

1. The County of El Paso hereby establishes a Substance Abuse Awareness Program for the purpose of informing employees about the dangers of drug and alcohol abuse in the workplace, the County's policy to maintain a drug and alcohol free workplace. The program shall also inform employees about any available drug counseling, rehabilitation, and employee assistance programs.
2. Pursuant to this program, all County employees shall at least once per year, attend a training session which includes training on the County's Substance Abuse Policy and information about any available drug counseling, rehabilitation, and employee assistance programs.
3. In addition to the above, all County Supervisors shall, at least once per year, attend a supervisor training session which includes training on the County's Substance Abuse Policy and information about any available drug counseling, rehabilitation, and employee assistance programs. This supervisor training shall also train on how to detect and document job performance or work behavior that indicates substance or alcohol abuse and how to counsel employees and encourage voluntary referrals to treatment programs.

Prohibitions

1. Employees are strictly prohibited from any unlawful manufacture, distribution, dispensation, possession, or use of marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, LSD, or any other controlled substance in the workplace. For the purposes of this policy, "controlled substance" includes any substance listed in schedules I through V of section 812 of Title 21 (21 U.S.C. 812).
2. Employees are prohibited from using or possessing illegal drugs, drug paraphernalia, as defined in Sec. 481.002, Health & Safety Code (V.T.C.A. 1990).
3. Employees are prohibited from possession or use of alcoholic beverages in the workplace.
4. Employees are prohibited from being under the influence of alcohol or controlled substance in the workplace or in a county vehicle.

Prescription Medication

Nothing in this policy shall prohibit the possession or use of lawfully prescribed medication provided that the medication is in its original container and is prescribed for the employee. Employees are encouraged to notify their supervisor of use of medication which may alter the behavior or physical ability of the employee.

Federal Grant Employees

In the case of an employee directly engaged in the performance of work pursuant to the provision of a federal grant or contract, the following additional rules shall apply:

1. Each such employee shall be given a copy of this Substance Abuse Policy.

2. Each such employee shall be notified that as a condition of employment in such grant, the employee shall abide by the terms of the Substance Abuse Policy and shall notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
3. In the case of an employee directly engaged in the performance of work pursuant to the provisions of a federal grant or contract, the County shall, no later than ten (10) days after receiving notice of such conviction, inform the federal granting agency.

Sanctions

Because the County recognizes the tragic effects that substance abuse or alcohol can have, it is committed to early identification and referral for professional medical treatment of substance abusers. The County does not waive any disciplinary procedures particularly if the employees does not first come forward voluntarily to management with his/her substance abuse problem. Any employee who violates the Substance Abuse Policy shall be subject to appropriate sanctions, up to and including immediate termination. As and alternative to, or in conjunction with traditional sanctions such as reprimands or suspension, the County may require that the employee participate in a drug abuse assistance or rehabilitation program.

Policy Distribution

All employees shall receive a copy of the El Paso County Substance Abuse Policy.

Adopted by Order of Commissioners Court of November 5, 1990.

Revised by Order of Commissioners Court of June 5, 1995.

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APPENDIX: H: EL PASO COUNTY PROGRAM FOR TESTING FOR ALCOHOL MISUSE AND USE OF CONTROLLED SUBSTANCE BY DRIVERS OF COMMERCIAL MOTOR VEHICLES

POLICY

The County of El Paso is dedicated to promoting the safe use of those County vehicles which are regulated by the Federal Highway Administration. County of El Paso employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time alcohol or drug abuse or misuse adversely affects their ability to perform their assigned duties.

PURPOSE

The purpose of this policy is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles in compliance with 49 C.F.R. Part 382.

APPLICABILITY

This policy applies to every driver who operates a commercial motor vehicle in interstate or

intrastate commerce, and is subject to the commercial driver's license requirements of 49 C.F.R. Part 383.

For the purposes of this policy, "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. Part 172, subpart F).

For the purposes of this policy, "driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operated contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying to an employer to drive a commercial motor vehicle.

PROHIBITED CONDUCT

1. Alcohol Concentration

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

A driver who has an alcohol concentration of 0.02 or greater shall not be permitted to perform or continue to perform safety-sensitive functions.

2. Alcohol Possession

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. A driver who possesses unmanifested alcohol may not be permitted to drive or continue to drive a commercial motor vehicle.

3. On-Duty Use

No driver shall use alcohol while performing safety-sensitive functions. A driver who is using alcohol while performing safety sensitive functions shall not be permitted to perform or continue to perform safety-sensitive functions.

4. Pre-Duty Use

No driver shall perform safety-sensitive functions within four hours after using alcohol. A driver who has used alcohol within four hours shall not be permitted to perform or continue to perform safety-sensitive functions.

5. Use Following An Accident

No driver required to take a post-accident alcohol test under this policy shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

6. Refusal to Submit to a Required Alcohol or Controlled Substances Test. No driver shall refuse to submit to any alcohol or controlled substance test required under this

policy, including a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, and a follow-up alcohol or controlled substances test. A driver who refuses to submit to such tests shall not be permitted to perform or continue to perform safety-sensitive functions.

7. Controlled Substances Use

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. A driver who uses a controlled substance shall not be permitted to perform or continue to perform safety-sensitive functions.

