

RESOLUTION

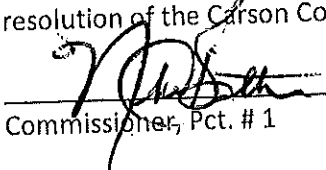
WHEREAS, Carson County Officials desire to have a clear and understandable personnel policy manual for their employees and;

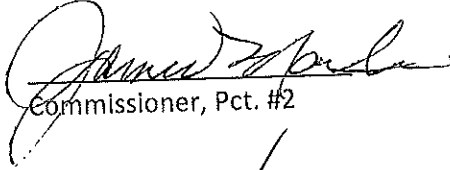
WHEREAS, the new policy manual will help Carson County comply with current employment laws and standards, and;

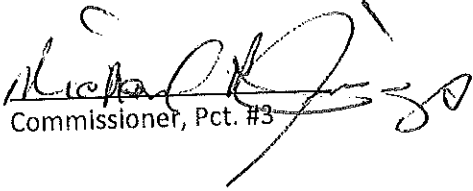
WHEREAS, the personnel manual will allow for the implementation of a more effective county government which will benefit the citizens of Carson County through more efficient standards, and;

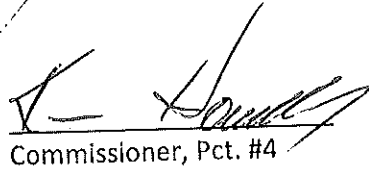
WHEREAS, any and all previous personnel policy manuals, implied policies, verbal policies, and written contracts whether known or unknown, are hereby rescinded and declared null and void.

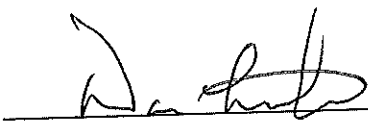
NOW, THEREFORE BE IT RESOLVED that on this 9th day of September, 2019, the Carson County Commissioners Court does hereby adopt, accept, and place into effect this manual called the Carson County Policy Manual, and it shall be in effect from October 1, 2019 until rescinded by official order of resolution of the Carson County Commissioners Court.

  
Commissioner, Pct. # 1

  
Commissioner, Pct. #2

  
Commissioner, Pct. #3

  
Commissioner, Pct. #4

  
County Judge

CARSON COUNTY  
PERSONNEL POLICY

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**INTRODUCTION**

Welcome!

It is with pleasure that we welcome you as a new employee of Carson County. We hope you have a long rewarding career with us. As a County employee, you have a unique opportunity to serve the public-County residents, businesses and visitors to our County. We value employees who work hard, show initiative and responsibility and take pride in their work and in the County as a whole.

You can get information or answers to your questions from your supervisor or by contacting the County Treasurer/ Personnel Office at 806-537-3753 or by stopping by the Treasurer's Office, County Courthouse, Panhandle Tx, which is open Monday thru Friday from 8:00 a.m. to 5:00 p.m.

Employees of Carson County may be subject to additional or substitute policies of those stated here. The employee will follow the department guidelines and policies unless they conflict with state or federal laws.

The County includes the following departments (elected officials are in **bold**). All of these are defined in this document as department heads.

<b>County Judge</b>	County Auditor
<b>Commissioners</b>	Library
<b>Precinct #1</b>	Extension Service
<b>Precinct #2</b>	
<b>Precinct #3</b>	
<b>Precinct #4</b>	
<b>County &amp; District Clerk</b>	
<b>Justice of the Peace Precinct #1</b>	
<b>Justice of the Peace Precinct #2</b>	
<b>Sheriff</b>	
<b>Tax Assessor Collector</b>	
<b>Treasurer</b>	
<b>County Attorney</b>	

The Commissioners Court reserves the right to change this document at any time.

**CARSON COUNTY**  
**EMPLOYMENT AT WILL STATEMENT**

1. All employees of Carson County are considered to be "at-will" employees.
2. No contract of employment shall exist between any individual and Carson County for any duration, either specified or unspecified.
3. This means the employment relationship may be ended at the will of the employer, Carson County, or the employee at any time.
4. Employment may be terminated with or without cause and with or without notice at any time by the employee or employer.
5. Nothing in this manual or in any document or statement shall limit the right to terminate employment at-will.
6. No Elected Official or Department head has the authority to enter into an agreement for employment other than at-will employment.
7. Carson County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or with notice.

**CARSON COUNTY**  
**POLICY ON EMPLOYEE STATUS**

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. This policy defines both insurance benefits and retirement benefits. The status of an employee cannot be changed without the approval of the Commissioners Court. Full time employees will be eligible for insurance benefits. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

**REGULAR FULL  
TIME**

1. A full-time employee shall be any employee in a position who has a normal work schedule of at least thirty (30) hours per week. Full time employees are eligible for county insurance benefits and retirement benefits. Other county policies will dictate eligibility for other benefits. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Carson County makes exempt status determination based on the Fair Labor Standards Act.

**REGULAR  
PART TIME**

2. A regular part-time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

**TEMPORARY  
SEASONAL**

3. A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, summer mowers, and election workers. The county must define and document the season that the employee is being hired for. Seasonal employees can be either part-time or full-time, and they do not qualify for insurance benefits through the county under the Affordable Care Act. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**REGULAR  
VARIABLE  
HOUR**

4. A variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee's start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee's schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**CARSON COUNTY  
POLICY ON EMPLOYEE STATUS  
(CONT)**

**TEMPORARY  
PART TIME**

5. A temporary short-term, part-time employee shall be any employee who is expected to work less than twenty- nine (29) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short-term, part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**AGE  
REQUIREMENTS**

6. Persons under eighteen years of age will not be employed in full-time positions. Other age limitations will be only as required to comply with applicable state or federal law.

**PERSONNEL  
FILES**

7. The Carson County Treasurers office will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents.

It is important that the personnel records of Carson County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned. Carson County request employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or any other pertinent information.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether you have family members confidential. You may keep this information private by requesting in writing not to allow this information to be released to the public no later than (14) days after your first day of employment.



**CARSON COUNTY**  
**POLICY ON EQUAL EMPLOYMENT OPPORTUNITY**

**EQUAL  
OPPORTUNITY  
EMPLOYER**

1. Carson County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, age, genetic information, pregnancy, veteran status, disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or the County Attorney.

**CARSON COUNTY**  
**AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

**REASONABLE  
ACCOMMODATION**

1. It is the policy of Carson County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

2. It is Carson County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official, department head or the county attorney. Reasonable accommodation shall be determined through an interactive process of consultation.

**CARSON COUNTY**  
**POLICY ON APPLICATION FOR EMPLOYMENT**

**ANNOUNCEMENT**

1. Announcements for job openings with Carson County may include; but are not limited to: advertisements in local newspapers, registration with the Texas Workforce Commission, or postings on County website [www.co.carson.tx.us](http://www.co.carson.tx.us).

**APPLICATION  
PROCEDURE**

2. Before an individual can be considered to be an applicant for employment with Carson County, he/ she shall be required to complete the Carson County Application. Carson County Applications are available from the County Judge Office, and may be picked up at any time during the normal working hours for that office. Job applications will be given only when a job opening exists.

**SELECTION**

3. Each elected or appointed official, or his/ her designee, shall be responsible for selecting the applicant who he/ she feels best meets the qualifications for an open position in his/her department.

**DISQUALIFICATION**

4. An applicant shall be disqualified from consideration for employment if he/ she:
- a. Does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying.
  - b. Has made a false statement on the application form or any other document related to or which has a bearing on the selection process.
  - c. Has committed or attempted to commit a fraudulent act at any stage of the application process.
  - d. Or is not legally permitted to hold the position.

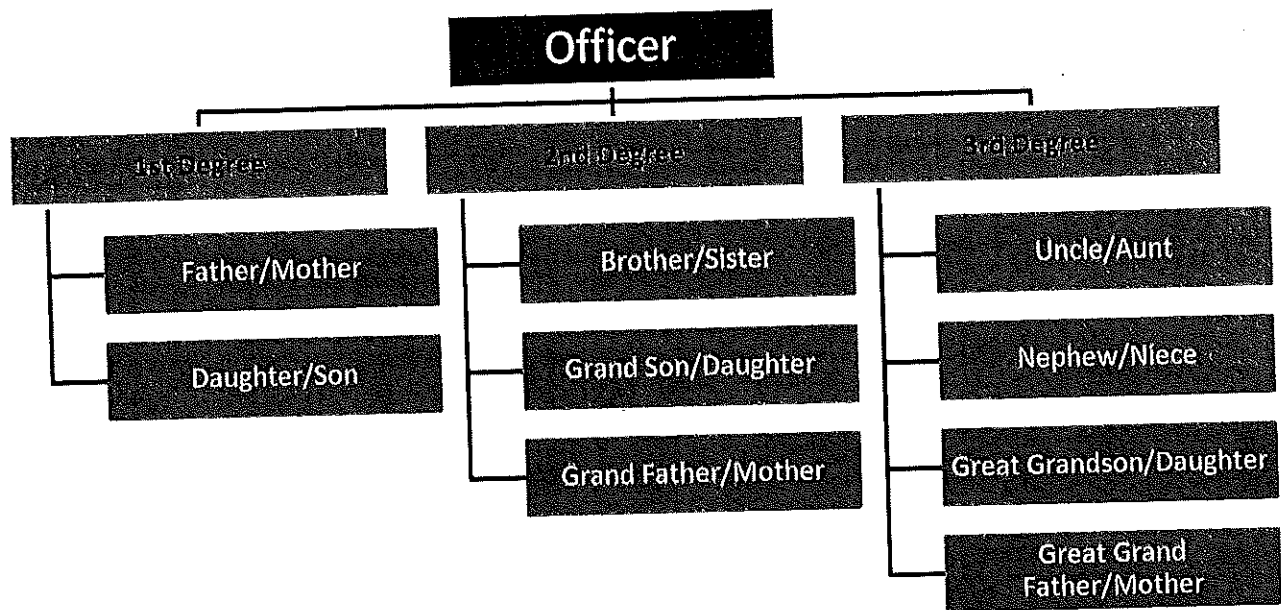
**CARSON COUNTY  
POLICY ON HIRING OF RELATIVES**

**HIRING OF  
RELATIVES**

1. In accordance with the Texas Nepotism Statutes, an elected or appointed official of Carson County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he or she supervises.
2. The civil law method, as approved by the Texas Legislature in 1991 to be effective in August of that year, shall be used for determining degree of relationship. (See the charts that follow).
3. Officer or Employee is the starting point from which all degrees of relationship are calculated.
4. Under the Degrees of Consanguinity, where Spouse is indicated, the relationship of the spouse is in the same degree as that of the person related by consanguinity, but the spouse is related only by affinity.

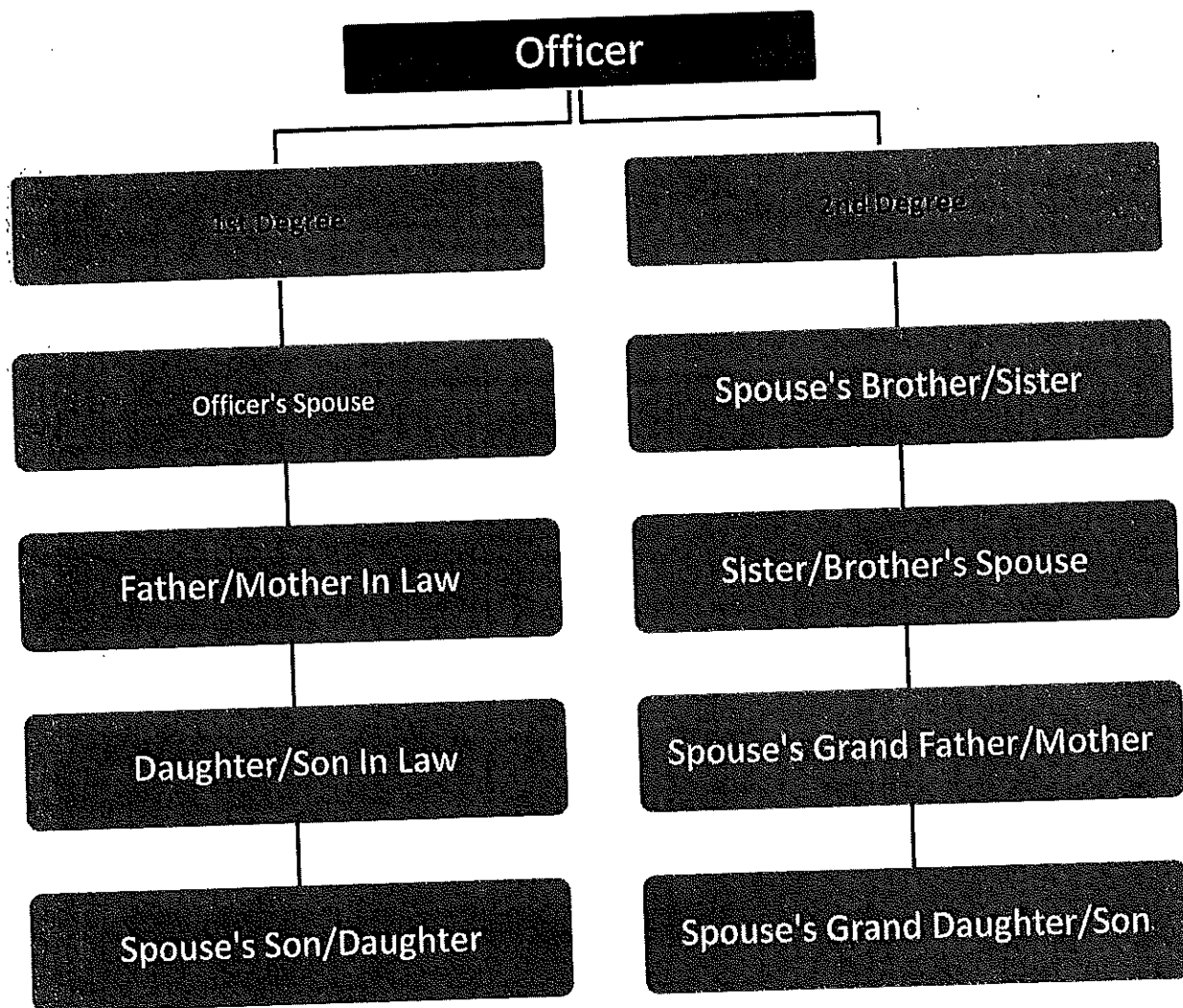
# CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



# AFFINITY KINSHIP CHART

(Relationship by Marriage)



# Carson County Vacation Accrual Schedule

REGULAR FULL-TIME Employees working 40 hours per week

Years of Service	Hours Accrued Per Month	Annual Accrual Hours	Annual Accrual Workdays
Less than 5	6.67	80	10
5 to 10	8.00	96	12
Over 10	10.00	120	15

REGULAR PART-TIME Employees working 35 hours per week

Years of Service	Hours Accrued Per Month	Annual Accrual Hours	Annual Accrual Workdays
Less than 5	5.84	70	10
5 to 10	7.00	88	12
Over 10	8.75	105	15

REGULAR PART-TIME Employees working 20 hours per week.

Years of Service	Hours Accrued Per Month	Annual Accrual Hours	Annual Accrual Workdays
Less than 5	3.33	40	10
5 to 10	4.00	48	12
Over 10	5.00	60	15

Example:  $40 \text{ wkly hr.} \times 2 = 80 / 12 = 6.67$

\* Further Information concerning this annual leave is available in the County Treasurer's office.

**CARSON COUNTY  
POLICY ON VACATION**

**ELIGIBILITY**

1. All full-time and regular part-time employees shall be eligible for vacation benefits. Each employee shall be responsible for accurately recording all vacation time used on employee's time sheet.
2. Temporary part-time and temporary employees shall not be eligible for vacation benefits.

**ACCRUAL RATE**

1. Vacation shall be accrued in accordance with the attached Vacation Accrual Schedule. An employee hired on or prior to the 15<sup>th</sup> of the month or whose employment terminates on or after the 16<sup>th</sup> day of the month shall earn a full months' vacation accrual for the month. An employee hired on or after the 16<sup>th</sup> of the month or whose employment terminates on or before the 15<sup>th</sup> day of the month shall earn one-half (1/2) of the months' vacation accrual for the month.
2. An employee shall be required to work for a minimum of six months in a position eligible to accrue vacation before he/she may take any vacation.
3. The maximum amount of unused vacation that an employee shall be allowed to have at any one time shall be the amount of time the employee would normally accrue in eighteen (18) months. When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.
4. An employee shall not be allowed to receive pay in lieu of taking time off for vacation.
5. All requests for vacation leave shall be subject to approval by the supervisor based on the timeliness of the request and the needs of the department.
6. Employees shall not be allowed to borrow vacation against possible future vacation earnings.
7. Vacation shall not be accrued while an employee is on leave without pay.

**PAY AT  
TERMINATION**

1. Employees who are separated before completing six (6) months of consecutive service shall not be entitled to payment.



**CARSON COUNTY  
POLICY ON VACATION (CONT.)**

**EMPLOYED**

**MAXIMUM PAY  
AT TERMINATION**

Less than (5) years	80 Hours
5 to 10 years	96 Hours
Over 10 years	120 Hours

**DEFINITION OF  
WORKDAY**

1. For purpose of this policy, a workday is defined as the normal number of hours an employee would be expected to work, on a day he/ she is scheduled to work.

If a holiday falls during an employee's vacation then the employee will not be charged for the vacation.

**CARSON COUNTY  
POLICY ON  
SICK LEAVE PAY**

Eligible full-time regular employees shall accrue sick leave at a rate of (8) hours per month. Accrual of sick leave shall start at the time an individual begins work for the Carson County in a position eligible for the sick leave benefit. There shall be no waiting period before an employee can use accrued sick leave.

1. Regular part- time employees working (35) hours per week shall accrue (7) hours sick leave per month
2. Regular part- time employees working (27) hours per week shall accrue (5.40) hours sick leave per month
3. Regular part-time employees working (20) hours per week shall accrue (4) hours sick leave per month
4. The maximum accrual that can be carried over into a new calendar year is (720) for full-time regular employees working (40) hours per week, (630) hours for regular part-time employees working (35) hours per week, (486) hours for regular part-time employees working (27) hours per week, (360) hours for regular part-time employees working (20) hours per week.

**CARSON COUNTY  
POLICY ON SICK LEAVE**

**USE OF  
SICK LEAVE**

5. Sick leave may be used for the following purposes:

- a. Illness or injury of the employee
- b. Appointments with physicians, optometrists, dentists and other qualified medical professionals; and,
- c. To attend to the illness or injury of a member of the employee's immediate family.
- d. BEREAVEMENT- Up to (5) days paid sick leave may be authorized by a department head. The department head may determine the number of days by how far the employee has to travel. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay, as approved or allowed by the department head. Immediate family shall be defined as spouse, child, foster child, parent, brother/sister, grandparent, grandchild, of the employee or the employee's spouse.

6. For purposes of this policy, sick leave, immediate family shall be defined as spouse, child, foster child, parent or other relative living in the employees' home who is dependent on the employee for care. Employees may be allowed time off with pay, up to maximum of 8 hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend (1) time a budget year. If leave is needed beyond the limits set in this policy, it may be charge to available vacation or compensatory time or to leave without pay.

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

**NOTIFICATION**

7. Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment.

**CARSON COUNTY  
POLICY ON SICK LEAVE (CONT.)**

**NOTIFICATION  
(CONT.)**

8. Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when possible.
9. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee shall notify his or her supervisor as soon as is reasonably possible.
10. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible.

**DOCUMENTATION**

11. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement at any time.
12. Documentation requirements of this policy shall also apply in situations where the absence is for the care of a member of the immediate family.
13. If an employee uses sick leave during the two (2) weeks prior to resignation of employment with the county, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness.
14. Sick leave must be taken in one (1) hour increments.
15. Employees shall not be allowed to borrow sick leave against future accruals.
16. Employees deemed by their supervisor to be abusing the sick leave benefit can be required to bring a doctor's note for all absences.

**CARSON COUNTY  
POLICY ON SICK LEAVE (CONT.)**

**USE OF  
SICK LEAVE**

1. For purpose of this policy, a workday is defined as the normal number of hours an employee would be expected to work on a day he/she is scheduled to work.

2. The maximum amount of sick leave that an employee will have available at any given time is the unused balance at the end of the preceding month.

An employee shall receive no pay for any unused sick leave balance at the time termination of employment.

**NEW EMPLOYEE**

3. An employee eligible to earn sick leave, who begins employment on or prior to the 15<sup>th</sup> day of the month shall earn a full monthly accrual of sick leave.

4. An employee eligible to earn sick leave, who begins employment on or after the 16<sup>th</sup> day of the month shall earn one half (1/2) of a monthly accrual of sick leave.

**CARSON COUNTY  
OFFICIAL PAID HOLIDAYS**

New Years Day	January 1
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	Monday the week of, or if on the weekend the following Monday
Veterans Day	November 11
Thanksgiving	4 <sup>th</sup> Thursday in November & Friday which follows
Christmas Eve	December 24 <sup>th</sup>
Christmas Day	December 25 <sup>th</sup>

**(1 ) Floating Holiday Determined by County Commissioners  
at the beginning of the year.**

**CARSON COUNTY  
POLICY ON HOLIDAYS**

- ELIGIBILITY HOLIDAYS** 1. All full- time employees shall be eligible for the paid holiday benefit. Regular part-time employees shall be paid for each holiday for the normal hours scheduled to work
2. The County holidays shall be determined by the Carson County Commissioners' Court at its first meeting of each October.
- HOLIDAY &  
VACATION** 3. If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.
- HOLIDAY  
ON DAY OFF** 4. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following (60) days, or the Holiday will be forfeited.
5. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.
- EMERGENCIES** 6. An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 60 day's equivalent to the amount of time worked on the holiday.
- SPECIAL  
OBSERVANCES** 7. Special consideration shall be given to employee requesting time off for religious or other special observances which are not designated as paid holidays for the Carson County.
8. Determination of granted leave under Section 7 of this policy shall be made by the Supervisor of the department in which the employee works, based on the needs of the department.
9. Vacation, compensatory time, or leave without pay may be used for leave granted under Section 7 of this policy.
10. Holidays do not accrue and if they are not taken, they will not be paid at termination.

**CARSON COUNTY  
POLICY ON HOLIDAY  
(LAW ENFORCEMENT)**

All regular full-time employees of the Carson County Sheriff's Department shall receive compensatory time at the rate of time and one half for each official County holiday worked, with a maximum of (8) hours. This compensatory time will be given regardless of the number of hours worked. This provision is made due to the 24 hour duty required of the Sheriffs' Department and officers.



**CARSON COUNTY  
POLICY ON JURY DUTY LEAVE**

**JURY DUTY**

1. Employees of Carson County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.

2. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule.

3. Any fees paid for jury service may be kept by the employee.

**OFFICIAL COURT**

4. If an employee is released by 11:30 a.m. or before, the employee will be required to report to work for the remainder of the day.

5. Employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require.

**PRIVATE LITIGATION**

6. If an employee is absent from work to appear in private litigation in which he/she is a principal party, this time shall be charged to vacation, other eligible paid leave, or leave without pay.

**CARSON COUNTY  
POLICY ON MILITARY LEAVE**

**GUARD AND  
RESERVE**

1. County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to (15) days off per federal fiscal year with pay to attend authorized training sessions and exercises.
2. The (15) days paid military leave shall apply to the federal fiscal year (September 1 thru August 31) and any unused balance at the end of the year shall not be carried forward into the next fiscal year.
3. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule.
4. An employee may use annual leave, earned compensatory time, or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.

**ORDERS**

5. An employee going on military leave shall provide his or her supervisor with a set of orders within three (3) days after receiving them.

**ACTIVE MILITARY**

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



# YOUR RIGHTS UNDER USERRA

## THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

**USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.**

### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

### HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor  
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date — April 2017

**CARSON COUNTY  
POLICY ON MEDICAL BENEFITS**

**ELIGIBILITY**

1. All regular full-time and regular part-time employees of Carson County shall be eligible for medical plan benefits. Part-time, temporary seasonal, temporary short term part-time, and variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance.
2. Premium for the coverage for eligible employees shall be paid by the County.

**DEPENDENT  
COVERAGE**

3. Eligible employees may cover their qualified dependents by paying the full premium for the dependents. This will be during "open enrollment only."
4. Deductions for the dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

**INFORMATION**

5. Details of coverage under the group medical plan benefits are available in the County Treasurer's Office.
6. All retirees of Carson County are eligible to continue in the County insurance. Retirees will pay the required monthly premiums. Such payment is to be made by the retiree by the (25) twenty-fifth day of each month. Payments delinquent more than (30) thirty days may result in the cancellation of the retiree's insurance benefit.

**CARSON COUNTY POLICY  
ON MEDICAL INSURANCE**

**COBRA**

Continuance of Insurance Coverage (COBRA): The Federal Consolidated Omnibus Reconciliation Act (COBRA) provides that all employees are eligible to continue their group insurance coverage for up to eighteen (18) months when employment is terminated due to resignation, reduction of work force, or dismissal (for other than gross misconduct). The law entitles dependents of a covered employee to continue their group insurance coverage for up to thirty-six (36) months upon the termination of a covered employee; reduction of such employee's hour of employment; upon the death of the covered employee; divorce or legal separation; when dependent children are no longer eligible dependents, under the definition policy; and when the employee ceases to participate in the County's sponsored plan, if the employee is Medicare eligible. The employee or dependent must request continuation of coverage and must pay the full cost of coverage (plus two percent administrative fee) if COBRA is elected. This provision is based on the present law and is subject to change as applicable state and federal laws change. The employee/dependents' right to continuance of insurance coverage shall be governed by reference to federal and state law and the insurance policy.

**CARSON COUNTY POLICY  
ON WORKER'S COMPENSATION**

- |                                 |  |
|---------------------------------|--|
| <b>ELIGIBILITY</b>              | 1. All Carson County employees are covered by worker's compensation insurance while on duty for the County. All workers compensation is handled by the Treasurer's office.   |
| <b>BENEFITS</b>                 | 2. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job.<br><br>3. Workers' compensation also pays Temporary Income Benefit (TIBS) for time lost from work in excess of seven calendar days as a result of eligible work related injuries or illnesses. TIBS are payable beginning on the 8 <sup>th</sup> day of lost time.  |
| <b>ACCIDENT<br/>REPORTING</b>   | 4. Any employee who suffers a job related illness or injury shall be required to notify his/her supervisor <u>and the County Treasurer's office immediately.</u><br><br>5. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.   |
| <b>PHYSICIAN'S<br/>RELEASE</b>  | 6. An employee who has lost time because of a work related accident or illness shall be required to provide a release from the attending physician before he/she is allowed to return to work.   |
| <b>CONTRIBUTORY<br/>FACTORS</b> | 7. An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.<br><br>8. Carson County counts an employee's leave due to a work related injury or illness toward the 12 week leave entitlement under the Family Medical Leave Act. Vacation, sick leave or other leave shall not be charged.<br><br>9. An employee cannot collect worker's compensation payments and County pay for the same period of time. |

**CARSON COUNTY  
POLICY ON RETIREMENT**

- |                      |   |
|----------------------|---|
| <b>ELIGIBILITY</b>   | 1. All regular employees (full time, part time and regular variable hour) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short term part-time employees will not be eligible for retirement benefits. |
| <b>CONTRIBUTIONS</b> | 2. Eligible employees shall make contributions to the retirement system through a payroll deduction each pay period.<br><br>3. Carson County shall make a contribution to each eligible employee's retirement account in an amount to be determined annually by the Commissioner's Court.             |
| <b>INFORMATION</b>   | 4. Information on the retirement program may be obtained in the Treasurer's office.<br><br>5. Refer to your Texas County and District Retirement System information website ( <a href="http://www.TCDRS.org">www.TCDRS.org</a> ) for more information.  |

Retired employees shall be eligible to apply for open positions with Carson County as long as the following provisions are met: 1) The retiree has been retired for at least 60 days, 2) No prior arrangement or agreement was made between Carson County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of 60 days. A bona fide separation means there is no prior agreement or understanding between Carson County and the retiree, that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

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

**CARSON COUNTY**  
**POLICY ON SOCIAL SECURITY/MEDICARE**

**SOCIAL  
SECURITY**

1. All County employees shall participate in the Federal Withholding, Social Security/Medicare program which provides certain retirement, disability, and other financial benefits.

**CONTRIBUTIONS**

2. Contributions to this program shall be made by deductions from each employee's pay check in accordance with the requirements of this program.

3. The County shall contribute in accordance with the requirements of this program.



# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

## REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

## EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

## ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627

**www.dol.gov/whd**

U.S. Department of Labor | Wage and Hour Division



**CARSON COUNTY**  
**POLICY ON FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE**

**ELIGIBILITY**

1. To be eligible for benefits under this policy, an employee must:
  - a. Have worked for Carson County at least 12 months (it is not required that these 12 months be consecutive; however a continuous break in service of 7 years or more will not be counted toward the 12 months); and
  - b. Have worked at least 1250 hours during the previous 12 months.

**QUALIFYING EVENTS**

2. Family or medical leave under this policy may be taken for the following situations:
  - a. The birth of a child and in order to care for that child; the placement of a child in the employee's home for adoption or foster care;
  - b. To care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;
  - c. The serious health condition of the employee that makes the employee unable to perform the essential functions of their job;
  - d. A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;
  - e. To care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or
  - f. To care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

**CARSON COUNTY**  
**POLICY ON FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE**  
**(CONT.)**

**SERIOUS HEALTH  
CONDITION**

3. Serious health condition of the employee is defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility or continuing treatment by a health care provider.
4. Serious health condition of a spouse, child, or parent is defined as a condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition that requires continuing care by a licensed health care provider.
5. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
  - a. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    - i. Treatment two or more times within 30 days of incapacity;  
or
    - ii. Treatment by a health care provider on at least one occasion within the first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
  - b. Any period of incapacity due to pregnancy or pre-natal care.
  - c. Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
  - d. Any period of incapacity that is permanent or long term due to a condition for which treatment is not effective.
  - e. Any period of incapacity or absence to receive multiple treatments by a health care provider.

**QUALIFYING EXIGENCY  
LEAVE**

6. Eligible employees may take FMLA/MFL exigency leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. Leave may be taken to:
  - a. Address any issue that arises because the covered military member was given seven or fewer days' notice for active duty deployment in support of a contingency operation.
  - b. Eligible employee may take up to seven days beginning on the date the covered military member receives the call or order to active duty.
  - c. Attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member.

**CARSON COUNTY**  
**POLICY ON FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE**  
**(CONT.)**

- d. Attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member.
- e. Arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member.
- f. Make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active duty status in a foreign country.
- g. Act as the covered military member's representative before a governmental agency to obtain, arrange or appeal military service benefits while the covered military member is on active duty or call to active duty status in a foreign country, for a period of 90 days following the termination of the covered member's active duty status.
- h. Attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child if the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member.
- i. For a maximum of 15 days each occurrence, to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment.
- j. Attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status.
- k. Address issues that arise from the death of a covered military member while on active duty status in a foreign country;
- l. Conduct certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.
- m. Address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and to both the timing and the duration of the leave.

**CARSON COUNTY**  
**POLICY ON FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE**  
**(CONT.)**

**LENGTH  
OF LEAVE**

7. An employee may use up to 12 weeks leave per 12-month period under this policy. Carson County sets the 12-month period used under this policy as a "rolling" 12-month period measured backward from the date an employee uses FMLA leave.

8. A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth or placement of child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

9. An eligible employee is entitled up to 26 weeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period:

a. The single 12-month period begins on the first day the eligible employee takes FMLA to care for covered service member or covered veteran and ends 12 months after that date.

b. An employee forfeits unused leave under this section if the eligible employee does not take all of their 26 weeks during this 12-month period to care for the covered service member or covered veteran is forfeited;

c. Leave entitlement under this section is applied on a per-injury basis. An eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service member or veteran or to care for the same covered service member or veteran with a subsequent serious illness or injury. An employee may not take more than 26 weeks in any single 12-month period.

CARSON COUNTY  
POLICY ON FAMILY MEDICAL LEAVE/MILITARY FAMILY LEAVE  
(CONT.)

WORK RELATED

10. Carson County will always designate work related injuries with lost time as FMLA qualifying.

PAID  
AND UNPAID

11. If an employee has accrued leave, the employee is required to use his/her accrued leave as detailed below.

*Sick leave, Compensatory and Vacation*, the remainder of the leave shall be unpaid.

a. An employee taking leave because of his or her own serious health condition, or the serious health condition of an eligible family member is required to first use *Sick leave, Compensatory and Vacation* with the remainder of the 12-week leave period being unpaid leave.

b. An employee taking leave for the birth of a child is required to use *Sick leave, Compensatory and Vacation* for the recovery period after the birth of the child and before being placed on unpaid leave.

c. After the recovery period from the birth of a child, an employee is required to first use *Sick leave, Compensatory and Vacation* with the remainder of the 12-week leave period being unpaid leave.

d. An employee taking leave for the placement of a child in the employee's home for adoption or foster care is required to use *Vacation, and Compensatory and other paid leave, except for sick leave* with the remainder of the 12-week leave period being unpaid leave.

e. An employee taking leave for a qualifying exigency for a covered military member is required to use *Sick leave, Compensatory and Vacation* with the remainder of the 12-week leave period being unpaid leave.

f. An employee taking leave for the care of a covered service member or veteran is required to first use *Sick leave, Compensatory and Vacation* with the remainder of the 26-week leave period being unpaid leave.

12. The maximum amount of paid and unpaid leave that may be used under this Policy in a 12-month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness which is a maximum of 26-weeks in a 12-month period.

**CARSON COUNTY**  
**POLICY ON FAMILY MEDICAL LEAVE/MILITARY FAMILY LEAVE**  
**(CONT.)**

**CONTINUED  
EMPLOYEE  
BENEFITS**

13. While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employees had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the county no later than the 25<sup>th</sup> day of each month. The county may cancel unpaid coverage by providing the employee advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

14. At the end of the 12-week leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12 month period.

**INTERMITTENT  
LEAVE  
AND REDUCED  
SCHEDULE**

15. An employee may only take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member or the care of a covered military member or veteran.

16. An employee may only work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

17. All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12 month period.

**CERTIFICATION  
REQUIREMENTS**

18. The county has the right to ask for certification of the serious health condition of the employee or the employee's eligible family member when the employee requests or leave under this policy.

**CARSON COUNTY**  
**POLICY ON FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE**  
**(CONT.)**

19. The county shall send a request for medical certification to an employee who has been out of work for three (3) or more days to determine the employee's FMLA eligibility. The employee is requested to have his or her physician complete and return the medical certification within 15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.
20. The employee must respond to the county's request for certification within 15 days of receipt of the request or provide a reasonable explanation for the delay in writing before the 15<sup>th</sup> day after receipt of the request. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.
21. An employee is required to provide certification of his or her serious health condition of the employee by having the employee's treating health care provider complete and submit an FMLA form WH-380-E. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.
22. An employee is required to provide certification of the serious health condition of an eligible family member by having the family member's treating health care provider complete and submit an FMLA form WH-380-F. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.
23. An employee is required to provide certification for leave taken because of a qualifying exigency by having the employee complete and submit an FMLA form WH-384. An employee is required to provide certification for leave taken for a serious injury or illness of a covered military member or veteran by having the member's or veteran's Department of Defense treating health care provider complete and submit an FMLA form WH-385. The employee may also be required to provide the county with confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or veteran.
24. If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request re-certification for intermittent or reduced schedule leave every six months in connection with an eligible absence.



**CARSON COUNTY POLICY  
ON FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE  
(CONT.)**

**REQUIRMENTS  
(CONT.)**

25. The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered service member supported by an invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at his or her bedside.

26. If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification, at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

**REQUESTING  
LEAVE**

27. Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to his or her immediate supervisor. Where reasonably practicable, an employee should give his or her immediate supervisor a minimum of 30-days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible. If an employee fails to provide 30 days notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County received notice.

**REINSTATEMENT**

28. An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed, will be returned to the same job or a job equivalent to the job the employee held before going on FMLA leave. An employee who has not exceeded the 26-week maximum leave period in a single 12-month period, allowed to care for a seriously ill or injured covered military member, will be returned to the same job or a job equivalent to the job the employee held before going on leave.

29. If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

30. The county has no obligation to reinstate an employee who takes more than the 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available sick or vacation leave.

**CARSON COUNTY POLICY  
ON FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE  
(CONT.)**

**REPAYMENT  
OF BENEFITS**

31. Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to his or her FMLA leave.

**OTHER  
BENEFITS**

32. While on leave without pay under this policy, an employee does not earn vacation or sick leave, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy.

33. An employee who is out on approved FMLA leave may not take trips outside of the county unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. An employee may ask his or her immediate supervisor for written permission to take other trips outside of the county which may be granted at the supervisor's sole discretion.

34. If the county has a policy forbidding employees from working other jobs, an employee on approved FMLA leave may also be forbidden from working another job while on FMLA leave from the county.

**REGULATION**

35. Any area or issue regarding family and medical leave that is not addressed in this policy is subject to the basic requirements of the FMLA and the regulations issued to implement it.

**RETURN-TO-WORK**

36. An employee is required to provide a fitness-for-duty certification before the employee returns to work.

**ENFORCEMENT**

37. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family of medical leave rights.

**CARSON COUNTY**  
**POLICY ON ATTENDANCE AND TIMELINESS**

**ATTENDANCE**

1. Each employee shall report to work on each day he or she is scheduled to work unless prior approval for absence is given by the employee's supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

**TARDINESS**

2. Each employee shall be at his or her place of work at the starting time set by his/her supervisor unless prior approval is given by the supervisor or the employee is unable to be at work on time for reasons beyond the control of the employee.

3. Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

**NOTIFICATION**

4. If an employee is unable to be at work at his/her normal reporting time, the employee shall be responsible for notifying his/her supervisor as soon as is reasonably practicable of the circumstances causing the tardiness or absence.

**EXCUSED AND  
UNEXCUSED**

5. Each supervisor shall be responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.

6. Frequent unexcused absences or tardiness shall make an employee subject to disciplinary measures, up to and including termination of employment.

**ABANDON  
OF POSITION**

7. An employee who does not report for work for three consecutive scheduled work days, and who fails to notify his or her supervisor, shall be considered to have resigned his/her position by abandonment.

**CARSON COUNTY  
POLICY ON ADMINISTRATIVE LEAVE,  
WEATHER CLOSING AND EMERGENCIES**

**ADMINISTRATIVE LEAVE :** Administrative Leave is temporary paid absence from work which has been authorized by our County Judge. Administrative Leave is typically used during investigations of alleged employee misconduct, but may occasionally be approved due to local emergencies, during office closures, or the purposes which are in the best interest of Carson County.

**WEATHER AND EMERGENCY:** As a general practice, Carson County does not close its operations unless the health, safety and security of county employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing. Public safety will be foremost in the development of departmental emergency action plans. However, each elected official controls the working hours of their employees, even in an emergency situation.

When the Carson County Judge or designee officially closes an office due to adverse weather conditions, time shall be reported as follows:

1. Administrative leave shall be granted for scheduled work hours missed during the closing. An employee shall not be required to use vacation hours for hours missed while the office was officially closed.
2. Any employee in a non-emergency position who worked his/her scheduled hours while an office was officially closed, will report the hours as regular hours worked.
3. Any employee who was scheduled to work during the hours that the office was officially closed shall not receive administrative leave for the hours that the office was closed.
4. Some county departments are continuous operating public safety and service departments. Some county personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings.
5. An employee who is unable to travel to work may be granted administrative leave for scheduled work hours missed when an office is not officially closed if a particular geographical area has widespread officially closed major roadways due to adverse weather conditions; and no practical alternative routes are available.

## **CARSON COUNTY LICENSE AND CERTIFICATIONS**

Carson County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

**CARSON COUNTY**  
**POLICY ON COUNTY PROPERTY**

**RESPONSIBILITY**

1. Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool, or other County equipment assigned to him/her.
2. County employees shall only use equipment, vehicles, tools, and other County property that they are authorized to use.
3. An employee is responsible for regular maintenance on a county assigned vehicle.

**PERSONAL USE**

4. Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted, and may result in discipline up to and including termination. If personal use of a County vehicle is permitted, the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations. IRC code 1.61-21c.

Personal use of any County Owned vehicles by an Employee or Elected Official is prohibited, if receiving a monthly stipend. This includes commuting between the residence and the principal place of business. IRC code 1.162.2e

**LICENSES**

5. A County employee who operates any County equipment or vehicle which requires a license shall be required to have a current active license for that vehicle or equipment any time he/she operates it.
6. Any employee who operates a vehicle or equipment which requires a license for legal operation shall notify his or her supervisor of any change in the status of that license.
7. An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change or termination if that license is suspended or revoked.
8. An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle insurance carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change or termination.

**ACCIDENTS**

9. Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately.

10. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the Loss Control Coordinator (AUDITOR) and County Treasurer.

**TELEPHONES/  
CELL PHONES**

11. Personal phone calls shall be kept to a minimum. Long distance calls must be charged to a credit card, charges reversed, charged to a third number, or reported to the Department Head and reimbursed to the County at the end of the month. Abuse of this policy is subject to disciplinary action by the department head or supervisor, up to and including termination.

12. Use of personal cell phones during business hours will be a matter addressed by the elected official/ department head.

13. Carson County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

14. Carson County bans all employees from texting while operating any county owned vehicle. County employees who are driving their own personal vehicle are also banned from texting while driving on county business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL

**CARSON COUNTY  
POLICY ON COMPUTER/INTERNET**

The purpose of this policy is to establish procedures concerning the installation, de-installation, maintenance, care, acquisition and use of County hardware and software. All hardware and software installations are to be directed through IT. This will insure that all installations are compatible with existing systems and to insure minimal network problems. These procedures will safeguard the County network from possible computer virus infections, potential unauthorized use of county internet and e-mail accounts.

Maintenance of Computers is the responsibility of the IT personnel only. Employees should notify their supervisor of any maintenance problems and the supervisor will then notify IT personnel of the problem. Problems will be handled in a timely, efficient manner.

**Acceptable use** of County computers and internet is for County business and use by County employees only. Any work related to job responsibilities and communication with other departments of the County or State by e-mail.

**Unacceptable use** of County computers and internet.

- a. Use of profanity, offensive or harassing remarks to co-workers or third parties, accessing, displaying, distributing pornographic sites, obscenities or sexually explicit material of any kind.
- b. Copying or downloading any unauthorized software or copyrighted material.
- c. Loading software for personal use on any County computer.
- d. Using the system in such a manner as to create a breach of security.
- e. Using the system for personal gain or any illegal purpose.
- f. Forwarding messages with derogatory, inflammatory remarks or content regarding race, religion, sex, national origin, age, disability, physical attributes, or sexual preferences.
- g. Knowingly or carelessly performing an act that will interfere with the normal operations of computers, terminals, peripherals, or networks.

Use of Carson County computers, network and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination.



**CARSON COUNTY**  
**POLICY ON COMPUTER/INTERNET**

**Filtering:** Filters are designed to track the usage patterns of the users. Filters assist in preventing viewing or sending any violent messages, profanity, nudity, sexual pictures or illegal activities. Filtering is monitored by the Elected officials or department heads have the ability and may with or without advance notice, view usage and usage patterns of their staff

**No Right of Privacy/Monitoring:** Carson County owns the rights to all data and files in any computer, network or other information system used in the county. Carson County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, facebook etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Carson County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copyright law, download any illegal or unauthorized downloads. Carson County employees may be subject to discipline up to and including termination for any misuse of county informational systems.

Employees should not bring personal computers to the workplace or connect them to Carson County electronic systems, unless expressly permitted to do so by their supervisor. Violation of this policy, may result in disciplinary action, up to and including termination of employment.

**CARSON COUNTY POLICY  
ON CONFLICT OF INTEREST**

**CONFLICT OF  
INTEREST**

1. Employees of Carson County shall not engage in any employment, relationship, or activity which could be viewed as a conflict of interest because of the potential or appearance of affecting the employee's job efficiency, or which would reduce his/her ability to make objective decisions in regard to his/her work and responsibility as a County Employee.

1. Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees.

**PROHIBITED**

3. Activities which constitute a conflict of interest shall include but not be limited to:

- a. Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
- b. Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- c. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- d. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his/her duties for the County.
- e. Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

**PRIOR APPROVAL**

4. Employees must obtain prior approval from their department head before accepting or commencing outside employment or engaging in any activity which might result in a violation of this policy.

**CARSON COUNTY  
POLICY ON POLITICAL ACTIVITY**

**POLITICAL  
ACTIVITY**

1. Employees of Carson County shall have the right to support candidates of their choice and to engage in political activity during their personal time.
2. County employees shall not:
  - a. Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
  - b. Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or
  - c. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

**CARSON COUNTY  
POLICY ON SAFETY**

**SAFETY  
STANDARDS**

1. Each County employee shall be required to adhere to the general safety standards established for all employees and to all additional safety standards for their job or the department in which he/she works.

**VIOLATIONS**

2. Failure to follow the safety standards set by the County or your supervisor subjects an employee to disciplinary action, up to and including termination.
3. An employee causing an accident resulting in major injury or death because of failure to follow safety standards shall be terminated.

**REPORTING**

4. Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head.
5. Any job related injury to a County Employee requiring medical attention, must have an accident report form filled out immediately by the Department head, and reported to the Treasurer's Office.

## POLICY ON SEAT BELTS

Carson County recognizes that seat belts are extremely effective in preventing injuries and loss of life. We care about our employees, and want to make sure that no one is injured or killed in a tragedy that could have been prevented by the use of seat belts. Therefore, seat belts shall always be used by both drivers and passengers while traveling on official county business. Employees are strongly encouraged to use their seat belts off the job as well.

**Application:** The seat belt use policy applies to all employees and occupants of any vehicle driven by employees, including rentals and personal vehicles when used on official county business.

**Responsibility:** Elected officials and supervisors must demonstrate their commitment to this policy by communicating it to their employees, monitoring compliance, evaluating effectiveness and taking disciplinary action against violations.

**Belt Systems Maintenance:** Seat belts in all Carson County vehicles are to be maintained so that they are clean and in good working order.

**Enforcement:** Seat belt use is such a common, healthy practice that the need to actively enforce this policy should be rare. However, the policy will be enforced the same as other Carson County rules, and employees who violate it will be subject to disciplinary actions which may include dismissal. Elected officials and supervisors have an obligation to encourage and routinely monitor usage. The driver of the vehicle is responsible for enforcing seat belt use by all occupants.

**CARSON COUNTY**  
**POLICY ON EMPLOYEE HARASSMENT**

**POLICY**

1. Carson County is committed to providing a working environment free from sexual, racial or other forms of unlawful discrimination or harassment. Harassment is strictly prohibited by Carson County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business. Such conduct will not be tolerated, and constitutes grounds for dismissal.

2. Any employee who feels he or she has been subjected to, or observes any instance of harassment, shall file a complaint with his/her direct supervisor. If the employee does not feel comfortable filing the complaint with their supervisor, he or she may file the complaint with the County Attorney or County Judge.

3. Every incident reported will be promptly and thoroughly investigated and will be treated in as confidential manner as possible during and after the investigation of the complaint. If it is found that an employee has subjected another employee to harassment in violation of this policy, he or she will be subject to discipline, up to and including termination.

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the supervisor who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

**HARASSMENT**

4. It shall be the policy of Carson County to provide a work place free from all forms of illegal harassment for all employees and to take active steps to eliminate any form of harassment which the County becomes aware.

5. Employees engaging in any form of harassment shall be subject to discipline, up to and including termination of employment.

**CARSON COUNTY POLICY  
ON SEXUAL HARASSMENT**

1. Sexual harassment is strictly prohibited by Carson County, whether committed by an elected official, department head, or co-worker. Carson County does not tolerate harassment in the workplace of its employees by non-employees or other employees. It shall be the policy of Carson County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

2. Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment.

**DEFINITION**

3. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails, or cartoons where:

- a. Submission to such conduct is either an expressed or implied condition of employment;
- b. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- c. The conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

**CLAIMS**

4. All claims of harassment shall be taken seriously and investigated promptly, thoroughly and when possible, confidentially.

5. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

6. No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of harassment.

**CARSON COUNTY  
POLICY ON SEXUAL HARASSMENT (CONT.)**

**REPORTING**

7. Employees who feel they have been harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work.
8. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or County Attorney.
9. The official or Carson County head, to whom a claim has been reported, shall be responsible for seeing that prompt action is taken to investigate the claim.
10. Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.
11. Employees should use the following procedures so that the complaint may be resolved quickly and fairly.
  - a. When practical, confront the harasser and ask them to stop the unwanted behavior.
  - b. Record the time, place and specifics of each incident, including any witnesses.
  - c. Report continuing harassments to the elected Official or Appointed Official who is responsible for the employee's department or to the County Judge or County Attorney.
  - d. If a thorough investigation reveals that unlawful harassment has occurred, Carson County will take effective remedial action in accordance with the circumstances up to and including termination.
12. Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to harassment charges.



**CARSON COUNTY  
POLICY ON OTHER RIGHTS**

**DRESS CODE**

1. Carson County expects all employees to be well groomed, clean and neat at all times. Each department head will determine the type of attire that is acceptable.

2. You are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

**POLICY ON  
TOBACCO USE**

3. Carson County is a tobacco and vaping free entity. Therefore, any form of tobacco consumed in county buildings is strictly prohibited. Additionally, no Smoking/Vaping is allowed within 10 feet of the exterior entrance ways.

**BREAKS**

4. The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. The Texas Right to Express Breast Milk in the Workplace Act also imposes duties on public employers and, under other state law, is applicable for the duration of a nursing mother's need to express breast milk.

5. Carson County will provide reasonable paid breaks for a nursing mother to express breast milk. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis. Carson County does not allow any retaliation against a nursing mother for asking for this break. An employee of the county who needs to express breast milk may not be discriminated against.

6. All other employee breaks are determined by each department head and are not required to be given. If your department provides you with a break, it may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break.

**CARSON COUNTY**  
**POLICY ON PAY PERIOD AND TIME SHEETS**

**PAY PERIOD**

1. The pay period for Carson County shall be monthly, and shall begin on the first day of each month and end on the last day of the same month. Checks shall be direct deposited or mailed the last business day of month.
2. If a payday falls on a holiday or a weekend, paychecks shall be mailed, or directly deposited on the last workday immediately preceding the holiday or weekend.

**WORK SCHEDULES**

3. The normal hours of work for most positions in the County shall be from 8:am until 5:pm, Monday through Friday. Each department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule or they may be subject to call back in case of emergency or special need. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

**TIME SHEETS**

4. Each employee must fill out a time sheet to be turned in to their supervisor on the date specified by the County Treasurer. Failure to complete a time sheet may result in an employee only receiving minimum wage payment until the proper timesheet has been completed and turned into the County Treasurers' office. All corrections will be made on the next regularly scheduled payroll. The timesheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Timesheets are governmental documents and as such require accurate and truthful information.

**FALSIFYING A TIMESHEET, A  
GOVERNMENTAL RECORD, IS A CRIMINAL OFFENSE.**

**WORK DAY**

5. The workday for the County shall begin at 12:01 am each day and end 24 consecutive hours later.

**WORK WEEK**

6. For the purposes of recordkeeping and to determine overtime in Compliance with the Fair Labor Standards Act (FLSA), the workweek for Carson County shall begin at 12:01 am on each Saturday, and end seven (7) consecutive days later.

**PAY  
ADVANCES**

7. Advances in pay shall not be made to any employee for any reason.

**CARSON COUNTY**  
**LAW ENFORCEMENT WAGE, COMPENSATORY TIME,**  
**CERTIFICATION INCENTIVE AND LONGEVITY PAY**

**FLSA COMPLIANCE**

1. In administering its wage and salary program, the minimum standards of Carson County shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to county government.

**207(k)**

2. Carson County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 171 hours in a 28 day period. A law enforcement employee will be paid a salary based on a minimum of 160 hours reported and a maximum of 171 actual hours worked, plus overtime for any authorized hours worked over 171 during a work period. Overtime may be paid as compensatory time or paid time as determined in the county's annual budget. An employee will be paid his/her full salary if the employee reports at least 160 hours during a work period, by reporting actual hours worked or sick, vacation or compensatory time. Overtime will not accrue in any work period during which an employee reports sick, vacation, or compensatory time until the number of actual hours worked reported during the work period exceeds 171.

A law enforcement employee must account for 160 hours during each work period, by reporting actual hours worked or vacation, sick, or compensatory time. If an employee reports more than 160 actual hours worked during a work period he/she will receive no additional salary compensation for the actual hours worked between 160 hours and 171.

**CERTIFICATION  
INCENTIVE**

3. Certification pay will be paid to regular full-time deputies in an amount determined by the Commissioners' Court for the following certification Levels:

- a. Intermediate Level 20x12= \$240
- b. Advanced Level 40x12= \$480
- c. Master Level 65x12= \$780

Certification pay will be paid out, annually at the end of the County's fiscal year in September. Employees will qualify for the certification allowance beginning at the end of the first full year of certification.

**LONGEVITY**

4. Longevity pay will begin accumulating at the end of the fiscal year of the regular full-time employees' (6) sixth year of employment and will be paid out in September each year in the amounts determined by the Commissioners' Court.

Steps for the Longevity Pay:

- a. (6) through (10) years of employment \$ 360.00
- b. (11) through (15) years of employment \$ 400.00
- c. 16 + years of employment \$ 480.00

**CARSON COUNTY**  
**POLICY ON COMPENSATION**

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

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

**APPLICATION**

1. This policy shall apply to all County employees except law enforcement employees.

2. Law Enforcement personnel ( Deputies/Jailers) are treated in accordance with the 207 (k) Exemption under the Fair Labor Standards Act. The Commissioners' Court Adopted this exemption. (See Policy)

**SALARIED  
EMPLOYEES**

3. All non-exempt County employees shall be paid an hourly wage. Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes.

4. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

5. For part time employees, the monthly salary compensates the employee for all hours worked in a work week up to the amount designated by the County for the position.

6. Salaried employees shall be paid all their monthly salary each pay day. except when no leave is available or full day docking for disciplinary reasons.

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

**CARSON COUNTY  
POLICY ON LONGEVITY PAY**

**ELIGIBILITY**

1. All regular full-time employees (except Law Enforcement) shall be eligible for the Longevity pay benefit. Should an employee leave employment with the County and return after 365 days, they will not receive longevity for past employment with Carson County.
2. Longevity pay shall equal \$10.00 per month for each completed full year of employment. (Example: After an employee completes the initial one year of employment in an eligible position, the longevity pay for the next 12 months shall be \$120.00 based on 12 months at \$10.00 per month. The longevity pay at the end of two years will be \$240.00 based on 24 months at \$10.00 per month.)
3. Longevity will be paid monthly after an elected official or employee has worked for one full year. Such payment will start at the beginning of the next fiscal year (October 1) after being a full-time employee for one full year.
4. The cap for longevity is \$200.00 monthly, or \$2,400.00 annually.

**CARSON COUNTY  
POLICY ON PAYROLL DEDUCTIONS**

**REQUIRED  
DEDUCTIONS**

1. Deductions shall be made from each employee's paycheck for Federal withholding, Social Security, Medicare and any other deductions required by law.
2. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Employee contribution is 7% of gross pay.
3. Any optional deduction authorized by the Commissioner's Court and approved by the employee shall also be deducted from the employee's paycheck.
4. No optional deductions shall be made from the employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

**CARSON COUNTY**  
**POLICY ON HOURS WORKED AND OVERTIME**

**HOURS  
WORKED**

1. Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations.

**OVERTIME  
APPLICATION**

2. Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement employees.

3. Overtime for Deputies/Jailers is defined under Section 207 (k) Fair Labors Standard Act as adopted by Commissioner's Court.

4. Overtime shall include all time actually worked for the County in excess of 40 hours in any work week.

5. Holiday, sick leave, vacation and compensatory time (paid leave) shall not be counted in determining if overtime has been worked in any work week.

6. Except in emergency situations, an employee shall be required to have authorization from his/her supervisor before working overtime.

**CARSON COUNTY**  
**POLICY ON OVERTIME COMPENSATION**

**POLICY  
APPLICATION**

1. This policy shall apply to all County employees eligible for overtime compensation under the Fair Labor Standards Act (FLSA) except for law enforcement employees. (see policy on Law Enforcement Pay and Overtime)

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

**OVERTIME  
COMPENSATION**

3. Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA.

4. Covered employees shall receive compensatory time off, with pay, at a rate of one and one-half (1 ½) times the amount of overtime worked.

**MAXIMUM  
COMPENSATORY**

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

**USE OF  
COMPENSATORY  
TIME**

6. Employees shall be required to use earned compensatory time prior to usage of vacation time. All request for leave, shall be subject to approval by the department head based on the timeliness of request and the needs of the department.

7. Compensatory time may be used for any purpose desired by the employee.

8. The Department Head shall retain the right to control the accumulation and disbursement of compensatory time.



**CARSON COUNTY  
POLICY ON OVERTIME COMPENSATION**

- |   |   |
|---|---|
| <b>USE OF<br/>COMPENSATORY<br/>TIME (CONT.)<br/>TERMINATION</b> | 9. If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, he/she shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.   |
| <b>CASH PAYMENT<br/>FOR<br/>OVERTIME</b>                        | 10. The County shall retain the right to pay all or part of the overtime worked in any work week by paying for that overtime at one and one-half (1 ½) the employee's regular rate of pay. Carson County shall retain the right to "buy back" all or part of an employees unused compensatory time by paying the employee for that time at the employee's current regular rate.                             |
| <b>RECORDKEEPING</b>  | <p>12. Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.</p> <p>13. The County Treasurer shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee in his/her department and shall update the balance due to each employee at the end of each pay period.</p> |
| <b>OTHER ISSUES</b>   | 14. Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the Fair Labor Standards Act and the regulations issued by the Department of Labor to administer that Act.   |

**CARSON COUNTY  
POLICY ON GRIEVANCES**

**PROCEDURE**

1. Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor.
2. If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.
3. The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all grievances.

**CONFIDENTIALITY**

Carson County is a public entity, however, some county employees acquire Confidential (confidential, non-public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personnel information on employees of Carson County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The county will adhere to the Public Information Act requirements.

**CARSON COUNTY  
POLICY ON DISCIPLINE**

**DISCIPLINE**

1. Each supervisor shall have the authority to administer discipline to employees in his/her department for poor performance, violation of policies, disruptive behavior, or any other behavior or activity which the supervisor feels is not acceptable as it relates to the employee's job or the best interest of the department or County.

**TYPES OF  
DISCIPLINE**

2. Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.

**REASONS**

3. Examples of reasons for administering discipline shall include, but not be limited to, any violation of the rules, regulations, or policies contained in the Carson County Personnel Handbook.

**AT WILL  
EMPLOYMENT**

4. All County employees are "at will" employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in his/her job.

5. The County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without notice. The County also retains the right to change any condition, benefit, privilege, or policy of employment at any time, with or without notice

CARSON COUNTY  
WHISTLEBLOWER

1. An employee may, in good faith, report an alleged violation of a Carson County Policy or federal or state law to his or her supervisor, department head, or Treasurer, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to County Attorney. The county will investigate the reported activity.
2. An official, supervisor, department director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.
3. An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.
4. An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact the County Judge.
5. An employee with a question regarding this policy should contact the County Treasurer.

**CARSON COUNTY  
WORK PLACE VIOLENCE**

Carson County is committed to providing a workplace free of violence. Carson County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. If an employee has a valid current license to carry and wishes to carry at their place of work, they must have permission from their department head who then submits request to the County Judge. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

**CARSON COUNTY**  
**POLICY ON DRUGS AND ALCOHOL**

**PURPOSE**

1. The purpose of this policy shall be to establish a drug and alcohol-free workplace to help ensure a safe and productive work setting for all employees.

**APPLICABILITY**

2. This policy shall apply to all employees of Carson County regardless of rank or position and shall include temporary and part-time employees.

3. The only exception to this policy shall be the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

**POLICY**

4. The following shall be a violation of this policy:

- a. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property.
- b. Being under the influence of alcohol or illegal drugs while on County property or while on duty for the County.
- c. The unauthorized possession or use of prescription or over-the-counter drugs while on County property or while on duty for the County.
- d. The use of prescription or over-the-counter drugs, while on County property or while on duty for the County, in a manner other than that intended by the manufacturer or prescribed by a physician.
- e. Any positive test on drugs or alcohol will result in termination of employee.

CARSON COUNTY  
POLICY ON DRUGS AND ALCOHOL (CONT.)

DEFINITIONS

5. A controlled substance shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended. (A copy of this information is available for review in the Treasurer Office.)
6. County property shall include all County owned, rented, or leased real property such as buildings, land, parking lots etc. and property used by employees such as vehicles, lockers, desks, closets, storage areas, etc.
7. Drugs shall include any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
8. Drug paraphernalia shall include equipment, a product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise inducing into the human body an illegal drug or controlled substance.
9. Illegal drug shall include any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any other than a legitimate medical reason, and inhalants used illegally. Included is marijuana or cannabis in all forms.
10. Under the influence shall be defined as a state of having a blood alcohol concentration of 0.02.

**POLICY  
VIOLATIONS**

11. Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.

**PRESCRIPTION**

12. Employees may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription, if the use will not impair the employee's ability to do his/her job safely and effectively.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his/her job duties. If the use of a medication could compromise an employee's ability to do his/her job or the safety of the employee, fellow employees or the public, the employee must report the condition to his/her supervisor at the start of the workday or used appropriate personnel procedures.

13. Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.

14. Prescription medications used at work are to be kept in their original container.

**TREATMENT**

15. Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals.

16. Information on benefits provided for treatment of alcohol and drug problems through the County's medical insurance program is available in the employee's insurance coverage booklet or from the County Treasurer's Office.



**CARSON COUNTY**  
**POLICY ON DRUGS AND ALCOHOL (CONT.)**

**RESERVATION  
OF RIGHTS**

17. Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

18. Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence that the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two (2) years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program, the employee will be terminated.

**SUSPICION-BASED  
TESTING**

19. Under the Influence shall be defined as having a blood alcohol concentration of .02 or more.

**REASONABLE  
SUSPICION**

20. If any employee is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to breath test or urinalysis. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list).

- a. Abnormally dilated or constricted pupils
- b. Glazed stare- redness of eyes (sclera)
- c. Flushed face
- d. Change of speech (faster, slower, slurred)
- e. Constant sniffing
- f. Increased absences
- g. Redness under nose
- h. Sudden weight loss
- i. Needle Marks

**CARSON COUNTY POLICY  
ON DRUGS AND ALCOHOL (CONT.)**

- j. Change in personality (i.e. paranoia)
- k. Increase appetite for sweets
- l. Forgetfulness, performance faltering, poor concentration
- m. Borrowing money from co-workers or seeking an advance for pay or other unusual display of need for money
- n. Constant fatigue or hyperactivity
- o. Smell of alcohol
- p. Difficulty walking
- q. Excessive, unexplained absences
- r. Dulled mental processes
- s. Slow reaction rate

**ACTION**

21. Elected Officials or supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated and that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

- a. Confront the employee involved and keep him/her under direct observation until the situation is resolved. Inform the employee of the problem with his/her job performance and specific violations of the County Policy.
- b. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee may be terminated.
- c. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected officials or supervisors as well as the employee.
- d. The elected official or supervisor will **remove** the employee from the county work station and insure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
- e. The elected official or supervisor shall, within (24) hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Treasurers' office for filing.

**CARSON COUNTY POLICY  
ON DRUGS AND ALCOHOL (CONT)**

**POST-ACCIDENT  
TESTING**

22. All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment shall be required to be tested.

**TESTING  
PROCEDURES**

- a. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
- b. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
- c. If the employee desires another test to be given, he/she may do so within (2) hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Carson County.
- d. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to his/her residence.
- e. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug and/or alcohol test when requested is cause for termination.

Any employee who violates this drug and alcohol policy shall be terminated.

**CARSON COUNTY  
POLICY FOR DRUG /ALCOHOL  
FOR CDL EMPLOYEES**

Carson County prohibits CDL employees from being under the influence of or using illegal drugs or alcohol during working hours. Under the influence shall be defined as having a blood alcohol concentration of .02.

The Federal Highway Administration ("FHWA") has issued regulations, which require Carson County to implement a controlled substance testing program. The County will comply with these. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with Carson County.

Specifically, it is the policy of Carson County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Carson County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with Federal law.

A detailed policy and procedure can be found in the back of this employees handbook.

**CARSON COUNTY  
SOCIAL MEDIA**

1. For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, and Myspace.
2. Carson County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Carson County among the community at large. Carson County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.
3. Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager or supervisor.
  - a. If your posts on social media mention Carson County, make clear that you are an employee of Carson County and that the views posted are yours alone and do not represent the views of Carson County.
  - b. Do not mention Carson County supervisors, employees, customers or vendors without their express consent.
  - c. Do not pick fights. If you see a misrepresentation about Carson County, respond respectfully with factual information, not inflammatory comments.
  - d. Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
  - e. Employees may not use Carson County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Carson County monitors its computers to ensure compliance with this restriction.
  - f. You must comply with copyright laws, and cite or reference sources accurately.

- g. Do not link to Carson County's website or post Carson County material on a social media site without written permission from your supervisor.
- h. All Carson County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- i. Any confidential information that you obtained through your position at Carson County must be kept confidential and should not be discussed through in social media forum.
- j. Violation of this policy may lead to discipline up to and including the immediate termination of employment.

**CARSON COUNTY**  
**POLICY ON SEPARATIONS**

**DEFINITION**

1. A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends.

**TYPES OF  
SEPARATION**

2. All separations from Carson County shall be designated as one of the following types:

- a. Resignation
- b. Retirement
- c. Dismissal
- d. Reduction in force (layoff)
- e. Death
- f. Other

**RESIGNATION**

3. A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Carson County and the separation does not fall into one of the other categories.

4. Employees who are resigning should submit a written notice of resignation to his/her supervisor.

**RETIREMENT**

5. A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so.

6. An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

**DISMISSAL**

7. A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation.

8. Carson County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

**CARSON COUNTY**  
**POLICY ON SEPARATIONS (CONT.)**

**REDUCTION  
IN FORCE**

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

**DEATH**

10. A separation by death shall occur when an individual dies while currently employed by the County.

11. If an employee dies while still employed by the County, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

**OTHER**

12. Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an "other" separation.

13. When a separation is designated as "other", the supervisor shall provide details of the nature of the separation for the personnel records.

**NOTIFICATION**

14. As soon as a supervisor becomes aware of separation from employment, or the intent to separate employment, by an employee, the supervisor shall be responsible for immediately notifying the County Treasurer.



**CARSON COUNTY**  
**POLICY ON TRAVEL ADVANCE**

This policy covers all employees and officials who are required to travel outside of Carson County as agents or representatives of Carson County.

Advance payments or reimbursements of expenses for travel will be made only if for definite county business and must be approved by the proper elected official or department head; properly documented with Travel Expense Voucher, Event Agenda, and required receipts, etc.; and approved by the Commissioner's Court. Per Diem Expense Reimbursements Standard Policy:

1. A maximum per person will be the Meals & Incidental Expenses as defined by the schedule provided annually under the GSA portal. [www.GSA.gov](http://www.GSA.gov) Per Diem will be allowed for actual number of days of the meeting/conference plus first and last day of travel.  
Overnight stay will be excluded from taxation. Meals away from home, but not overnight will be paid through payroll, according to IRS rules. No per diem will be paid if meal is provided at the event.
2. If traveling in a personal vehicle within the State of Texas, the employee can be advanced the IRS rate per mile round trip to his/her destination. Mileage will be reimbursed based on actual odometer reading or Mapquest, plus parking and tolls. If a rental car at the destination is approved, employees may charge to Carson County credit card. Travel time for county employees will be reimbursed based on time allocated by the above website (mapquest).  
Employees who are flying will be reimbursed for coach class. Carson County will not pay for in-flight movies or beverages. Reservations should be made in advance to secure the most economical rate if possible. Travel time for employee will be paid through payroll.
3. Lodging can be charged either to Carson County credit card, or employees can pay the charges and will be reimbursed with proper documentation.
4. Additional refunds will be made for those expenses incurred over and above the normal expenses (i.e., taxi fare, shuttle fare, airport and hotel parking).
5. Checks for reimbursement of travel expenses will be issued on the next Commissioners' Court day following the submission of the expense report.

**CARSON COUNTY  
FAIR LABOR STANDARDS ACT  
SAFE HARBOR**

1. Carson County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Treasurer's attention, Carson County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.
2. Employees who are classified as non-exempt employees must maintain an accurate record of the total hours worked each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time sheet must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time sheet if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular hours worked each work week.
3. Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time sheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell the Treasurer.
4. It is a violation of Carson County policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time sheet to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Treasurer's Office, (806)537-3753 or County Judge (806) 537-9622.

**CARSON COUNTY  
FAIR LABOR STANDARDS ACT  
SAFE HARBOR**

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

6. If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the Treasurer's office, (806) 537-3753. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Judge (806) 537-3622. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Carson County Employee Handbook that outlines my benefits and obligations as a County employee. I understand that I am responsible for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

I further understand that the Carson County Employee Handbook is not a contract of employment. I understand that I am an at-will employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding Carson County's policies, practices and benefits. I understand that Carson County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as a Carson County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers, to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I may be required to take earned compensatory time off at the County's discretion.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am required to have a Commercial Driver's License (CDL) for my county position, I will be subject to random, reasonable suspicion, post-accident and follow-up drug and alcohol testing.

I have read these policies and understand these policies and I agree to abide by and adhere to these policies.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Date Signed

# Carson County CDL Drug and Alcohol Testing Policy and Procedures

## Introduction

Drivers are an extremely valuable resource for County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prevent substance use or abuse from having an adverse effect on our drivers. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, drivers have a right to work in an alcohol and drug-free environment and to work with drivers free from the effects of alcohol and drugs. Drivers who abuse alcohol or use drugs are a danger to themselves, their co-workers and the County's assets.

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these regulations and is committed to maintaining a drug-free work place. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Carson County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. "FMCSA" stated that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis) conduct breath testing, and/or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each driver. Every effort

U.S. Department of Transportation (DOT) reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each driver. Every effort will be made to maintain the dignity of drivers or driver applicants involved.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. Carson County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective 10/01/2019, and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.

This policy outlines the responsibilities of employees, supervisors and managers with regard to drug and alcohol testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

## Policy Statement

It is the policy of the Carson County to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident and follow-up drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation. This policy applies to employees whose job requires them to obtain and retain a Commercial Drivers' License (CDL) and operate a Commercial Motor Vehicle (CMV). Positions and employees covered by this Policy shall be referred to herein as "CDL positions" and "CDL employees" respectively.

This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of Carson County, as follows:

- The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, Carson County prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
- Use of controlled substances by CDL employees covered by the Policy is prohibited and is in accordance with the regulations issued by the U.S. Department of Transportation.
- A CDL employee is performing a safety-sensitive function at the following times:
  - All time on county property, public property, or other property waiting to be dispatched to drive,

- All time inspecting, servicing or conditioning any CMV at any time,
- All CMV driving time,
- All time other than driving time in or upon any CMV,
- 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 receipts for shipments loaded or unloaded,
- All time spent performing driver requirements relating to accidents, and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## Definitions

**Accident:** An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene.

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**Alcohol concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

**Breath Alcohol Technician (BAT):** A person who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

**Collection site** means a place where individuals present themselves for the purpose of providing breath, body fluid to be analyzed for alcohol or specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation of shipment of the samples to a laboratory.

**Commercial Driver's License (CDL):** A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- Meets or exceeds 26,001 lbs. gross vehicle weight; or
- Transports 16 or more passengers, including the driver; or
- Transports hazardous materials as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Commercial Motor Vehicle (CMV):** Any self-propelled or towed vehicle used on a highway, any roadway or passage which may be available to public transportation at any time, whether on private or public property, in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as determined by the Hazardous Materials Transportation Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Confirmation Test:** For alcohol testing, a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test in order to ensure reliability and accuracy.

**Controlled substance** has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308).

**Designated Employer Representative (DER):** An employee authorized by Carson County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County, consistent with the requirements of 40.3.

**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-operator contractors who are directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of Carson County. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying for a position with Carson County, which requires a CDL to drive a commercial motor vehicle.

**Drug** means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 CFR Part 40.



**Evidential Breath Testing device (EBT):** A device approved by the National Highway Traffic Safety Administration ("NHTSA") for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" ("CPL"), and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

**Medical Review Officer (MRO):** A licensed physician responsible for receiving and reviewing laboratory results generated by the county's drug testing and for evaluating medical explanations for certain drug test results.

**On duty time** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. "On duty time" shall include:

1. All time on the County's premises, at a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty by the County.
2. All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Performing a Safety-Sensitive Function:** Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

**Safety-Sensitive Function:** Any of the seven on-duty functions set forth in 395.2, On-duty time, listed below:

- All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatch, unless the driver has been relieved from duty by the employer.

- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle.
- All time loading or unloading a commercial motor 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.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### **Screening test:**

- In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system.
- In controlled substance testing it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**Substance Abuse Professional (SAP):** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning evaluation, treatment, follow-up testing, and after-care.

## **Responsibilities**

**Judge Office or Person: Commissioner/Judge** is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by Judge pursuant to county policy.
- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)

**Supervisor/Department:** The duties of the driver's supervisor or his/her department include:

- Active participation in the hiring process for employees who drive CMVs, which includes:
  - Ensuring all offers of employment shall be contingent upon successful conformation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers.
  - Ensuring the post-offer applicant obtains his/her CDL drug testing.
- Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and County policy, and
  - Contact County Judge as soon as possible following the incident, and
  - Complete the Supervisors Reasonable Suspicion Form.
- Compliance with DOT regulations

**Driver:** The responsibilities of a driver include:

- Avoid the use of non-prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with county policy.
- Submit a sample for drug or alcohol testing when called upon to do so by his/her supervisor, including random testing for CDL drivers, pursuant to county policy (see "Refusal to Submit Form").

### **SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS**

- A. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.
- B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

Marijuana

Cocaine

Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)

Amphetamines

Phencyclidine (PCP)

- C. **Prescription Medications:** Drivers taking legally prescribed medication issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

In the sole discretion of the Alcohol and Drug Program Administrator, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

## **PROHIBITIONS**

### **A. Alcohol Prohibitions:**

The new alcohol rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.
  2. Use during the 4 hours before performing safety-sensitive functions.
  3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.
  4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines which contain alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
  5. Use during 8 hours following an accident or until he/she undergoes a post-accident test.
  6. Refusal to take a required test.
- **NOTE:** A driver found to have an alcohol concentration of 0.02 or greater shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written

warning that County policy has been violated, and could result in disqualification of a driver and disciplinary action, up to and including termination under Carson County policy.

## **B. Drug Prohibitions:**

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV;
2. Testing positive for drugs; and
3. Refusing to take a required test.

All drivers will inform the Alcohol and Drug Program Administrator of any therapeutic drug use prior to performing a safety-sensitive function.

## **Procedures**

**Types of Tests:** To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991 and drug testing guidelines and regulations issued by the Department of Transportation. The following tests are required:

- **Pre-employment.** All applicants for employment in CDL positions, or candidates for transfer or promotion to such positions are subject to screening for improper use of controlled substances. (Pre-employment alcohol testing is optional) **Note:** A pre-employment drug test may be required for an existing employee who was removed from the random testing program for more than 30 days.
- **Post-Accident.** Conducted after accidents on CDL employees in County vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation.
  - Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours, after the accident.
  - CDL employees must refrain from all alcohol use until the test is complete.
  - Post-accident drug tests must be conducted within 32 hours.

- **Reasonable Suspicion.** Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse.
  - If a CDL employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
  - If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours.
  - Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties.
  - Testing for substance abuse may occur at any time upon suspicion.

**The following conditions are signs of possible alcohol or drug use (not all-inclusive):**

- Abnormally dilated or constricted pupils
- Glazed stare - redness of eyes (sclera)
- Flushed face
- Change of speech (i.e. faster or slower)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness-performance faltering-poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Slurred speech
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slowed reaction rate

- **Random:** Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.
  - Each year, the number of random alcohol tests conducted by the County must equal at least \*10% of all the safety-sensitive CDL employees.

- Random drug tests conducted by the County must equal at least \*25% of all CDL employees.

\*Note: These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled substances testing will be applicable starting January 1 of the calendar year following publication in the **Federal Register**.

- **Return to Duty and Follow-up.** Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in order for employee to return to duty.
  - Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
  - Follow-up testing may be extended for up to sixty (60) months following the return to duty.

### Conducting Tests

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
  - Two breath tests are required to determine if a person has a prohibited alcohol concentration.
  - A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted
- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility.
  - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
  - DOT rules require a split specimen procedure.
    - Each urine specimen is subdivided into two bottles labeled as primary and split.
    - Both bottles are sent to the laboratory.
    - Only the primary specimen is opened and used for the urinalysis.
    - The split specimen remains sealed at the laboratory.
    - If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72

- hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
- All urine specimens are currently analyzed for the following drugs:
    - Marijuana (THC metabolite)
    - Cocaine
    - Amphetamines
    - Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)
    - Phencyclidine (PCP)
  - Testing is conducted using a two-stage process.
    - First, a screening test is performed.
    - If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
    - Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
  - All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
    - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
    - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. The MRO will take into consideration 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.
    - If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

### **Refusal to Submit to an Alcohol or Drug Test and the Consequences**

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
  - 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 in accordance with the provisions of this policy,
  - 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 urine testing in accordance with the provisions of this policy,



- Refuses to wash his or her hands after being directed to do so during collection of a urine sample,
  - Admits to the collector of a urine sample that he or she has adulterated or substituted their specimen,
  - An observed collection of a urine sample, fails to follow the observer's instructions to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he or she has any type of prosthetic or other device that could be used to interfere with the collection process,
  - Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or
  - Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

### **Consequences of Alcohol/Drug Misuse**

- CDL employees who have any alcohol concentration, defined as 0.02 or greater, who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.
  - Disciplinary action may up to and including termination may be imposed upon an employee whose alcohol test reveals any alcohol concentration, between 0.02 and 0.04.
- CDL employees who engage in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.02 or drug use, must be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.
  - Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.02 or drug use.

NOTE BELOW ARE ONLY SOME OPTIONS TO CONSIDER:

- Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.02 or drug use, he/she shall receive a one (1) day unpaid suspension.
- If a CDL employee tests positive for alcohol use greater than 0.02 or drug use for a second time within the five year period immediately following his/her first positive test, he/she will be terminated.

- A CDL employee in his/her introductory or training period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.
- A CDL employee who tests positive for alcohol use greater than 0.02 or drug use, but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with his/her alcohol or drug problem. Failure to comply will result in immediate termination.
  - The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable).
  - Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.
- CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

### **Information/Training**

- All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse.
- All employees must receive a copy of this policy and sign the Confirmation of Receipt – see attachments.
- All personnel responsible for supervising and managing CDL employees must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
  - Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
- This policy will be posted on employee bulletin boards and will be available to all employees.
- Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.

- All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
- All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

## **Record Keeping**

- Carson County will keep detailed records of its drug and alcohol program per DOT Regulations.
- These records are confidential. Test results will only be released to the county, the substance abuse professional or the MRO. Any other release will only be made with written consent of the CDL driver or in response to court order.

## **APPEAL OF TEST RESULTS**

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Carson County, but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.
- B. Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.
- C. Within 72 hours after the driver has been notified of a positive test result for drugs he/she may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's Alcohol and

Drug Program Administrator will be notified. A retest may be initiated as appropriate.

### **VIII. CONFIDENTIALITY**

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests. Copies will be provided within 5 days.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to insure that all tests can be correctly traced to the driver. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Alcohol and Drug Program Administrator.

Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program Administrator for confidential record keeping.

## APPENDIX A ALCOHOL AND DRUG EFFECTS

Section 382.601(b)(11) FMCSR mandates that all employees be provided with training materials discussing the effects of alcohol and controlled substances use on an individual's health, work and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

### ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

#### Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6 oz.) over time, may result in the following health hazards:

- Dependency
- Fatal liver disease
- Kidney disease
- Pancreatitis
- Ulcers
- Decreased sexual functions
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Spontaneous abortion and neonatal mortality
- Birth defects

#### Social Issues

- 2/3 of all homicides are committed by people who drink prior to the crime
- 2-3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol-related.
- Alcoholics are 15 times more likely to commit suicide.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- 30,000 people will die each year from alcohol caused liver disease.
- 10,000 people will die each year due to alcohol-related brain disease or suicide.
- Up to 125,000 people die each year due to alcohol-related conditions or accidents.

#### Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- Impairment can be measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

### ALCOHOL'S TRIP THROUGH THE BODY

**Mouth and Esophagus:** Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

**Stomach and Intestines:** Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B<sub>1</sub>, vitamin B<sub>12</sub>, and amino acids.

**Bloodstream:** 95% of the alcohol taken into the body is absorbed into the bloodstream, through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

**Pancreas:** Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin thus resulting in diabetes.

**Liver:** Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of liver cells destroyed, eventually causing cirrhosis of the liver. The disease is eight times more frequent among alcoholics than among non-alcoholics.

**Heart:** Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

**Urinary Bladder and Kidneys:** Alcohol inflames the lining of the urinary bladder, making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

**Sex Glands:** Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

**Brain:** The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive in coordination: confusion, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

## DRUGS

### Health Effects

- Emphysema-like conditions.
- One joint of marijuana contains cancer-causing substances equal to 1/2 pack of cigarettes.
- One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infection.
- Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- Chronic smoking of marijuana in females causes a decrease in fertility.
- A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life are common in pregnant marijuana smokers.
- THC causes birth defects including brain damage, spinal cord, forelimbs, liver, and water on the brain and spine in test animals.

- Prenatal exposure may cause underweight newborn babies.
- Fetal exposure may decrease visual functioning.
- User's mental function can display the following effects:

- delayed decision making
- diminished concentration
- impaired short-term memory
- impaired signal detection
- impaired tracking
- erratic cognitive function
- distortion of time estimation

#### Workplace Issues

- THC is stored in body fat and slowly released.
- Marijuana smoking has long-term effects on performance.
- Increased THC potency in modern marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

### **Cocaine**

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

#### Health Effects

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's Disease could also occur.
- Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Treatment success rates are lower than other chemical dependencies.
- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

#### Workplace Issues

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increases probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

### **Opioids**

Narcotic drugs which alleviate pain and depress body functions and reactions.

#### Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- Because of tolerance, there is an ever increasing need for more.
- Strong mental and physical dependency occurs.
- With increased tolerance and dependency combined, there is a serious financial burden for the users.

### Workplace Issues

- Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

### **Amphetamines**

Central nervous system stimulant that speeds up the body and mind.

### Health Effects

- Regular use causes strong psychological dependency and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce heart or brain damage due to severe constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

### Workplace Issues

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

### **Phencyclidine (PCP)**

Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced, and treating with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

### Workplace Issues

- Not common in workplace primarily because of severe disorientation that occurs.
- There are four phases of PCP abuse:
  - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
  - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
  - Drug induced schizophrenia.
  - Induced depression which may create suicidal tendencies and mental dysfunction.



**APPENDIX B  
EMPLOYEE NOTIFICATION LETTER  
FOR REQUIRED C.D.L. HOLDERS**

I certify that I have received a copy of, and have read the Carson County Policy on Alcohol and Drug Testing Procedures. I understand that as a condition of employment as a driver, I must comply with these guidelines, and do agree that I will remain medically qualified by following these procedures. If I develop a problem with alcohol or drug abuse during my employment with Carson County, I will seek assistance through the current Alcohol and Drug Testing Program Administrator.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Print Name

\_\_\_\_\_  
Date

# APPENDIX D

## OBSERVED BEHAVIOR REASONABLE SUSPICION

County Office Use Only

Employee Number: \_\_\_\_\_  
Location: \_\_\_\_\_  
Incident Number: \_\_\_\_\_

Driver's Name \_\_\_\_\_ Date Observed \_\_\_\_\_

Address of Incident:  
Street \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Time Observed: From \_\_\_\_\_ a.m. p.m.  
To \_\_\_\_\_ a.m. p.m.

Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. According to 49 CFR §382.307 (Reasonable Suspicion Testing) the employer shall require their driver to submit to a controlled substance or alcohol test if a supervisor or county representative who is trained in accordance with §382.603 determines that reasonable suspicion exists.

Reasonable Suspicion determined for: \_\_\_\_\_ Alcohol \_\_\_\_\_ Controlled Substance

1. Appearance: \_\_\_\_\_ Normal \_\_\_\_\_ Sleepy \_\_\_\_\_ Tremors \_\_\_\_\_ Clothing \_\_\_\_\_ Cleanliness

Description: \_\_\_\_\_

2. Behavior: \_\_\_\_\_ Normal \_\_\_\_\_ Erratic \_\_\_\_\_ Inappropriate gaiety \_\_\_\_\_ Mood swings \_\_\_\_\_ Lethargic

Description: \_\_\_\_\_

3. Speech:

Description: \_\_\_\_\_

4. Body Odors:

5. Indications of the chronic and withdrawal effects of controlled substances: \_\_\_\_\_ Yes \_\_\_\_\_ No

Explain: \_\_\_\_\_

6. Other observations of reasonable suspicion:

\_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_ Preparation Date \_\_\_\_\_ Time \_\_\_\_\_ A.M. P.M.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Preparation Date \_\_\_\_\_ Time \_\_\_\_\_ A.M. P.M.

The alcohol test must be administered within eight (8) hours following a reasonable suspicion determined.  
Employer retain in employee's confidential file.

## APPENDIX D REASONABLE SUSPICION TEST

When an employee begins to show a pattern of deterioration job performance, the supervisor will take a series of steps over a period of time, each of which requires full documentation. Substance abuse can affect an employee's job performance in many ways and supervisors must be aware of them. Supervisors need to alert for and document the following if they appear as part of a pattern and not as isolated incidents.

### **General Trends:**

- Excessive absenteeism; peculiar excuses for absences.
- Excessive use of sick leave, particularly for minor illness such as colds, flu or stomach problems.
- Frequent absences on Fridays, Mondays, pay days or after holidays.
- Excessive tardiness, especially at lunch time.
- Long breaks; frequent trips to the bathroom, break area or parking lot and frequent early departures from work.
- Higher than normal accident rates, both on- and off-the-job.
- Complaints from co-workers.
- Overreacts to real or imagined criticism.
- Changes in appearance, such as flushed face, red or bleary eyes, carelessness in dress or appearance; hand tremors.
- Makes untrue statements.
- Tracking or needle marks on the arms.

### **Performance-related Trends:**

- Inconsistent work patterns or disruption of work patterns.
- Misses deadlines.
- Decreasing reliability; procrastination; or memory gaps.
- Tendency to neglect details formerly not neglected.
- Friction with co-workers; placing blame on others.
- Errors due to inattention or poor judgment.
- Making consistently bad decisions; missing deadlines.
- Requesting different job assignments.
- Seeking loans from co-workers.
- Wasting office supplies or materials due to errors.
- Poor service to public; complaints from the public.
- Lack of cooperation; confusion.
- Decreased productivity or quality of work.
- Morale problems; unacceptable behavior.

### **Specific Examples of Behavior:**

- Accidents involving injury and/or property damage.
- Slurred speech.
- Alcohol odor on breath.
- Unsteady walking and movement.
- Physical disputes.
- Verbal altercations.
- Unusual behavior.
- Possession of alcohol and/or drugs.
- Information obtained from a reliable person with personal knowledge that the employee is under the influence of drugs and/or alcohol.

Obviously there are other explanations for such trends, and supervisors should be cognizant of this. Supervisors are not to jump to conclusions and should use good judgment.

**APPENDIX E**  
**ALCOHOL AND CONTROLLED SUBSTANCE**  
**EMPLOYEE'S CERTIFIED RECEIPT**

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Department

This is to certify that I have been provided educational materials that explain the requirements of §382.601 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked (v) items:

- \_\_\_\_\_ 1. The designated person to answer questions about the materials.
  - \_\_\_\_\_ 2. The categories of drivers subject to Part 382.
  - \_\_\_\_\_ 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
  - \_\_\_\_\_ 4. Specific information concerning prohibited driver conduct.
  - \_\_\_\_\_ 5. Circumstances under which a driver will be tested.
  - \_\_\_\_\_ 6. Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
  - \_\_\_\_\_ 7. The requirement that tests are administered in accordance with Part 382.
  - \_\_\_\_\_ 8. An explanation of what will be considered a refusal to submit to a test and the consequences.
  - \_\_\_\_\_ 9. The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and §382.605 procedures.
  - \_\_\_\_\_ 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater.
  - \_\_\_\_\_ 11. Information on the affect of alcohol and controlled substances use on:  
\*An individual health    \*Signs and symptoms of a problem    \*Work  
\*Available methods of intervening when a problem is suspected  
\*Personal life
  - \_\_\_\_\_ 12. Optional information:
- \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Representative

\_\_\_\_\_  
Date

Retain in employee's confidential file

**APPENDIX F**  
**REQUEST/CONSENT FOR INFORMATION FROM PREVIOUS EMPLOYER ON**  
**ALCOHOL AND CONTROLLED SUBSTANCES TESTING**

SECTION 1: TO BE COMPLETED BY PROSPECTIVE EMPLOYEE

(Print name) \_\_\_\_\_  
First, M.I., Last \_\_\_\_\_ Social Security Number \_\_\_\_\_

Previous Employer: \_\_\_\_\_

Street: \_\_\_\_\_ Telephone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Fax No.: \_\_\_\_\_

You may release and forward information requested by section 2 (below) of this document concerning my Alcohol and Controlled Substances Testing records to:

Prospective Employer: COUNTY OF CARSON

Attention: \_\_\_\_\_

Street: PO BOX 365

Telephone: 806/537-3753

City, State, Zip: PANHANDLE TX 79068

Fax No.: 806/537-3969

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

This is in compliance with §382.405(f) and (h), which state:

(f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by that subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

(h) An employer shall release information regarding driver's records as directed by the specific, written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

§382.413(a)(b)(c)(e)(f) further state:

(a) An employer may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this part by the driver's previous employers.

(b) An employer shall obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of 0.104 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the driver's previous employers under §382.401(b)(1)(i) through (iii).

(c) The information in paragraph (b) of this section must be obtained and reviewed by the employer no later than 14 calendar days after the first time a driver performs safety-sensitive functions for an employer.

(e) The prospective employer must provide to each of the driver's employers with the two preceding years the driver's specific written authorization for release of the information in paragraph (b).

(f) The release of any information under this part may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

**SECTION 2: TO BE COMPLETED BY PREVIOUS EMPLOYER**

**COMPLETE THIS SECTION AS IT PERTAINS TO PART 382. SEE SEC. §382.413(b), ABOVE.**

1. Has this person ever tested positive for a controlled substance in the last two years? ☐ Yes ☐ No
2. Has this person ever had an alcohol test with a Breath Alcohol Concentration 0.04 or greater in the last two years? ☐ Yes ☐ No
3. Has this person ever refused a required test for drugs or alcohol in the last two years? ☐ Yes ☐ No

If YES to any of the above questions, please give the SAP's (Substance Abuse Professional) name, address and phone number for further reference.

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Section 2 completed by (signature): \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 3: TO BE COMPLETED BY PROSPECTIVE EMPLOYER**

This form was (check one) ☐ Faxed to previous employer. ☐ Mailed. ☐ Date: \_\_\_\_\_

Complete below when information was obtained.

Information received from: \_\_\_\_\_

Recorded by: \_\_\_\_\_ Method: ☐ Fax ☐ Mail ☐ Phone

Date: \_\_\_\_\_ ☐ Personal interview

**PREVIOUS EMPLOYER**  
**COMPLETE AND RETURN TO PROSPECTIVE EMPLOYER**