

# ***PERSONNEL POLICIES***

## **1.00 GENERAL POLICIES**

**1.01 AUTHORITY.** These policies are established by the commissioners' court, and any deletions, amendments, revisions, or additions to the policies must be approved by the commissioners' court.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the commissioners court.

In addition to these personnel policies, elected officials and department heads may establish department rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, shall prevail.

**1.02 SEVERABILITY.** The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.

**1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES.** Responsibility for personnel functions in the county are divided among county offices as follows:

County Judge oversees general personnel policies;

Human Resources Office maintains these policies and the official personnel records pertaining to employment, benefits, time and attendance, payroll, resignations, and unemployment; and

Elected Official and Department Heads maintain all other personnel files on departmental employees and are responsible for administration of these personnel policies within their own departments or units.

**1.04 PURPOSE.** These policies set forth the primary rules governing employment with the county. The policies contained here inform employees of the benefits and obligations of employment with the county. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors which will result in high quality public service to the citizens of the county.

**1.05 APPLICABILITY OF PERSONNEL POLICIES.** These personnel policies apply equally to all employees of the county unless a class of employees is specifically exempted by these policies.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only in so far as necessary for compliance.

**1.06 DISSEMINATION OF PERSONNEL POLICIES.** The Human Resources office maintains the official set of the personnel policies with all revisions for reference by employees. In addition, the Human Resources office will provide a complete copy of this manual and copies of all subsequent revisions to each department head or elected official, who will notify employees of policy changes and will make the updated manual available to employees. If a question arises about a particular policy, the official set of policies maintained by the Human Resources office should be consulted and will control.

Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within two weeks of employment, every employee is required to sign an acknowledgement of having read the Personnel Policies manual and understood the policies contained in it.

**1.07 EQUAL EMPLOYMENT OPPORTUNITY.** It is the policy of the county to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, sex, religion, color, disability, or national origin. Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

Retaliation or discrimination against an employee for alleging discrimination on any of the bases covered in this chapter is prohibited.

*(Legal Reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.S., Articles 5221K; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990; U.S. Executive Order 11246; U.S. Equal Pay Act; Texas V.T.C.A. Health and Safety Code, Chapters 591-596)*

**1.08 AFFIRMATIVE ACTION.** The county will take affirmative action to see that applicants are employed, and employees are treated during their employment, without discrimination based on race, color, disability, religion, sex, national origin, age, political affiliation or belief, or any other non-merit factor. In addition, the county will seek actively to include qualified members or minority, disabled, and disabled and Vietnam-era veteran groups in applicants pools.

*(Legal Reference: U.S. Executive Order 11246; U.S. Rehabilitation Act of 1973, Section 503; Americans with Disabilities Act of 1990; U.S. Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 2012, codified as Title 38, U.S.C. Chapter 42, Sections 2011 et seq.)*

**1.09 CONFIDENTIALITY/SECURITY OF INFORMATION** Employees shall maintain the confidentiality of information acquired in the course of his duties for the County and shall use that information for official and job-related purposes only. Further, such information shall only be disclosed and communicated on a need to know basis and in accordance with rules of the county for maintain confidentiality. Employees should not share any confidential information unless specifically authorized to do so by a department head or elected official. Specific requirements for maintaining confidentiality may vary from department to department and from job to job. Employees are responsible for familiarizing themselves with and adhering to any policies and requirements of confidentiality established for and applying to this department. It is the responsibility of the employee handling the confidential/sensitive information to ensure it is secured appropriately. This also pertains to the accessibility of files contained within an office/work area, they must ensure the information is secured in a locked location/office.

**(\*Employee Acknowledgment)**

**1.10 (a) HARASSMENT.** Polk County is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate unlawful harassment of our employees by anyone, including any supervisor or co-worker, or third party. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, national origin, religion, age, sex or disability. Harassment that affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment will not be tolerated.

Harassment may include derogatory remarks, epithets, offensive jokes, the display or circulation of offensive printed, visual or electronic, or offensive physical actions. Sexual harassment deserves special mention – section 1.09(b).