8. Controlled Substances Testing

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances. A driver who has tested positive for controlled substances shall not be permitted to perform or continue to perform safety-sensitive functions.

For the purposes of this policy, "safety-sensitive functions" means the following on-duty functions:

- (a) All time at a carrier or shipper plant, terminal, facility, or other property, on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- (b) All time inspecting equipment as required in 49 C.F.R. 392.7 through 392.8

or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

- (c) All driving time;
- (d) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- (e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (f) All time spent performing driver requirements relating to accidents;
- (g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

For the purposes of this policy, "controlled substance" includes any substance listed in schedules I through V of section 812 of Title 21 (21 U.S.C. 812) and specifically includes marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

For the purposes of this policy, "refusal to submit" to an alcohol or controlled substances test means that a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, or (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, or (3) engages in conduct that clearly obstructs the testing process.

PROPER APPLICATION OF THE POLICY

El Paso County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with regard to subordinates, shall be subject to disciplinary action, up to and including termination.

TESTING FOR PROHIBITED SUBSTANCES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. All drivers shall be subject to testing prior to employment, for reasonable individualized suspicion, and following an accident. In addition, all drivers who test positive on an alcohol or drug test, and are allowed to return to work, will be tested prior to their return and be subject to follow-up testing on a random, unannounced basis. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 C.F.R. Part 40.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A driver who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 shall not be permitted to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, nor shall the driver be permitted to perform or continue to perform safety sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Any driver who has a confirmed positive drug test or alcohol test of 0.04 or greater will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP).

A positive drug or alcohol test will result in disciplinary action up to and including termination.

PRE-EMPLOYMENT TESTING

All applicants for a position as a driver shall undergo urine drug testing and breath alcohol testing prior to performing safety sensitive functions. Receipt by the County of negative test results is required prior to employment and failure of a drug or alcohol test will disqualify an applicant for employment as driver.

POST-ACCIDENT TESTING

A driver will be required to undergo urine and breath testing if he/she are involved in an accident with an El Paso County vehicle that results in a fatality. This includes all drivers who are on-duty in the vehicle and any other driver whose performance could have contributed to the accident.

In addition, a post-accident drug and alcohol test will be conducted if the driver receives a citation under state or local law for a moving traffic violation arising from the accident.

Following an accident, the driver will be tested as soon as possible, but not exceed eight hours for alcohol testing and 32 hours for drug testing. Any driver involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any driver who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and be subject to disciplinary action, including termination.

RANDOM TESTING

All drivers shall will be subjected to random, unannounced testing for alcohol and controlled substances.

REASONABLE SUSPICION TESTING

All drivers may be subject to reasonable suspicion testing, to include appropriate urine and/or breath testing when the employer has a reasonable suspicion to believe that the driver has violated the prohibited conduct rules set forth herein. A reasonable individualized suspicion referral for testing

will be made on the basis of articulable objective facts and circumstances which are consistent with the long or short-term effects of substance abuse.

RETURN-TO-DUTY TESTING

All drivers who have a confirmed positive drug test, or alcohol test of 0.04 or greater, must undergo a return to duty alcohol test and controlled substance abuse test before being allowed to perform safety sensitive functions.

FOLLOW-UP TESTING

Following a determination by a substance abuse professional that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver shall be subject to unannounced follow-up testing.

EMPLOYEE REQUESTED TESTING

Any driver who questions the results of a required drug test under this policy may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are paid by the driver unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40. The driver's request for a re-test must be made to the Medical Review Officer within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable acts that were beyond the control of the driver.

EMPLOYEE ASSESSMENT

Any driver who tests positive for the presence of illegal drugs above the minimum thresholds set forth in 49 CFR Part 40, or alcohol concentration of 0.04 or greater, will be evaluated by a Substance Abuse Professional (SAP). A SAP is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders. The SAP will evaluate each driver to determine what assistance, if any, the driver needs in resolving problems associated with prohibited substance abuse or misuse.

Before a driver is allowed to return to duty, he/she must properly follow the rehabilitation program prescribed by the SAP, the employee must pass return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services will be paid directly by the driver or their insurance provider. Drivers will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the Federal Highway Administration requirements should contact the following El Paso County representative:

El Paso County Human Resources Director

500 East San Antonio, Room 302

El Paso, Texas 79901

(915) 546-2218

Adopted this 15th day of May, 1995 by the El Paso County Commissioners Court.

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**APPENDIX I: POLICY REGARDING POSSESSION OF FIREARMS ON PARKS,
PROPERTY AND BUILDINGS OF EL PASO COUNTY, TEXAS**

WHEREAS, EL PASO COUNTY, TEXAS ("COUNTY") recognizes that Senate Bill 60, the concealed handgun law, was recently enacted by the 74th Texas Legislature; and

WHEREAS, the County is committed to providing a safe environment for its employees and visitors, and the prohibition of firearms and handguns on County parks, property and buildings is reasonable, necessary and in the best interests of the health, safety and of County employees and other persons visiting county facilities;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS' COURT OF
THE COUNTY OF EL PASO, TEXAS AS FOLLOWS:**

- 1) The following definitions apply to this policy:
 - a) "Firearm" means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosive or burning substance or any device readily convertible to that use.
 - b) "Handgun has the meaning assigned by Section 46.01, Texas Penal Code.

- 2) County employees, other than those whose job descriptions specifically require the possessing of firearms, are prohibited from possessing firearms and handguns in any County park, property and buildings, including County vehicles. Any violation of this policy will be

grounds for disciplinary action up to and including termination in addition to possible punishment under the penal laws of this State.

3) All persons, other than peace officers licensed or commissioned pursuant to federal or state law, are prohibited from possessing firearms and handguns in parks, property, and buildings including any portion thereof, which are owned, leased, controlled, operated, used or managed by the County. Any violation of this policy is a violation of law under the Texas Penal Code and punishable by fine and/or jail.

4) The County Judge, or his designee, is authorized to distribute notices and post signs in all County parks, property, offices and buildings regarding this County Policy on firearms and handguns.

ADOPTED on December 11, 1995

by Commissioners Court.

APPENDIX J: POLICY ON EMPLOYEES OF THE COUNTY HOLDING SECOND JOBS OR OPERATING BUSINESS

A. Application and Purpose

1. This policy applies to all regular and temporary, full-time and part-time employees of departments that answer to Commissioners Court, including department heads. Its intent is to avoid conflict of interest by requiring disclosure of second jobs or outside business operations. It does not apply to independent contractors.
2. The County Commissioners Court, in adopting this policy, does not intend to limit the opportunity of employees to earn outside income so long as this pursuit does not adversely affect the employees' job performance no constitute conflict of interest or appearance thereof.

B. This policy shall apply to:

1. Any and all work for pay or other tangible compensation, including work for political campaigns and non-profit organizations, except for income of less than \$100 during six-month period.
2. Businesses owned or operated by the employee.
3. Consulting services.

C. Restrictions on Jobs and Conduct of Business

1. While employed by the county, employees shall not accept jobs or conduct personal business that constitutes conflict of interest or perceived conflict of interest.

Conflict of interest for this purpose shall be defined as follows:

- If the second job involves employment with a business, agency, person or organization sells goods or services to, or contracts with, El Paso County; and,
 - The person's work with the county involves in any way overseeing, reviewing, receiving, approving, or otherwise influencing decisions that might benefit the business.
2. Any county employee holding a second job or operating a business may not use county office equipment, including telephones, to conduct the business.
 3. A county employee holding a second job or operating a business may not conduct the job or business while at work or otherwise on duty with the county.
 4. A county employee may not use a county position, title, or office to influence obtaining an outside job, nor to secure or conduct business.

D. Examples illustrating intent of the policy:

1. A county employee works on evenings and weekends, keeping financial books on the weekends for a vendor that supplies goods to the county. If the employee works in a department that makes decisions or oversees the ordering, receipt, or payment of the goods, there may be a conflict of interest or a perception thereof.
2. A county employee works off-hours in a personal business as a consultant for not-for-profit organizations. The employee's county duties involve working closely with certain non-profit organizations that contract with the county. In this case, the employee should not solicit work from those not-for-profit organizations that contract with the county. Should an organization with which the employee serves as a consultant seek a contract with the county, the employee would be expected to sever business ties with the organization. In some instances, the employee might seek reassignment in a role that did not involve contact with

3. or decisions concerning the organization with which she or he consults. The county is not obligated, however, to alter a job assignment for the convenience of the employee.
4. An employee uses her or his job assignment or position in seeking part-time work or securing business from a firm or organization that provides goods or services to or receives funds from the county. The employee in this example would violate the policy.

Adopted the 9th of August 2000 by Commissioners Court

Accepted by the El Paso County Civil Service Commission on September 5, 2000

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(EAP)

Summary

The Employee Assistance Program (EAP) helps employees identify and resolve concerns or problems (personal or job related), which may adversely affect personal or professional well-being or job performance. The County provides professional short-term counseling to its employees and their immediate families for consultation, treatment, and rehabilitation. Participation in the EAP does not jeopardize job security or promotional opportunities. This Policy describes the Employee Assistance Program services and procedures for obtaining Program services.

Definition

EAP - A Program designed to offer confidential and appropriate assessment services for employees to help identify and resolve personal difficulties before they seriously affect their personal well being or employee job performance.

I. Participation in the Employee Assistance Program

- A. Voluntary Contact -- Employees or their dependents may call the EAP directly, without having to notify the chain of command for help with a variety of personal issues:
 - 1. Marriage/family

2. Child/adolescent
3. Mood and stress
4. Drug/alcohol
5. Anger management
6. Loss/grief
7. Budget/financial resources
8. Crisis
9. Critical incidents and Critical incident follow-up
10. Workplace concerns
11. Referrals to Legal resources
12. Illness or loss of a family member
13. Emotional worries
14. Referrals to Childcare resources

B. Supervisor Referral - The supervisor who becomes aware that an employee has problems adversely affecting job performance or behavior related to the job may initiate a Supervisory Referral to the EAP.

C. Access - The EAP's telephone number and location are posted throughout County facilities. The Human Resources Office, 564-2218, shall have the telephone number and location. A crisis line is available 24 hours, 7 days per week 365 days per year.

II. Eligibility and Coverage

- A. The EAP is available to all employees of the County, their spouses, and dependent children (as determined by the El Paso County Health Plan document).
- B. Coverage includes up to eight (8) sessions per covered person, per problem, per year. There is no limit to the number of problems a covered person may present each year.
- C. Clinically necessary sessions exceeding eight (8) sessions per problem per year may be granted, if the EAP professional determines it is necessary.
- D. Assessments for homebound covered persons are available.
- E. When needed services do not fall within the scope of EAP services or when longer-term care is needed, the EAP may refer the employee to another professional care provider.

III. Employees' Responsibilities

- A. Employees who wish to visit the EAP on a volunteer basis may do so on their own time. If an employee wishes to visit the EAP during regular working hours the employee shall request sick or vacation leave from their supervisor.
- B. The employee shall continue to follow County policies and procedures, while using the EAP, and meet required standards for satisfactory job performance except where specific accommodations are required by law.
- C. It is strongly recommended that the employee follow through with a supervisor referral.

- D. Continued employment at the County may be contingent upon the employee's compliance with any supervisor-referred counseling.
- E. Failure to comply with a supervisor initiated referral is one factor that may be considered in determining progressive discipline or continued employment with the County.

IV. Managers' and Supervisors' Roles and Responsibilities

Unlimited expert consultations are available to managers, supervisors, and human resource representatives for issues related to work site concerns and employee performance issues.

- A. Managers and supervisors shall become familiar with the Employee Assistance Program.
- B. Managers and supervisors shall recommend to employees that they seek help through the EAP, when appropriate. Example of such may include:
 - 1. Danger to self.
 - 2. Danger to others.
 - 3. Alcohol abuse.
 - 4. Child abuse.
- C. If an employee is unable or unwilling to correct unacceptable job-related behavior or performance after appropriate County policy has been implemented, the supervisor will refer the employee to the EAP to assist in resolving the problem behavior or performance. A report will be made to the Human Resources Office referencing the referral.

V. Confidentiality

- A. All counseling is confidential within the limits prescribed by law. Examples of such limits may include:
 - 1. Implied or intent to harm self or others.
 - 2. Suspected or confirmed abuse or neglect of a child or elderly person.
 - 3. Court-ordered subpoena.
- B. In cases of Supervisory Referrals, the EAP counselor may verify whether the employee has contacted the EAP, if ongoing treatment is necessary and if the employee is compliant with the EAP recommendations. The Supervisor and the EAP counselor will work together to explain the steps involved in this process and establishing information consent on the part of the participants.

VI. Employee Assistance Program Scope of Service

- A. Services include assessments, short-term counseling, orientation, training, and educational seminars.
- B. Telephone consultations may be provided as needed.
- C. The EAP counselors may suggest a referral to an outside resource or service such as a therapist, agency, physician, treatment facility, or other professional for such as a therapist, agency, physician, treatment facility, or other professional for appropriate diagnosis, treatment, and follow-up.

VII. Employee Assistance Program Training

- A. Services provided to the County by the Employee Assistance Program will include orientation, training and educational seminars.
- B. Supervisory personnel will receive training in
 - 1. Program services.
 - 2. Supervisor's role and responsibility; and
 - 3. Identification of employee behaviors, which would indicate the existence of employee concerns, problems, and/or issues that could impact employee job performance.

Adopted the 1st of January 2003

Accepted by the El Paso County Civil Service Commission on March 4, 2003

Approved by Commissioners Court on March 17, 2003

APPENDIX L: EL PASO COUNTY CODE OF ETHICS

I. Preamble

The stability of democracy depends upon the continuing consent of the governed, which in turn depends upon the trust the electorate holds for its government. The Commissioners Court of the County of El Paso, Texas, in concert with other elected county officials as well as leaders of the various county departments, recognize this need to maintain the public trust and confidence in the workings of county government, and thus adopt this Code of Ethics.

However, a Code of Ethics does not, in and of itself, enhance public trust, nor can it bring ethical behavior by our public servants. These goals are attained only through visible evidence of the manner in which the County's officials and employees apply the principles herein to the actual execution of the County's business. Public servants are stewards of public resources and, as such, are held to a higher standard than that of private citizens. The ethical conduct of government not only complies with written law, it also transcends the law. All El Paso County public servants are encouraged to continuously examine the policies, processes, and practices of our county government and seek and implement improvements.

II. Application of Code

A. This Code applies to the following:

1. El Paso County Judge and Commissioners;
2. All County employees, including assistant county purchasing agents if this Code is imposed upon the purchasing department by the Purchasing Board;
3. All County department heads, including the county purchasing agent if this Code is imposed upon the purchasing department by the Purchasing Board;
4. All County officials as that term is defined herein;
5. All persons whose goods and services are purchased under the terms of a purchase order or contractual agreement with the County;
6. Members of all County boards, commissions, and committees who serve without compensation. This includes county appointees to any board or commission, but not the administration or employees of other political subdivisions,-including but not limited to, health and environmental districts, hospital districts, local mental health/mental retardation authorities, fire districts, water districts, appraisal districts, and councils of government;

7. All vendors and contractors who do business with the County or who seek to do business with the County;
 8. All candidates for county and precinct elective office who voluntarily agree to comply with this Code;
 9. All elected County officials who voluntarily agree to comply with this Code;
 10. Employees of the judicial branch of the County of El Paso who are not specifically subject to the Code of Judicial Conduct; and
 11. All individuals, who in doing business with the county of El Paso, can be reasonably expected to adhere to the spirit of this Code.
- B. All individuals who are excluded from the application of this Code are invited to comply with this Code voluntarily.
- C. This Code does not apply to justices of the peace or judges of courts of record.
- D. A department head or elected official may impose stricter ethical standards on his employees than those found in this Code.

III. Definitions

For the purposes of this Code:

1. *Local public official or county official* means an elected county or precinct officer, a county department head, and any appointee to county boards, committees, and commissions.
2. *County employee* means a person who, whether full-time, part-time, temporary, or regular is hired by the county or paid pursuant to a state or federal grant or working on a volunteer basis for the county and does not qualify as a local public official.
3. *Procurement* means the process by which goods and services are purchased with the use of public funds for county use.
4. *Goods and services* means any thing paid for with County funds including a service, equipment, good, or other tangible or intangible personal property, insurance and high technology items.
5. *Business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

6. *Substantial financial interest* means:
 - (a) A person has a substantial financial interest in a business entity if:
 - (1) the person owns 2 percent or more of the voting stock or shares of the business entity or owns either 2 percent or more or \$5,000 or more of the fair market value of the business entity; or
 - (2) funds received by the person from the business entity exceed 2 percent of the person's gross income for the previous year.
 - (b) A person has a substantial financial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$1,500 or more.
 - (c) A local public official is considered to have a substantial financial interest under this section if a person related to the official in the third degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code, has a substantial financial interest.
7. *Family member* means a person related within the third degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code. See Appendix A.
8. *El Paso County Board of Ethics* means the board established by the El Paso County Commissioner's Court and charged with the responsibility and the authority to interpret and enforce the El Paso County Code of Ethics.
9. *Political activity* means:
 - (a) Soliciting support or funds for the re-election of a person occupying an elective office or a candidate for an elective office or for a political party or political group; and
 - (b) Advocating passage or defeat of any matter or issue on an election ballot.
10. *Private Communication* means communication with any vendor outside of a posted meeting of the governing body, a regular meeting of a standing or appointed committee, or a negotiation with a vendor which has been specifically authorized by the governing body.

IV. Conflict of Interest in Procurement

A. Influencing and Advising Regarding Procurement Decisions

Public service is a public trust, requiring all employees to place loyalty to the law and

ethical principles above private gain. To that end, all ethical County officials and employees who have any opportunity to influence any decision regarding the purchase of goods or services for the County shall be fair in procurement, bidding and/or contracting for any goods or services on behalf of the County.

1. In advising upon, discussing, recommending, and/or granting any County purchases, bids or contracts, County officials and employees have a duty to inform themselves about their financial interests, and make a reasonable effort to inform themselves about the financial interests of their family members.
2. County officials and employees shall excuse themselves from exercising influence, participation in, and discussion, recommendation, and/or granting of any County purchases, bids, or contracts if they or a family member have a substantial financial interest which may cause their impartiality to be compromised or cause there to be an appearance of impropriety.

B. Prohibited Procurement Participation by Decision-Makers

If a local public official or his family member has substantial financial interest in a business entity or in real property, the official shall abstain from any participation on any matter involving the business entity or the real property if:

- (a) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
- (b) in the case of substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

C. Disclosure and Reporting

Any local public official or employee to whom Subsection A or B, above, applies shall file an affidavit, in a form to be promulgated by the El Paso County Ethics Board, stating the nature and extent of the business interest before the matter is discussed or any decision regarding it is made.

D. Private Communication with Vendors by Members of Commissioners Court, County Department Heads, or the El Paso County Hospital District Board of Managers

No member of the El Paso County Commissioners Court, County Department Heads, or the Hospital District Board of Managers shall permit any vendor, its representative or employee, to communicate with him/her privately regarding any procurement of goods or services by the County or the Hospital District from the date that the bid, RFP, or RFQ is released. No private communication regarding the purchase shall be permitted by a member of the commissioner's court, a department head, or the hospital district board of managers until the procurement process is complete and a

purchase order is granted or a contract is entered into. Members of the commissioners court, department heads and the board of managers shall make a reasonable effort to inform themselves regarding procurements and shall have a duty to inquire of vendors, their representatives or employees, the nature of the private communication being sought prior to engaging in any communication. This prohibition against private communication with vendors, their representatives, or employees, shall apply to commissioner's court approval of hospital district purchases.

V. Conflict of Interest in Employment Practices

- A. County elected officials and department heads shall ensure that County jobs are open to all applicants regardless of race, gender, religion, national origin, orientation, age, or disability.
- B. County elected officials and department heads shall not advocate the employment, appointment, promotion, transfer or advancement to a paid County position of a family member as defined above in Section III (7). Neither shall they supervise nor manage a family member as defined above in Section III (7).

VI. Outside Employment

A. County Employees

- 1. A County employee who seeks to engage in employment outside of his duties with the County of El Paso must receive the approval of his supervisor prior to engaging in the outside employment. The employee must furnish to the supervisor a detailed description of the outside employment. Approval shall be given by the supervisor, provided that such employment is not conducted during the hours the employee is scheduled to work for the County; that such employment does not conflict with the employee's duties with the County; that such employment does not adversely affect the public image of the County; and that such employment does not adversely affect the employee's availability and usefulness as employee of the County.
- 2. A determination of the existence of a conflict of interest by a supervisor may be appealed by the employee to the Board of Ethics.

- B. Department Heads and Elected Officials. An elected official or department head may not hold any employment relationship or contractual relationship which would impair the impartial or independent judgment of the official or department head.

VII. Post Employment Restrictions

- A. Elected Officials and Department Heads. An elected official or department head may not, for two years after employment by the County, act as a compensated representative of another before county government in connection with any *specific* matter in which he

participated as a County official or employee. “Specific” matter refers to business in which the elected official or department head was either personally involved or that was within the official’s responsibility while an elected official or department head.

- B. Members of Commissioners Court. A member of commissioners court is prohibited, for two years after leaving office, from employment with the county and from representing for compensation any person or entity on any matters pending before the El Paso County Commissioners Court or any entity controlled by it for any purpose. This does not prohibit the practice of law before any court of record within El Paso County.

VIII. Gifts

- A. A County official or employee with decision making authority, his/her family members, or any business organization in which he/she has a substantial financial interest, may not accept a gift or benefit valued at more than Fifty and No/100 Dollars (\$50.00). A department head or elected official may impose stricter prohibitions on the acceptance of gifts than those required by this Code.
- B. For purposes of this Code, a “gift” refers to anything of value including:
 - 1. Loans;
 - 2. Travel;
 - 3. Entertainment;
 - 4. Meals and beverages; and
 - 5. Gifts of tickets or free admission to a professional or intercollegiate sporting event or artistic or cultural event.
- C. A prohibited gift does not include:
 - 1. The solicitation or acceptance of contributions to a political campaign if such contribution is subject to reporting under state law
 - 2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient, unless the donor has a substantial financial interest in a business relationship or real estate purchase or sale with the County and the recipient is in a position to influence any decisions related to the interests of the donor.
 - 3. Commercially reasonable loans made in the ordinary course of the lender’s business.

4. Awards, such as plaques, certifications, trophies or similar mementos, publicly presented in recognition of public service.
5. Gifts do not include items for which fair market value is paid or which the County reimburses, or items which are received but are donated to a charitable organization within 30 days. If the gift is a perishable item, such as flowers, fruit, or candy, it may be placed on a public counter and shared with employees and the public.
6. Invitations or tickets to fund raising dinners or public charitable benefit events.
7. Food or drink consumed by an elected official or employee with decision-making authority during the conduct of official public business or attendance at public ceremonies as a public official or employee.

IX. Statement of Financial Interest

- A. Report. Those who make decisions involving public personnel, property, resources, and funds exercise substantial influence and discretion in the performance of their public duties. In the interest of full disclosure of their financial interest, candidates for elected office, elected officials, appointed officials, board and committee members, department heads and the purchasing agent shall file with the County Board of Ethics within 30 days of the effective date of this Code of Ethics, application for such office, taking office, appointment, or selection, a signed, sworn financial disclosure statement making known:
1. The name, address, and industry of any entity for whom that person is employed or self-employed;
 2. The name, address, and industry of boards of directors of corporations on which the person serves, whether organized for profit or not, and whether such service is for compensation or not;
 3. The name, address, and industry of any business in which the person has partnership or joint venture interest; and
 4. The name, address, and industry of any business in which the person has a substantial financial interest.

The Board shall develop a form report for the purposes of this section.

There is no requirement to disclose the extent of financial involvement in any business interest. However, the county judge, a county commissioner, and the county attorney may provide a copy of their most current financial disclosure report filed pursuant to Chapter 159 of the Local Government Code in lieu of the financial disclosure statement required by this Code.

- B. Time for Filing. Each person subject to this provision shall file with the County Board of Ethics a signed and sworn updated financial disclosure statement by April 30th of each year while in office or employed.

Each candidate for elected office and each candidate for a department head position shall be provided with a notice of the financial disclosure requirements at the time of application for such office or employment.

- C. Delinquent Reports. Within 60 days after the effective date of this code of ethics, and thereafter no later than July 1 of each year, the County Board of Ethics shall prepare a delinquent report naming each person subject to this filing requirement who has not filed the required statement. Such report shall be submitted as an agenda item to the Commissioners Court at its next regular meeting. Another notice of the financial disclosure requirements shall be sent to each person who has not filed the required statement.
- D. Publication. The County Board of Ethics shall submit all financial disclosure statements and delinquent reports to the County Information Technology Department for posting on the County website.

X. Political Activity

- A. County Time and Equipment

No non-elected county official or employee shall engage in political activities during any hours he or she is paid to actually work for the county. Non-elected county officers and employees may take vacation leave or leave without pay for this purpose if approved according to county policy. No county official or employee shall utilize county equipment or supplies of any kind for political purposes.

- B. Coercion of Employees

No County official, department head, or employee shall, directly or indirectly, use or threaten to use, any official authority or any influence in any manner whatsoever which tends:

- (1) to coerce any person to participate in political activities, an election campaign, or fundraising effort; or
- (2) to discourage, restrain, deter, prevent, interfere with, or discriminate against any person who chooses to participate in political activities, an election campaign, or fundraising effort.

- C. Seeking Elective Office

No county official or employee shall be prohibited from seeking or holding elective office.

XI. Reporting Violations of the Code of Ethics

- A. Duty to Report. Local public officials, county officials, county employees, and all others who are subject to this Code have a duty to report violations of this Code and to cooperate in investigations, inquiries, and hearings conducted by the Board of Ethics.
- B. No Coercion. No county official or employee shall directly or indirectly, use or threaten to use, any official authority or any influence in any manner whatsoever, which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or office, any facts or information relative to an actual or suspected violation of this Code or other state, federal, or local laws.
- C. False Reports. This section shall not be construed as prohibiting disciplinary action if an officer or employee of the county discloses information which he or she knows to be false or which he or she discloses with reckless disregard for its truth or falsity. The Board of Ethics shall issue an opinion when it determines that any information has been disclosed that was known to be false or was disclosed with reckless disregard for its truth or falsity.

XII. Campaign Contributions

If a member of commissioners court, or candidate for a seat on commissioners court, accepts political campaign contributions of One Thousand and No/100 Dollars (\$1,000.00) or more, including in-kind contributions, from any one person or entity within a twelve month period, he shall report the amounts, the donor, and the dates of said contributions by an item on the agenda of the El Paso County Commissioners Court within 30 days of the date of said contribution. The report shall also be placed upon the El Paso County web page. In the event that the report is not made within 30 days, the disposition of the contribution shall be determined by the Board of Ethics.

XIII. Enforcement: El Paso County Board of Ethics

A. Creation and Membership

- 1. There is hereby created a Board of Ethics, which shall have the authorities, duties and responsibilities as set forth herein.
- 2. The Board of Ethics shall consist of nine members, one to be appointed by each member of Commissioner's Court, and four members to be chosen from the community by an open application process from the community-at-large by the sitting members of the Board. All members shall be residents of the County. No member shall hold any elected office, employed, or be appointed to any position governed by this Code or be a candidate for any such office or position.

Vacancies on the Board shall be filled within 60 days. In the event that a vacancy on the Board goes unfilled for 60 days, the remaining members of the Board of Ethics shall fill the vacancy.

3. Members shall be appointed for a two-year term; except that appointments which are made to fill vacancies arising during a term shall be for the remainder of the unexpired term. Terms shall be staggered and each member may serve until his or her successor is appointed.
4. The Board of Ethics shall select from among its members a chair and a vice chair and shall adopt such rules governing its proceedings as it may deem proper. Such rules and regulations must be consistent with existing statutes, ordinances, and the El Paso County Civil Service Rules and the El Paso County Employee Handbook.
5. The Board of Ethics shall also serve as an advisory body to the Commissioners Court, county department heads, and any person subject to this Code on matters concerning ethics in the operation of the government of El Paso County.
6. The Board of Ethics Board shall be assigned staff by the County to assist in its duties as the Commissioners Court deems necessary. The members of the Board of Ethics are subject to this Code, including the provisions governing financial interests, restrictions on post employment, and penalties.
7. Members of the Board of Ethics shall serve without compensation.
8. Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the request of a majority of the Board, provided, however, that the board must meet no less than once per month.
9. Meetings of the Board of Ethics shall be subject to the terms and conditions of the Texas Open Meetings Act.

B. Duties and Responsibilities

The Board of Ethics shall have the following powers and duties:

1. To initiate investigations on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regards to alleged violations of this Code.
2. To refer any information concerning violations of this Code to the appropriate legislative body, investigative body, District Attorney, or other appropriate person or body as necessary.

3. To enforce the provisions of this Code with regard to all officers and employees of the County who are subject to its terms by issuing appropriate orders, recommendations, or imposing appropriate penalties.
4. To control and maintain all statements of financial interest that are required to be filed by this Code to ensure that the statements are available for public inspection in accordance with the requirements of this Code and the Texas Open Records Act.
5. To develop and submit any reports regarding the conduct of its business that may be required by the El Paso County Commissioners Court.
6. To issue formal written ethics advisory opinions on whether certain anticipated actions conform to this Code upon the request of any person covered by this Code.
7. To ensure that copies of public documents in the custody of the Board are appropriately available. The custodian of the records of the Board of Ethics shall be the Chair of the Board.
8. To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this Code, provided that the rules, regulations and actions are not in conflict with the provisions of this Code, the El Paso County Civil Service Rules, the El Paso County Employee Handbook, or any state or federal law.
9. To recommend, as needed, changes in this Code of Ethics for adoption by Commissioners Court.

C. Removal

1. It is the intention of this Code that board members should be insulated and protected from arbitrary removal and shall be removed only for egregious conduct contrary to the public good. It may come to pass that a board member, in the course of performing his duties, may be subjected to political pressure to do or refrain from doing what is ethical by the threat of removal from this board. Therefore, removal of a board member should only be considered for good cause.
2. Board members may be removed by majority vote of the Board of Ethics for good cause. "Good cause" shall include, but not be limited to:
 - a. Failure to pay local, state, or federal taxes when due;
 - b. Failure to attend a board meeting two times within 6 months without reasonable excuse as determined by the Board;
 - c. Failure to abide by this Code as applicable;
 - d. Conviction of a crime of moral turpitude or felony offense.

D. Complaints, Investigations and Hearings

1. Complaint. The Board or any person may file a complaint alleging a violation of this Code. The complaint shall be in writing and signed by the complainant. The written complaint shall state the nature of the alleged violation, the date, time and place of each occurrence, and the name of the person(s) charged with the violation. Within ten working days of the receipt of a complaint, the Board of Ethics shall acknowledge receipt of the complaint to the complainant and shall forward a copy of the complaint and a general statement of the applicable procedures for responding to the person who is the subject of the complaint.
2. Board May Initiate Complaints. The Board may file a complaint if it receives information that it finds credible and which is corroborated regarding a violation of this Code.
3. Initial Inquiry.
 - (a) The Board of Ethics shall make a determination whether the complaint is within its jurisdiction and, if so, whether it alleges a minimum factual basis to constitute a violation of this Code. If the Board concludes that the complaint is outside its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, issue an Order Dismissing the Complaint, reduce the conclusion to writing, and transmit a decision to the complainant and to the respondent.
 - (b) If the Board concludes that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimum factual basis to constitute a violation, the Board shall notify the respondent who is the subject of the complaint and shall issue an Order Setting the Matter for Public Hearing within thirty days, unless the alleged violator petitions for and the Board consents to a later date.
 - (c) At the Initial Inquiry, the Board may call witnesses and accept evidence. The Board shall afford any person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have a right to be represented by counsel, be heard under oath, and offer evidence in response to the allegations.
 - (d) The Initial Inquiry may be held in executive session pursuant to the Texas Open Meetings Act.
 - (e) After the Initial Inquiry, the Board shall release its Orders to the public and the complaint and all records pertaining thereto shall become public records.

4. Public Hearing.

- (a) The hearing shall be open to the public
- (b) The Board may call witnesses and accept evidence.
- (c) The complainant and the respondent may present evidence, be heard under oath, be represented by counsel, and cross examine witnesses.
- (d) The Board of Ethics shall adopt hearing procedures consistent with fundamental fairness and due process.

E. Written Opinions, Decisions, and Penalties

At the conclusion of the Public Hearing, the Board of Ethics shall issue a written decision and findings. Additionally, the Board:

- 1. May issue a public censure with or without a penalty regarding an elected official or vendor;
- 2. May make a written disciplinary recommendation to Commissioners Court regarding violations of this Code by a department head, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which a department head may otherwise be disciplined;
- 3. May make a written disciplinary recommendation to a department head or elected official regarding violations of this Code by their employees, including a written warning or reprimand, suspension, or termination in accordance with the procedures under which the employee may otherwise be disciplined;
- 4. May refer its decision and findings to the appropriate law enforcement authority.

XIV. Effective Date

The provisions of the El Paso County Code of Ethics shall be effective _____
_____.

XV. Affirmation of Acceptance of the Code of Ethics

The following county elected officials have volunteered to accept the provisions of this Code and agree that they and their employees will be bound by its terms and conditions:

- A. José R. Rodríguez, El Paso County Attorney

APPENDIX A
FAMILY RELATIONSHIPS INCLUDED
WITHIN THE THIRD DEGREE

Person's spouse	Half-uncle & spouse
Mother & spouse	Great-grandmother-in-law
Father & spouse	Great-grandfather-in-law
Daughter & spouse	Aunt-in-law
Son & spouse	Uncle-in-law
Mother-in-law	Niece-in-law
Father-in-law	Nephew-in-law
Stepdaughter	Step-great-granddaughter
Stepson	Step-great-grandson
Granddaughter & spouse	Step-niece & spouse
Grandson & spouse	Step-nephew & spouse
Grandmother & spouse	
Grandfather & spouse	
Sister & spouse	
Brother & spouse	
Sister-in-law	
Brother-in-law	
Grandmother-in-law	
Grandfather-in-law	
Step-granddaughter	
Step-grandson	
Half-sister & spouse	
Half-brother & spouse	
Stepsister & spouse	
Stepbrother & spouse	
Great-grandmother & spouse	
Great-grandfather & spouse	
Great-granddaughter & spouse	
Great-grandson & spouse	
Niece & spouse	
Nephew & spouse	
Aunt & spouse	
Uncle & spouse	
Half-aunt & spouse	

APPENDIX M: POST RETIREMENT EMPLOYMENT

In order to safeguard the County's retirement system as well as the employees and retirees, the following policies and procedures related to rehiring an El Paso County retiree must be followed:

- 1) In the event a County department head / official desires to hire an El Paso County retiree, the request must be placed on the Commissioners' Court agenda.
- 2) Prior to consideration by Commissioners' Court, the County Auditor and the County's Human Resources Department are to see that an executed affidavit from the retiree and an executed affidavit from the requesting department head/official are completed and are included in the agenda packet (see affidavits below).
- 3) In addition to the two affidavits, the Commissioners' Court Agenda packet should also contain documentation that there is no explicit or implied preferential status given to retirees when they apply for vacant positions (that the vacant position was open to other candidates in a fair and competitive manner).
- 4) The Auditor's office and HR will verify retirement dates, etc. and include in the Court Agenda packet a recommendation for Commissioners Court consideration.
- 5) A rehired retiree may not begin employment until the Human Resources department and County Auditor's office (Payroll Division) has received approval from Commissioners' Court and the two fully executed affidavits shown below.

Accepted by the El Paso County Civil Service Commission on June 3, 2008

Approved by Commissioners Court on June 16, 2008

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