All Polk County employees are responsible for helping to enforce this policy against harassment. Any employee who has been the victim of unlawful harassment or who has witnessed such harassment must immediately notify their immediate supervisor so the situation can be promptly investigated and remedied. If the employee's immediate supervisor is the source of the alleged harassment; or if reporting the situation to the immediate supervisor fails to remedy the situation, the employee should report the problem to the supervisor's supervisor or to the Human Resources Supervisor.

It is the Polk County policy to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, Polk County will maintain the confidentiality of those involved. If an investigation confirms that harassment has occurred, Polk County will take corrective action. Corrective action may include discipline up to and including immediate termination of employment. Polk County forbids retaliation against anyone who has reported harassment or who has cooperated in the investigation of harassment complaints.

Polk County does take claims of unlawful harassment very seriously and such claims can have significant effects on the employment and reputation of the accused harasser. Therefore, it is a violation of this policy to make false accusations of harassment, to fail to honestly answer questions during an investigation, to fail to cooperate in an investigation, or to fail to maintain the confidentiality of an investigation. Any employee engaging in such conduct will be subject to discipline up to and including termination.

**1.10 (b) SEXUAL HARASSMENT.** It is the policy of the county to provide and maintain a work environment which is free of sexual harassment, sexual exploitation, and intimidation. Polk County has a zero tolerance policy regarding sexual harassment; sexual harassment will not be tolerated by the county. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including discharge.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when; (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person, or (3) such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

It is illegal and against county policy for any worker male or female to harass another worker or create a hostile working environment by committing or encouraging:

- Physical assaults on another employee, including rape, sexual battery, molestation, or attempts to commit these assaults;
- Intentional physical conduct that is sexual in nature, including touching, pinching, patting, or brushing up against another employee's body;
- Unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of an employee who has indicated that such conduct is unwelcome; and
- Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment. The county will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.

If an employee is either subjected to or witnesses sexual harassment, he or she should immediately notify his or her immediate supervisor or the Human Resources Supervisor.

If the employees' immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor or to the Human Resources Supervisor.

The county's grievance policy provides procedures for reporting alleged sexual harassment. Supervisors should not disregard any complaint of sexual harassment. As soon as an employee reports an incident to you, you are responsible for reporting it to the Human Resources Supervisor (even if the employee does not want you to say or do anything about it). The Human Resources Supervisor will:

- Get both sides of the story. The person accused of discrimination or sexual harassment will be advised of the allegations and given the chance to respond.
- Keep records of the investigation. Documentation must be kept of all phases of the investigation, from the initial complaint to any written warning or action taken.
- Attempt to resolve the complaint. The Human Resources Supervisor will present findings and recommendations to the Commissioners Court.
- Maintain confidentiality and privacy to the extent possible. All aspects of the investigation are confidential. Once the supervisor has contacted the Human Resources Supervisor, any discussion regarding this issue should be limited to those directly involved in the investigation.

No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

To emphasize the importance of this policy and ensure every employees understanding, the county requires each employee to sign a statement acknowledging receipt and understanding of this policy. The signed acknowledgment is kept in the employees personnel file.

*(Legal Reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986)*

**1.11 PERSONS WITH DISABILITIES.** It is the policy of the county to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to disabled persons and will make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on county operations.

#### **1.12 GINA (Genetic Information Nondiscrimination Act)**

This prohibits discrimination in group health plan coverage on genetic information. It builds on HIPAA's protections and adds underwriting protections. This law also

prohibits the requirement of genetic testing, restricts collection of genetic information, and other protections.

(Legal Reference: The Genetic Information Nondiscrimination Act of 2008, US Department of Labor)

### **1.13 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS.**

These personnel policies may be amended or revised or new policies may be added, at any time, with or without notice, upon the approval of the commissioners' court. In addition, the Human Resources office conducts an annual review of the policies contained in this manual as part of the budget process and submits any necessary or recommended changes to the Commissioners court for approval prior to the beginning of the new fiscal year. Changes will be made to the personnel policies contained in this manual for the following purposes: to clarify and/or enhance existing policies; to add new policies or amend existing policies in order to improve current management practices; and to bring current policies into conformance with changes in law or county policy.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) to the appropriate department head or elected official who will forward the information to the commissioners' court, where appropriate, along with the rationale for making the change. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed