

COURT ORDER

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ORDER NO: 2012 0237

DATE: February 7, 2012

STATE OF TEXAS '

COUNTY OF DALLAS '

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 7th day of February, 2012, on motion made by John Wiley Price, District No. 3, and seconded by Dr. Elba Garcia, District No. 4, the following Order was adopted:

WHEREAS, Commissioners Court was briefed on January 31, 2012, following a 30-day comment period, regarding revisions made by the Human Resources/Civil Service Department to the following Articles of Chapter 82 of the Dallas County Code:

- Article VIII – Workers’ Compensation
- Article IX – Family and Medical Leave
- Article X – Employee Retirement
- Article XI – Group Health and Life Insurance
- Article XII – Miscellaneous Benefits, Awards, and Programs
- Article XIII – Salary Plans
- Article XIV – Approved Time Guidelines for Various Leaves; and

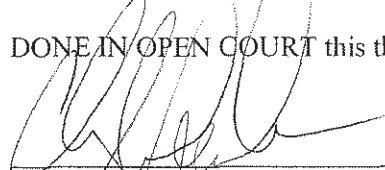
WHEREAS, These Article revisions provide clarification and guidance to supervisors, managers and employees when addressing these issues; and

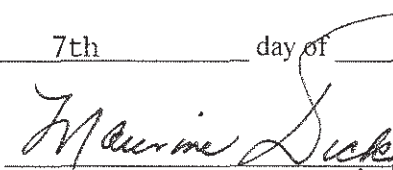
WHEREAS, The adoption of these policies will not impose any additional financial impact to the County; and

WHEREAS, The request supports Dallas County’s Strategic Plan Vision 1: Dallas County is a model interagency partner.

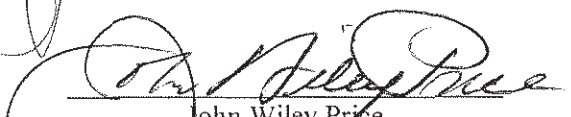
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Dallas County Commissioners Court *hereby approve the revised policy language (Chapter 82 – Articles VIII- XIV) included in Attachment A for inclusion in the Dallas County Code.*

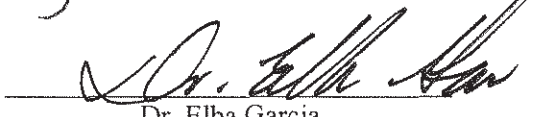
DONE IN OPEN COURT this the 7th day of February, 2012


 Clay Lewis Jenkins
 County Judge

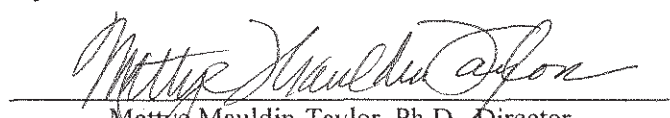

 Maurine Dickey
 Commissioner District #1


 Mike Cantrell
 Commissioner District #2


 John Wiley Price
 Commissioner District #3


 Dr. Elba Garcia
 Commissioner District #4

Recommended by:


 Mattye Mauldin-Taylor, Ph.D., Director
 Human Resources/Civil Service Department

Articles VIII-XIV attached

CONSOLIDATED CHAPTER 82, ARTICLES VIII THROUGH XIV

ARTICLE VIII. WORKERS' COMPENSATION*

*State law references: Workers' compensation, V.T.C.A., Labor Code § 401.001 et seq.

Sec. 82-551. Policy statement.

- (a) The county is committed to providing a safe working environment for its employees and will make every reasonable effort to ensure that employees are not injured while performing their job duties. If an employee is injured, the county will comply with all requirements of the Texas Workers' Compensation Act and will assist the employee with his/her recuperation and return to work efforts.
- (b) Safety must be an integral part of each job in the county. Employees are expected to work safely and follow applicable safety policies and procedures. Failure to do so will result in disciplinary action up to and including termination.

(Ord. No. 2000-889, § 4.00, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-552. Benefits.

Any county employee (except those described in section 82-553 below) who is disabled as a result of an injury or occupational disease that arises out of the course and scope of employment shall access the following benefits under V.T.C.A., Labor Code ch. 408:

- (1) Lifetime medical benefits associated with the injury;
- (2) Weekly income benefit payments beginning on the eighth day of disability and continuing until the employee is released to return to work or reaches maximum medical improvement;
- (3) Temporary Income Benefit (TIB) payments for the first seven days if the disability continues for more than 14 days;
- (4) Impairment income benefits if the injury results in an impairment rating as stipulated in the Act;
- (5) Supplemental income benefits if the injury results in an impairment rating as stipulated in the Act;
- (6) Lifetime income benefits for injuries described in the Act; or
- (7) Death benefits if the compensable injury results in death.

(Ord. No. 2000-889, § 4.01, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-553. Law enforcement officials.

County employees who are designated as law enforcement officials will receive benefits pursuant to article III, section 52E, of the state constitution as follows:

Sec. 52e. Payment of medical expenses of law enforcement officials. Text of section adopted in 1967 as proposed by Acts 1967, 60th Leg., p. 2969, S.J.R. No. 6.

Sec. 52e. Each county in the State of Texas is hereby authorized to pay all medical expenses, all doctor bills and all hospital bills for sheriffs, deputy sheriffs, constables, deputy constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that while said sheriff, deputy sheriff, constable, deputy constable or other county or precinct law enforcement official is hospitalized or incapacitated that the county shall continue to pay his/her maximum salary; providing, however, that said payment of salary shall cease on the expiration of the term of office to which such official was elected or appointed. Provided, however, that no provision contained herein shall be construed to amend, modify, repeal or nullify article 16, section 31, or the Constitution of the State of Texas.

(Ord. No. 2000-889, § 4.02, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-554. Denial of benefits.

Under V.T.C.A., Labor Code §§ 406.032 and 408.103(e), the county may deny or terminate the employee's workers' compensation benefits if the employee:

- (1) Was intoxicated at the time of the injury (intoxication is defined by the workers' compensation commission in appeals panel decision no. 950553 as "the state of not having normal use of mental or physical faculties resulting from the voluntary introduction into the body of a controlled substance";
- (2) Willfully attempted to injure himself or unlawfully attempted to injure another person;
- (3) Was injured by an act of a third person because of a personal reason and not directed at the employee because of employment;
- (4) Was injured through voluntary participation in an off-duty recreational, social or athletic activity that did not constitute part of the employee's work-related duties, unless the activity is a reasonable expectancy of or is expressly or impliedly required by the employment;
- (5) Was injured out of an act of God, unless employment exposed the employee to a greater risk of injury from an act of God than ordinarily applies to the general public;
- (6) Was injured as a result of the employee's horseplay;
- (7) Fails or refuses to comply with or follow the treating physician's instructions or advice regarding treatment of his/her injured condition; or
- (8) Refuses, when allowed by the treating physician, to perform modified duty or a different job with the county that is, in the opinion of the treating physician, within his/her physical capability and for which the employee is qualified or will be trained.

(Ord. No. 2000-889, § 4.03, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-555. Consequences of misrepresentation.

The county's workers' compensation program is totally funded by the taxpayers of the county. As such, the county takes a very aggressive role in monitoring its claims and expenses to ensure employees are complying with this article. In addition to the possibility of having workers'

compensation benefits terminated or denied, employees who do not comply with this article, or who misrepresent their injury or recuperation progress, or who falsify county documents related to this article are subject to disciplinary actions up to and including termination and possible criminal charges.

(Ord. No. 2000-889, § 4.04, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-556. Departmental responsibilities.

Each elected official/department head plays a key role in effectively implementing the county's workers' compensation program. Specifically, each department shall take responsibility for:

- (1) Providing a safe work environment for all employees in order to prevent injuries;
- (2) Ensuring the employee receives prompt medical attention should an injury occur in the work place;
- (3) Reporting all injuries within 24 hours to the risk management section of the human resources/civil service department and ensuring compliance by following the step-by-step procedures outlined in departmental procedures;
- (4) Completing all required forms (including accurate time sheets) in order for the county to comply with the Texas Workers' Compensation Act;
- (5) Staying in contact with the employee if the employee is not able to immediately return to the work place; and
- (6) Providing modified duty to the employee, when feasible and necessary, to allow the employee to return to work as soon as possible.

(Ord. No. 2000-889, § 4.05, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-557. Departmental compliance.

The county requires all supervisors to follow outlined policies and procedures. Failure to comply with these guidelines may result in serious consequences for the county; therefore, and when appropriate, elected officials/department heads may take disciplinary action up to and including termination.

(Ord. No. 2000-889, § 4.06, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-558. Workers' compensation and other employee benefits.

When accessing workers' compensation benefits, the injured employee and supervisor must be aware of how the employee's status may impact other county benefits and applicable policies. They include, but are not limited to, the following:

- (1) *Reporting lost time.* Each time an employee is absent from work due to a workers' compensation injury, the employee must provide documentation from his/her health care provider to his/her supervisor not less than every three weeks. This includes intermittent lost time.
- (2) *Workers' compensation and family and medical leave.* Workers' compensation and family and medical leave will run concurrently. Employees who are injured under

workers' compensation and remain off duty for more than three working days or who will require ongoing medical treatment, shall be placed on family and medical leave utilizing the same criteria as outlined in the county's family and medical leave policy. Supervisors/managers are responsible for ensuring that injured employees are placed on family and medical leave.

- (3) *Insurance benefits.* Employees on workers' compensation leave are required to pay for all applicable monthly insurance costs. Various leave accruals may be used to pay for the benefit premiums, until such accruals are exhausted and the employee reaches leave without pay status (LWOP), at which time the employee will be required to pay the premium out-of-pocket to continue benefits. Employees may elect to suspend coverage; however, they will be subject to the 30-day waiting period. If an employee elects to maintain coverage and fails to pay the premiums, all insurance will be canceled. If coverage is reinstated when the employee returns to work, the employee will be subject to the 30-day waiting period.
- (4) *Accrual of leave.* Employees, including probationary employees who are off work and receiving weekly workers' compensation payments, shall not continue to earn vacation leave, sick leave or holiday pay during such period. Probationary employees may have their probationary period extended for such period of absence from work due to a workers' compensation injury/illness. However, this extension is at the discretion of the elected official/department head.
- (5) *Salary/benefit modifications.* Employees who are on leave, including workers' compensation, are not eligible to receive salary increases such as merit increases, step increases, promotional increases, etc., until the employee has met all requirements for such increases, including the actual work experience criteria. However, if the county makes salary/benefit modifications to all county employees or to employees in the injured employee's specific job category, then the employee may be impacted by these changes, if he meets all specified requirements.

(Ord. No. 2000-889, § 4.07, 5-2-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-559. Reporting a workers' compensation injury.

Managers and supervisors have a responsibility to report all job related injuries within 24 hours.

(Ord. No. 2000-889, § 4.08, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-560. Recording of time.

Each elected official/department head is responsible for ensuring that all reporting of time worked, accrual and use of leave, complies with county policies. Employees are not permitted to remain on the county's payroll if they are not on an approved leave of absence (with or without pay), which includes FMLA. Supervisors are responsible for accurate time reporting. The law requires that what is reported must be paid. Not reporting time accurately is considered falsifying an official document. Disciplinary action, up to and including termination, may be taken against employees and supervisors who falsify county documents related to work hours.

- (a) When an employee loses time on the date of injury due to seeking medical attention, supervisors should code the employee's time as regular time. Any subsequent lost time would be coded as WC70 or WC100 time.
- (b) If employees must attend on-going medical treatment before reaching maximum medical improvement (MMI) for a compensable injury after return to work, the supervisor may document the incremental time for each week and report the aggregate on a supplemental report to the risk management office. Medical appointments should be scheduled for those hours when the employee is not scheduled to work, if possible.
- (c) After reaching maximum medical improvement (MMI), time away from work to attend medical treatment shall be charged as sick, vacation, compensatory or leave without pay.

Example: Jack reaches MMI. He must visit his/her doctor periodically. He schedules a visit that requires him to leave work two hours early. The time is coded as sick, vacation, compensatory or LWOP.

(Ord. No. 2000-889, § 4.09, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-561. County procedures for filing and reporting workers' compensation claims.

When a job related injury occurs, the supervisor and employee must call the injury reporting hotline.

(Ord. No. 2000-889, § 4.10, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-562. Submitting supplemental reports.

The supervisor must report intermittent lost time, return to work, termination or death are listed as follows:

- (1) If the employee begins losing time from work after initial filing of a workers' compensation claim, the supervisor must complete a supplemental report of injury and forward to the risk management office within 24 hours. The supervisor forwards the new employee and change form to the auditor's office to initiate FMLA status.
- (2) If the employee returns to work, the supervisor must complete a supplemental report of injury indicating the date the employee's returned to work, whether or not it is full or light duty, including a copy of the release from the medical provider and forward to the risk management office within 24 hours. Personnel action forms returning the employee must be forwarded to the auditor's office for regular pay to resume.
- (3) If an employee is terminated, resigns or dies during the course of the injury, the supervisor must complete a supplemental report and forward to the risk management office within 24 hours. A notice of separation form should be completed and forwarded to the appropriate offices.

All supplemental reports must be faxed to the risk management office within 24 hours.

(Ord. No. 2000-889, § 4.11, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-563. Salary continuation.

- (a) *Generally.* Unless otherwise prohibited by county policy, in addition to workers' compensation payments, the county may provide salary continuation to eligible employees who are injured and disabled in the course and scope of their employment with the county. Salary continuation payments may be made to eligible county employees whose receipt of workers' compensation payments does not equal 70 percent of their gross pay. The amount of salary continuation payments cannot exceed the difference between the employee's workers' compensation payments and 70 percent of their gross pay. For example, if the employee's workers' compensation payment does not equal 70 percent of their gross pay, salary continuation can be paid in addition to their workers' compensation payment to equal but not exceed 70 percent of their gross pay.
- (b) *Eligible employees.* Salary continuation is paid only to regular, full-time employees who have completed their probationary period and become disabled due to an injury or illness that arises out of the course and scope of their employment with the county. Temporary or part-time employees are not eligible to receive salary continuation payments. Probationary employees may have their probationary period extended for such period of absence from work due to a workers' compensation injury/illness. However, this extension is at the discretion of the elected official/department head. Law enforcement officials are covered from the initial date of employment, per section 82-553.
- (c) *Continuation payments.* Salary continuation is an employee benefit, and not an employee right. In order to receive it, the employee must follow all guidelines outlined in this article. Salary continuation payments:
- (1) Will be paid for a total of up to 13 weeks per injury, per a 12-month period, depending on the type of injury (see subsection (c)(2) of this section). However, in no event, shall salary continuation payments be continued after an employee's weekly workers' compensation payments have ceased;
 - (2) Are paid based upon guidelines set forth by the official disability guidelines. For example, for knee surgery, the normal recovery time under the official disability guidelines is two to three weeks, therefore salary continuation payments for knee surgery shall not exceed three weeks;
 - (3) Shall cease once an employee retires, dies, terminates employment, funding source ends, or the employee reaches maximum medical improvement, whichever comes first;
 - (4) Will terminate for category D employees when the funding source for his/her position terminates. If salary continuation is paid to category D employees, it will be paid for the stipulated time period or until their funding source has ended, whichever comes first;
 - (5) May be increased to reflect any salary increases caused by the adjustment to an approved county salary schedule made effective during such period, if the employee meets all criteria;
 - (6) Shall not be made beyond the scheduled, effective date if an employee, after having given/received notice of retirement, resignation, termination, reduction-in-force or discharge, is injured on the job, unless expressly approved by the commissioners court; and

- (7) Will be paid to law enforcement officials until the employee has either returned to work or until the expiration of the term of office for the elected official for whom they work, whichever comes first. This benefit is administered in accordance with article 3, section 52E of the state constitution (see section 82-553) and all other applicable laws and statutes.
- (d) *Forfeiture.* An employee shall forfeit all rights to any employee salary continuation payments to which he would otherwise have been entitled due to his/her injury or illness, if the employee:
- (1) Engages in work, either part-time or full-time, for pay, or as a volunteer, or on behalf of himself or any other person, firm or corporation while receiving injured employee salary continuation payments;
 - (2) Resigns, is terminated, dies or the funding source ends;
 - (3) Falsifies or misrepresents his/her injured condition or physical capacity or disability as worse than it, in fact, is;
 - (4) Refuses to return to regular or modified duty when released to do so by the treating physician;
 - (5) Fails to provide documentation from a certified physician for all time lost from work, including intermittent periods of lost time;
 - (6) Fails to comply with the Texas Workers' Compensation Act pertaining to injured employees;
 - (7) Fails to comply with all reporting requirements;
 - (8) Fails to follow all required policies and procedures;
 - (9) Fails to submit to a required medical examination and treatment at the county's request and expense by a physician chosen or approved by the commissioners court; and
 - (10) Does not comply with or meet the guidelines outlined in section 82-554.
- (e) *Utilization of other types of leave.* In instances where an employee is not eligible for, or has exhausted, all salary continuation prior to being able to return to work, the employee will receive all appropriate workers' compensation benefits and may elect (by completing and submitting auditor's election form) to utilize other leave as follows :
- (1) Compensatory time in any amount not to exceed 40 hours per week while off work for a workers' compensation injury. Utilization of compensatory time cannot be counted against family and medical leave;
 - (2) Vacation leave in any amount not to exceed 40 hours per week while off work due to a workers' compensation injury; and
 - (3) Sick leave in an amount to supplement their workers' compensation to equal their gross pay received prior to injury.

- (f) *Leave of absence without pay.* An employee who has used all his/her accrued sick leave, vacation leave and injured employee salary continuation plan benefits before returning to work may be granted a leave of absence without pay for a reasonable period upon recommendation of the employee's elected official/department head and approval by the commissioners court. If leave without pay is granted, it will not extend beyond the end of their funding sources.

(Ord. No. 2000-889, §§ 4.20--4.25, 5-2-2000)

Sec. 82-564. Return to work.

Return to work – Dallas county employees

- (a) *Guidelines.* It is the policy of the county, with the cooperation of all departments, to return all injured/ill employees to work as soon as feasible. If an employee is unable to return to his/her regular job duties, the county will make every reasonable effort to assign the employee to modified or different job duties. However, priority is given to placing employees who have sustained a compensable workers' compensation injury or illness. An employee who is able to return to work will do so under the following circumstances:
- (1) Full medical release with no restrictions: The employee returns to work and is able to perform his/her regularly assigned job duties.
 - (2) Full medical release with permanent restrictions: The employee returns to work and is able to perform modified job duties. If feasible, the department may:
 - a. Retain the employee in his/her position by accommodating all medical restrictions;
 - b. Transfer the employee to another position;
 - c. Contact the human resources/civil service department for assistance in possibly placing the employee in another county department; or
 - d. Terminate the employee if unable to accommodate.
 - (3) Temporary medical restrictions: The employee is able to return to work with temporarily modified job duties. If feasible, the department may:
 - a. Temporarily modify the employee's job duties, not to exceed 90 days;
 - b. Reassign the employee to another position in the department;
 - c. Contact the human resources/civil service department for assistance in temporarily placing the employee in another county department; or
 - d. Terminate the employee if unable to accommodate.
- (b) *Placement of employee.* Placement of an employee is not automatic or guaranteed. The following conditions apply:
- (1) A vacancy must exist;
 - (2) The employee must meet the qualifications;
 - (3) The hiring department may require the employee to compete for a position; and

- (4) The employee may be terminated if unable to locate another position in the department or county.
- (c) *Pay while performing modified or permanently reassigned duties.* The employees shall continue to earn his/her base salary while performing modified job duties. If the employee is temporarily placed in another department, the hiring department will continue to pay the employee's salary. However, an employee shall not temporarily fill a position and earn their same base salary for more than 90 days without the commissioners court approval. If the temporary assignment exceeds 90 days, the salary paid will be commensurate with the tasks assigned. Law enforcement officials with work related injuries will be subject to provisions outlined in section 82-553.
- (d) *Pay while performing modified or temporarily reassigned duties.* Employees shall earn their base salary while performing modified or temporarily reassigned job duties. If the employee is temporarily placed in another department, the hiring department will continue to pay the employee's salary. The goal is to get the employee back to work as soon as the treating physician allows. Under no circumstances will a position be held open or temporarily filled for a period longer than 90 days without approval from the commissioners court. Prior to the expiration of the 90-day period, the department must notify the commissioners court if it plans to extend this temporary position. Law enforcement officials with work related injuries will be subject to provisions outlined in section 82-553.
- (e) *Requirements for return-to-work from a workers' compensation injury.* Prior to reinstatement following a workers' compensation injury in which the employee has lost time:
- (1) An employee must submit a certificate/letter from the treating physician which states the injured employee is physically able to return to work. The employee is encouraged to take a copy of their job description (which can be obtained upon request from the County Human Resources/Civil Service Department) to their treating physician for review; and
 - (2) The treating physician must complete the county form P/CS form 200 highlighting any limitations to which the employee must adhere. The employee and supervisor must strictly adhere to these limitations. Failure to do so may result in disciplinary action being taken, up to and including termination.
- (f) *Other requirements.* Supervisors should be aware that the Workers' Compensation Act coordinates with a number of federal and state statutes, including the Americans with Disabilities Act and the Family and Medical Leave Act. If the supervisor has questions regarding this policy, he should immediately contact the human resources/civil service department.
- (g) *Requirements for return to work from a non-work related injury/illness.* Employees who become ill or are injured away from the workplace are subject to the guidelines outlined in the county's Family and Medical Leave Act along with subsections (e) - (g) of this section.

(Ord. No. 2000-889, §§ 4.26--4.32, 5-2-2000)

Note: Sections 82-559--82-562 may be referred to for all reporting procedures.

- (h) Employee Return to Work – Sheriff's department employees
See Appendix A: Sheriff's Department Civil Service Commission Rules and Regulations – Chapter 2.68 (Employee return to work after an illness/injury).

ARTICLE IX. FAMILY AND MEDICAL LEAVE*

*Federal law reference--Family and Medical Leave Act, 29 USC 2601 et seq.

Sec. 82-601. Purpose of article.

- (a) The purpose of this article is to comply with the Family and Medical Leave Act of 1993 (FMLA) and the National Defense Authorization Act for FY2008, balance the demands of the workplace with employees' medical and family needs and accomplish these purposes in a manner that accommodates the interests of the county.
- (b) This article outlines the responsibilities of manager/supervisors and employees to ensure compliance with The Family and Medical Leave Act whose purpose is to provide specific job protections for covered employees on leave.
- (c) The county requires all managers/supervisors and employees to follow these outlined policies and procedures. Failure to comply with these guidelines may result in serious consequences for the county, and when appropriate, elected officials/department heads may take disciplinary action, up to and including termination.

(Ord. No. 2000-485, § 5.00, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009)

Sec. 82-602. Effective date.

This article takes effect on January 16, 2009, and replaces policies previously adopted by the county commissioners court on August 5, 1993, and revised again on November 23, 1993, September 1, 1998, and February 22, 2000.

(Ord. No. 2000-485, § 5.01, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009)

Sec. 82-603. Summary of benefits.

If the employee complies with the obligations outlined in this article, the county will:

- (1) Provide eligible employees up to 12 weeks of family and medical leave, including military family leave, within a defined 12-month period.

The 12 weeks of family and medical leave for part-time employees shall be determined on a proportional basis.

Example: If an employee normally works 30 hours each week, a week of family and medical leave would be 30 hours. If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks before the beginning of the leave period will be used to calculate the employee's normal workweek.

- (2) Provide eligible employees up to 26 weeks of leave in a single 12-month period to care for an injured or ill covered military service member;
- (3) Return the employee to the same or equivalent position with equivalent pay, benefits and working conditions if the employee returns to work after the leave; and
- (4) Continue to contribute to group health benefits at the same group level during the

leave unless the employee cancels health insurance for himself/herself and/or dependents.

(Ord. No. 2000-485, § 5.02, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009)

Sec. 82-604. Key employee.

In some situations, in order to prevent substantial and grievous economic harm to county operations, key salaried employees may be denied reinstatement after family and medical leave. Key salaried employees are defined by the Family and Medical Leave Act as the top ten percent of all wage earners in an organization. Some examples of such employees may include directors, assistant directors of large departments, doctors, etc. When an elected official/department head receives a leave request from an employee and has reason to believe the employee may fall into this category, he:

- (1) Should contact the human resources/civil service department to assist in determining the employee's status;
- (2) Should provide written notification to the employee within two working days that he is a key employee and provide them with a copy of the Family and Medical Leave Policy; and
- (3) Must notify such employee either orally or in writing within two working days of receiving the information from the employee's health care provider that reinstatement after family and medical leave will or will not cause substantial and grievous economic harm. If the employee is notified orally, the elected official/department head shall provide in person or send, both regular and certified mail, a Notice of Eligibility and Rights & Responsibilities (form HR/CS 14) to the employee within five working days.

Elected officials/department heads should review sections 82-607(b) and 82-607(c) for more specific information regarding the submission of forms for planned and unplanned events.

(Ord. No. 2000-485, § 5.03, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009)

Sec. 82-605. Eligibility.

- (a) *Eligible employees (includes part-time).* Employees eligible to request family and medical leave are those who:
 - (1) Have been employed by the county for at least 12 months in the last 7 years.
Employment periods before a separation that is older than 7 years will not count towards eligibility unless the break in service is due to National Guard or Reserve military service obligations); and
 - (2) Have worked at least 1,250 hours during the 12-month period preceding the commencement of the leave.

A person re-employed following military service shall have the hours that would have been worked for the county added to any hours actually worked during the previous 12-month period to meet the 1250 hour requirement.

- (3) Employees who meet the eligibility requirements and are granted family and medical leave are restricted from working a second job while on leave with Dallas County, unless a written exception to work a second job has been approved by the elected official/department head.
- (b) Qualifying reasons for leave. The county is required to grant leave to eligible employees:
- (1) For the birth of a child, or placement of a child by adoption or foster care;
 - (2) To care for an eligible family member with a serious health condition;
 - (3) To take medical leave because of a serious health condition that makes the employee unable to work at all or unable to perform any one of the essential functions of the employee's job;
 - (4) To care for a current member of the Armed Forces with a serious injury or illness incurred in the line of duty on active duty if the employee is the spouse, son, daughter, parent, or next of kin of the service member; or
 - (5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
- (c) *Eligible family members.* Family members for whom the employee may take family and medical leave include:
- (1) Spouse: a legal husband or wife, including common law marriage. The employee must have a signed and filed legal Declaration of Informal Marriage considered lawful in the State of Texas for purposes of common law spouses.
 - (2) Parent: a biological, adoptive, step or foster parent or an individual who had day-to-day responsibility to care for and financially support the employee when the employee was a child, (in-laws are excluded);
 - (3) Child: a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of parent), who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to begin.

For purposes of son or daughter of a covered military service member or son or daughter on active duty or call to active duty status, the child who is on active duty or called to active duty may be of any age.
 - (4) Next of kin of a covered service member: the nearest blood relative other than the service member's spouse, parent, son, or daughter in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of military caregiver leave.

(d) *Defined leave time.* The defined 12-month period, as applicable to this article, will be calculated by taking the 12 consecutive calendar months forward from the date family and medical leave begins. Only 12 weeks of family and medical leave will be granted per a consecutive 12-month period except for military caregiver leave where 26 weeks of leave during a 12-month period will be granted.

(e) *Serious condition.* A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

(1) Patient care (e.g., overnight stay) in a hospital, hospice or residential medical care facility, including any subsequent treatment in connection with such inpatient care;

(2) Any period of incapacity (e.g., inability to work, attend school or perform other regular daily activities) due to the serious health condition, including treatment for the serious health condition or recovery from the serious health condition;

Treatment includes but is not limited to examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

(3) Continuing treatment by a health care provider (e.g., medical doctors, podiatrists, optometrists, dentists, psychologists, Christian Science practitioner) for a serious health condition that results in a period of incapacity of more than three consecutive calendar days that involves treatment 2 or more times, within 30 days of the first day of incapacity or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider and any subsequent treatment or period of incapacity relating to the same condition (see intermittent and reduced leave schedule);

For purposes of FMLA leave, a regimen of continuing treatment does not include taking over-the-counter medications, bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider. These activities are not themselves sufficient to constitute family and medical leave.

The requirement for treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition which:

a. Requires periodic visits at least twice a year for treatment;

b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.); or

(5) Any period of incapacity due to pregnancy or for prenatal care.

(6) Any period of incapacity due to permanent or long-term conditions for which treatment may not be effective (e.g. Alzheimer, severe stroke, or the final stages of a disease). The employee or family member must be under the continuing supervision of, but need not be receiving active treatment, by a health care provider.

- (f) *Family leave.* Both the mother and father are entitled to family leave for the birth, adoption or foster care placement of a child. Leave must be taken:
- (1) Within 12 months of the birth, adoption or foster care placement; and
 - (2) All at once, unless:
 - a. Agreed to otherwise by the elected official/department head; or
 - b. Intermittent or reduced schedule leave is medically required.

This leave may begin before the birth of the child, if medically necessary.

- (g) *Intermittent and reduced leave schedule.* Leave may be taken on an intermittent or reduced leave schedule when medically necessary. Intermittent leave is leave taken in separate periods of time due to a single illness or injury rather than for one continuous period of time. Reduced schedule leave means the employee works fewer than the normally scheduled hours during the week. In order to accommodate the employee's need to take intermittent leave or be placed on a reduced leave schedule, the following shall apply:
- (1) The employee may be temporarily transferred to another position to better accommodate the arrangement;
 - (2) The employee shall make every reasonable effort to schedule medical care outside of normal business hours, or with consideration to the needs of the department; and
 - (3) The county is only required to grant this arrangement for FMLA after the birth or placement of a child for adoption or foster care if the elected official/department head approves or when medically necessary for recovery from or treatment of a serious health condition or chronic health condition of either the employee or an eligible family member, or to care for a covered service member with a serious injury or illness or due to a qualifying exigency (e.g. short-notice deployment, military events and related activities such as attendance at official ceremonies and programs sponsored by the military, family support or informational briefings, childcare and school activities, to make financial or legal arrangements, counseling, or post-deployment activities).
 - (4) An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for the leave.
 - (5) Employees may be required to provide doctor's statements to support intermittent leave absences pursuant to a uniformly applied departmental attendance policy. For example, if a department uniformly requires employees who are absent for 3 consecutive days to provide a doctor's statement upon return to work, then employees who have been absent 3 consecutive days on intermittent family and medical leave are held to the same standard.
- (h) *Combined leave limits.* If two employees who are legal spouses wish to take leave to care for the same individual:
- (1) There is a combined leave limit of 12 weeks to care for a parent or a child due to birth, adoption or foster care placement;
 - (2) There is a combined leave of 26 weeks in a single 12-month period to care for a covered military service member; and

- (3) There is no combined leave limit to care for an ill child or for the employee's own illness. In these circumstances, each county employee is entitled to 12 weeks leave during the defined 12-month period.

(Ord. No. 2000-485, §§ 5.04--5.11, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009)

Sec. 82-606. Requirements.

- (a) *Medical leave.* If the employee is requesting leave due to the employee's own or a covered family member's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification (HR/CS form 16 for employee or HR/CS form 17 for family members). The county may also require a second opinion or third opinion at the county's expense. In the event of a third opinion, the third opinion will be binding. The county may require recertification of a medical condition:

- (1) Every 30 days if deemed necessary by the manager/supervisor;
- (2) When the employee requests an extension of leave;
- (3) If the circumstances surrounding the leave change (for example, the employee has been absent continuously but the medical certification provides for intermittent leave for 1 to 2 episodes of 2 days each quarter);
- (4) When the department receives information that casts doubt upon the continuing validity of the first certification; or
- (5) The employer receives information that casts doubts upon the employee's stated reason for the absence.

- (b) *Medical Certification.* It is the employee's responsibility to provide the manager/ supervisor a complete and sufficient medical certification. If the supervisor believes the medical certification is incomplete, the supervisor must return the medical certification to the employee, specify in writing what additional information is required, and allow the employee 7 calendar days to provide the requested information (HR/CS form 15, Designation Notice). A certification is incomplete if:

- (1) If one or more of the applicable entries on the form have not been completed or;
- (2) If the information provided is vague, ambiguous, or non-responsive.

Under no circumstances may the employee's supervisor contact the employee's health care provider. If further assistance is required, the supervisor shall contact the human resources/civil service department.

Failure to provide the requested medical certification in the allotted time may result in a delay or denial of the family and medical leave and subject the employee to disciplinary action, up to and including termination for violation of the attendance policy.

- (c) *Employee leave request.* Under this Act, each employee is fully responsible for notifying the manager/supervisor of an injury or illness that will prevent him from working on a continuous basis for more than 3 days or that will require periodic absences for treatment and/or recovery from a serious health condition over the course of several months.

For example, an employee's minor child may not be able to go to school for 3 consecutive days due to the onset of an asthma attack or the health care provider has advised the employee to keep the child at home when the pollen count exceeds a certain level.

If leave is taken for a family and medical leave reason and the supervisor has not been made aware of the reason, the employee must notify the supervisor within two (2) business days of returning to work of the reason for the leave. The employee may not assert FMLA protection for the leave in the absence of such timely notification.

Failure to properly notify may result in disciplinary action being taken, up to and including termination. When requesting family and medical leave:

- (1) If the event is unplanned, such as a sudden illness or injury of the employee or an eligible members of the employee's family, the employee or a responsible party shall notify the county within 24 hours (see section 82-607(c));
- (2) If the event is planned, such as surgery or childbirth, then the employee shall make every reasonable effort to provide the county with at least 30 days' notice of the dates the employee will be absent from work (see section 82-607(b)).

(d) *Supervisor's role.* The supervisor and employee must understand that the purpose of family and medical leave is to protect the job of an employee during a qualifying event. If an employee is out for more than three working days for a medical reason and has not requested family and medical leave by the fourth day or if an employee is periodically out for three or more working days in a 3-month period for a medical reason and has not requested family and medical leave, the supervisor shall:

- (1) Immediately send the employee all necessary forms for requesting such leave;
- (2) Assess the medical absence in conjunction with the human resources/civil service department to determine if the employee is eligible for family and medical leave; the supervisor does not have to wait for a request from the employee; and
- (3) Follow all outlined policies and procedures related to this matter.

If the supervisor fails to properly designate paid or unpaid leave as family and medical leave and the supervisor and/or the county later determines that the leave would qualify under FMLA guidelines, the entire leave period will be counted towards the employee's 12 weeks of FMLA entitlement. For example, if an employee has been off for a FMLA qualifying event and the department fails to send a notification, when the oversight is realized, a notice should to be sent to the employee. The time charged to FMLA leave begins the day the employee's absence began.

(e) *Leave limits.* Whether paid or unpaid, all eligible county employees are entitled to a total of 12 weeks of family and medical leave or 26 weeks of military care giver leave during a consecutive 12-month period. Employees shall be required to use appropriate leave balances during the leave. For example, if the leave is due to the illness or injury of the employee, family member, or covered military service member, all leave balances shall be used before moving to an unpaid leave status. If the leave is due to a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, the employee shall use vacation, compensatory time, holiday credit and personal day before moving to unpaid leave status. Family and medical leave is only paid during the portion of leave for which the employee has sick leave, vacation, compensatory time, and personal leave accrued. Employees on paid leave will continue to accrue vacation and sick leave.

The employee shall use the following paid leave before moving to a without pay status:

- (1) Sick leave;
- (2) Vacation leave;
- (3) Compensatory time;
- (4) Holiday credit; and
- (5) Personal day.

Each elected official/department head is responsible for ensuring that all reporting of time worked, accrual and use of leave, complies with county policies. Employees are not permitted to remain on the county's payroll if they are not on an approved leave of absence (with or without pay), which includes FMLA. Supervisors are responsible for accurate time reporting. The law requires that what is reported must be paid. Not reporting time accurately is considered falsifying an official document. Disciplinary action, up to and including termination, may be taken against employees and supervisors who falsify county documents related to work hours.

- (f) *Workers' compensation and family and medical leave.* All workers' compensation injuries which result in a "serious health condition," requiring the employee to be off work for more than three days or will require continuous treatment for which the employee will be absent from work will be designated as family and medical leave and will run concurrently. If workers' compensation payments are appropriate, they will be made in full compliance with all applicable laws. For employees who are off work due to a workers' compensation injury/illness, please refer to the county's workers' compensation policy.
- (g) *Pay increases and family and medical leave.* Only paid time covered under family and medical leave shall count as time worked for purposes of merit increases, step increases, promotional increases, etc. Any and all unpaid time will not be counted as time worked. Once family and medical leave has been exhausted, all other time (paid or unpaid) taken during the applicable 12-month period will not be counted as time worked for these purposes. These provisions also apply to employees who are out on workers' compensation due to work-related injuries.

However, if the county makes salary/benefit modifications to all employees or to employees in the absent or injured employee's specific job category, then the employee may be impacted by these changes, if he meets all specified requirements.

- (h) *Insurance coverage; payments.* While an employee is out on family and medical leave, the county will continue to provide group health benefits to the employee at the same coverage level, provided the employee continues to pay their portion of the premium through payroll deductions via sick, vacation, and compensatory leave accruals. Once the employee has exhausted all such accruals, in order to continue their insurance benefits, the employee must continue to make timely payments directly and as specified by the Auditor's Office. Additionally, pre-pay arrangements can be made directly with the Auditor's Office. If the employee's insurance is canceled due to non payment or late payment while on FMLA, the employee may be eligible for COBRA.

The employee can elect to cancel coverage entirely, or temporarily drop their dependent coverage, if applicable, by completing and submitting the Benefits Change Form within 31 days of the onset of the FMLA leave. For any coverage retained:

- (1) The employee must continue to pay all premiums; or
- (2) The employee may temporarily drop all insurance coverage (medical, dental, optional, FSA, etc.) during the family medical leave and reinstate the coverage on the same terms as prior to the leave, beginning the first day of the month following return to work. If the employee elects to drop optional life, dependent life or long term care insurance while on FMLA, the employee has the option of re-electing these insurance benefits. However, the employee will be required to go through medical underwriting for insurance benefit reinstatement. If approved, the reinstatement will be effective the first of the month following underwriting approval.

The FSA Dependent Care Contributions will automatically stop while an employee is out on unpaid FMLA. FSA Dependent Care contributions will reinstate upon return to work.

- (3) If the employee fails to pay all owed insurance premiums on a timely basis as specified by the Auditor's Office, the insurance coverage will be terminated; and,
- (4) Written notice will be mailed by the County Auditor to the employee and the elected official/department head at least 15 days before coverage is to cease advising that coverage will be dropped on a specific date. Coverage may cease retroactively to the end of the month any premiums were paid provided the 15 day notice was given. The County will recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the County maintains health coverage by paying the employee's share after the premium payments is missed.

(i) *Return to work.* If an employee has been out on medical leave due to the employee's own health condition, the elected official/department head shall require a fitness for duty release from the employee's health care provider prior to allowing the employee to return to work. The fitness for duty release must be received from the employee no less than 48 hours prior to the return to work date. Law enforcement officers of the Sheriff's Department may require additional review by the employee health center physician before return to work. See *Appendix A: Sheriff's Department Civil Service Commission Rules and Regulations – Chapter 2.68 (Employee return to work after an illness/injury)* for more information.

(j) *Reimbursement of premiums.*

- (1) If an employee is able to return to work (as defined in subsection (j) (3) of this section), but fails to do so, the employee may be required to reimburse the county for the premiums the county paid on the employee's behalf during the family and medical leave. The only exceptions to this requirement are:
 - a. Failure to return to work as a result of a documented serious health condition affecting the employee or a family member which would otherwise entitle the employee to leave under FMLA;
 - b. The result of other circumstances beyond the employee's control, such as a spouse being unexpectedly transferred to a job location more than 75 miles from the employee's worksite; or
 - c. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work.

An employee will be required to submit appropriate documentation to substantiate reason for nonpayment of premiums.

- (2) *Reimbursement of sick leave.* If an employee does not return to work after a fitness for duty release from the health care provider has been issued, the employee will be required to reimburse the county for sick leave taken after the release date and disciplinary action may be taken up to and including termination.
 - (3) *Return to work determination.* An employee who returns to work for at least 30 calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.
- (k) *Additional time off.* If an employee requires time off beyond the 12 weeks of family medical Leave, the employee must submit a written request to the supervisor immediately upon learning of the need to extend the leave. Additional leave is considered to be Leave of Absence (LOA) and is granted at the discretion of the elected official/department head. See Leave of Absence policy found at Section 86-471 through 86-481. Failure to submit the written request before the family and medical leave period ends may result in the employee's separation of employment. This separation shall be treated as a voluntary resignation.

If an employee is granted a leave of absence in a nonpaid status beyond the 12 weeks of family and medical leave, the employee will be required to elect continuation of health coverage under COBRA. The COBRA benefit period will run concurrently with the individual's approved leave of absence without pay status period. Any benefit coverage not continued during FMLA status will not be eligible to be continued under COBRA. For more information, see sections 82-335 and 82-483 through 82-486 of this Code.

- (l) *Other.* Falsification of documents is a violation of county policy which may result in the termination or denial of family and medical leave and also disciplinary action, up to and including termination.
- (m) *Violation of rights.* It is unlawful for the county to interfere with, restrain or deny the exercise of any rights provided under this article. If an employee believes his/her rights under the Family and Medical Leave Act have been violated, the employee should contact the human resources/civil service department.

(Ord. No. 2000-485, §§ 5.12--5.21, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009)

Sec. 82-607. Procedures.

- (a) *Purpose.* The procedures of this section are a guide for supervisors and employees when implementing the county's family and medical leave policy for planned and unplanned events.
- (b) *Planned events.* For planned events, the following action should be taken:
 - Step 1: Within two working days of learning of an event for which the employee will need to take future family and medical leave, the employee should notify the supervisor in writing using P/CS form 13.
 - Step 2: Within five (5) working days of receiving the employee's notice, the supervisor will

provide the FMLA Eligibility Notice (Form HR/CS #14) that notifies the employee of his/her eligibility status. If eligible for the leave, a copy of this policy, a copy of the employee's job description outlining essential job functions, and the medical certification form will be provided to the employee.

Step 3: Within 15 working days, the employee has a health care provider complete the appropriate medical certification form (Form HR/CS #16, P/CS #17, HR/CS #18, or HR/CS #19) and return it to the supervisor.

Step 4: If the supervisor believes the medical certification is incomplete and does not provide sufficient information to determine whether the leave is being taken for a FMLA-qualifying reason, the supervisor must return the medical certification to the employee, specify in writing what additional information is required, and allow the employee seven (7) calendar days to provide the requested information (Designation Notice, Form HR/CS #15).

Under no circumstances is the supervisor/manager allowed to contact the employee's health care provider. The supervisor/manager shall contact the human resources/civil service department for additional assistance.

Step 5: Within five (5) working days of receiving a sufficient medical certification from the employee's health care provider, the supervisor shall notify the employee if the event qualifies for FMLA by completing the Designation Notice (Form HR/CS #15) and sending it via regular and certified mail to the employee's home address or to the employee's email address whichever is appropriate.

Step 6: If possible, at least 15 days prior to the employee going out on leave, the supervisor shall prepare and submit all appropriate personnel/payroll forms placing the employee on family and medical leave to the auditor's office.

Step 7: Employee must coordinate all insurance payments with the auditor's office. Failure to timely pay required insurance premiums for elected insurance coverage will cause such coverage to cease.

Step 8: While out on leave, the employee must stay in touch with the supervisor as directed. If the supervisor does not specify how often the employee should check in with the supervisor, the employee should do so no less than every 30 days to inform the supervisor of his/her progress and to coordinate when the employee may be returning to work.

Step 9: When the employee is able to return to work, a fitness-for-duty release from the employee's health care provider must be provided if the absence was due to injury or illness of the employee. The fitness-for-duty release must be received no less than 48 hours prior to the return to work date.

Step 10: Upon learning of the employee's plan to return, the supervisor shall prepare all required personnel/payroll forms to return the employee to work and submit the paperwork to the county auditor's office.

Step 11: Any records or documents containing medical information or medical history on an employee must be filed in confidential medical files. Medical files must be maintained by the department separately from all other files.

(c) *Unplanned events.* For unplanned events, the following action should be taken:

Step 1: If an employee or an eligible dependent becomes ill or sustains an injury and the employee knows he will be out for more than three working days, the employee must notify or have a responsible person (family member, medical staff, etc.) notify the employee's

supervisor on same day or the next work day, or if an employee is out for more than three working days, the supervisor will provide the FMLA Eligibility Notice (Form HR/CS #14) that notifies the employee of his/her eligibility status within five (5) working days. If eligible for the leave, a copy of this policy, a copy of the employee's job description outlining essential job functions, and the medical certification form will be provided to the employee.

The supervisor shall follow the same notification procedures outlined in this procedure if an employee is periodically out for three working days or more in a 3-month period for a medical reason and has not requested family and medical leave,

Step 2: Within 15 working days, the employee has a health care provider complete HR/CS form 16 or HR/CS form 17 and return it to the supervisor.

Step 3: If the supervisor believes the medical certification is incomplete and does not provide sufficient information to determine whether the leave is being taken for a FMLA-qualifying reason, the supervisor must return the medical certification to the employee or employee's representative, specify in writing what additional information is required, and allow the employee or representative seven (7) calendar days to provide the requested information (Designation Form, HR/CS form 15).

Under no circumstances is the supervisor/manager allowed to contact the employee's health care provider. The supervisor/manager shall contact the human resources/civil service department for additional assistance.

Step 4: Within five (5) working days of receiving a sufficient medical certification from the employee's health care provider, the supervisor shall notify the employee if the event qualifies for FMLA by completing the Designation Notice (Form HR/CS #15) and sending it regular and certified mail to the employee's home address or to the employee's email address whichever is appropriate. If the event qualifies, the employee will be placed on leave effective the fourth day of absence.

Step 5: Employee must coordinate all insurance payments with the auditor's office. Failure to timely pay required insurance premiums for dependent and additional insurance coverage will cause such coverage to cease.

Step 6: While out on leave, the employee must stay in touch with the supervisor as directed. If the supervisor does not specify how often the employee should check in with the supervisor, the employee should do so no less than every 30 days to inform the supervisor of his/her progress and to coordinate when the employee may be returning to work.

Step 7: When the employee is able to return to work, a fitness-for-duty release from the employee's health care provider must be provided if the absence was due to injury or illness of the employee. The fitness-for-duty release must be received no less than 48 hours prior to the return to work date.

Step 8: Upon learning of the employee's plan to return, the supervisor shall prepare all required personnel/payroll forms to return the employee to work and submit the paperwork to the county auditor's office.

Step 9: Any records or documents containing medical information or medical history on an employee must be filed in confidential medical files. Medical files must be maintained by the department separately from all other files.

(Ord. No. 2000-485, § 5.22--5.24, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009)

Sec. 82-608. Family and Medical Leave Forms.

Under the Family and Medical Leave Act, the county is required to provide several different types of notice to employees. These notices include general notice and postings, eligibility notice, notice of rights and responsibilities, and FMLA designation notice. The number of medical certification forms increased to address the extension of FMLA entitlement for military family leave. The following forms shall be used in the administration of family and medical leave:

- (a) Request for Family and Medical Leave (HR/CS #13);
- (b) Notice of Eligibility and Rights & Responsibilities (HR/CS #14);
- (c) Designation Notice (HR/CS #15);
- (d) Certification of Health Care Provider for Employee (HR/CS #16);
- (e) Certification of Health Care Provider for Family Member (HR/CS #17);
- (f) Certification of Serious Injury or Illness of Covered Service Member for Military Family Leave (HR/CS #18); and
- (g) Certification of Qualifying Exigency for Military Family Leave (HR/CS #19).

(Ord. No. 2009-0883, 5-12-2009)

Secs. 82-609--82-640. Reserved.

ARTICLE X. EMPLOYEE RETIREMENT*

***State law references:** Texas county and district retirement system, V.T.C.A., Government Code § 841.001 et seq.

Sec. 82-640. Retirement.

The county does not have a policy relative to continued employment and an employee's age.

(Admin. Policy Manual, §A (4.27))

Sec. 82-641. Membership required; exception.

- (a) The following employee classifications are participants in any or all of the following: the Texas County and District Retirement System (TCDRS), the Public Agency Retirement System (PARS) and the Social Security System and Medicare System.

Employee Classification	TCDRS	PARS	SS	MED
Fulltime Regular	✓		✓	✓
Fulltime Temporary		✓		✓
Part time Regular	✓		✓	✓
Part time Temporary		✓		✓

- (b) To be eligible to return to employment in any of the four categories, employees who have retired from Dallas County and are eligible to receive monthly annuities from the Texas County and District Retirement System (TCDRS) must have a break in service which will equal at least one month without a deposit into TCDRS; e.g., if retirement date is July 31, retiree receives final county check on the first date in August. Dallas county will not report August deposits to the retirement system until September, so earliest return date is October 1.
- (c) Each TCDRS member contributes seven percent of his/her gross salary each pay period, which will be matched by a rate approved by the commissioners court. Contributions earn interest after the first year while on deposit or in accordance with state law.
- (d) Each PARS member contributes 6.2 percent of his/her gross salary each pay period, with a contribution of 1.3 percent by Dallas County. Plan assets will be invested, as determined by the county treasurer.

(Admin. Policy Manual, § B(6.00); Ord. No. 2006-029, 1-3-2006)

Sec. 82-642. Minimum requirements for benefits.

The minimum requirements for benefits under the Texas County and District Retirement System are ten years of service and 60 years of age. After ten years of service, a member may terminate employment with the county, leave the accumulated balance in the system and, at the age of 60, start receiving monthly checks. If the employee's length of service, plus the employee's age, total 80 or more, the employee is eligible to retire.

(Admin. Policy Manual, § B(6.01))

Sec. 82-643. Thirty years of service.

Any member who has 30 years of creditable service may retire at any age. The amount of a member's retirement check is based on the amount credited to his/her account and on the age and sex of both the member and the beneficiary. Should a member cease to be an employee of the county, except by death or retirement, he shall, upon application, be paid in full the amount of accumulated deposits, plus any interest earned, standing to their credit. A member who wishes to change his/her beneficiary should notify the treasurer's office.

(Admin. Policy Manual, § B(6.02))

Sec. 82-644. Leaving contributions in the system; retrieval of prior service credit.

Employees who are terminating may leave their contributions in the retirement system, and if they return to the county employment, they will be eligible to retrieve prior service credit for retirement purposes.

(Admin. Policy Manual, § B(6.03))

Sec. 82-645. Information handbooks.

Texas County and District Retirement System Information handbooks are available in the county treasurer's office.

(Admin. Policy Manual, § B(6.04))

State law references: Texas county and district retirement system, V.T.C.A., Government Code § 841.001 et seq.

Sec. 82-646. Medical and dental coverage. (This section reflects recent court approved policy language: Court Order #2008 1754-September 16, 2008).

- (a) *Failure to give proper notice of retirement; deduction of insurance premiums.* An employee who fails to give two weeks' written notice of his/her retirement whose insurance premiums or accrual amounts are paid on their behalf shall have the full insurance premium (county's plus employee's cost) deducted from his/her last pay check.
- (b) *Eligibility.*
 - (1) Retirees are eligible for medical and dental coverage if they are enrolled in medical and dental coverage through the county and do not have a break in coverage, meaning that:
 - a. The retiree is enrolled in a county medical plan as an active, regular employee or has COBRA coverage through a county medical plan on the day prior to their retirement date; and
 - b. The retiree enrolls for county retiree medical coverage within 31 days of their retirement date; and
 - c. The retiree is continuously covered by a county group retiree medical plan and does not have a break in coverage for any reason, including nonpayment of premiums.
 - (2) If the retiree drops county group retiree medical or dental plan coverage for any reason, the retiree will not be allowed to re-enter a medical plan or dental plan as a retiree in the future, including during annual enrollment. For example, if the retiree drops medical coverage but continues dental coverage, the retiree will not be allowed to elect medical coverage in the future. The employee will be allowed to return to a County Group Retiree-Only Health Benefits Plan when he/she leaves fulltime employment, provided the employee now retiree has no break in benefit coverage.

If an eligible surviving spouse and/or children currently enrolled in a County Group Retiree-Only Health Benefit Plan drops county group retiree medical or dental plan coverage for any reason other than becoming a fulltime county employee with active

benefits, the surviving spouse and/or children will not be allowed to re-enter a medical plan or dental plan as a eligible surviving spouse and/or children in the future, including during annual enrollment. The employee/eligible spouse and/or children will be allowed to return to a County Group Retiree-Only Health Plan when he/she leaves fulltime employment, provided the employee/surviving spouse and/or children have no break in benefit coverage.

- (3) Retirees over 65 years of age are only eligible to enroll in County Group Retiree-Only Health Benefit Plans for Retirees and Surviving Spouse/Dependents over the age of 65. Eligible retirees who are enrolled in a County Group Retiree-Only Health Benefit Plan, their eligible non-Medicare dependents can only enroll in the Retiree-Only eligible Plan for non-Medicare Dependents.

(c) *Eligible dependents.*

- (1) If the retiree is eligible for retiree medical or dental coverage, their dependents may also be eligible for medical or dental coverage through the county plans, if they meet all of the following requirements:
 - a. The dependent meets the requirements of either a lawful spouse or eligible child as defined in the underlying plan's summary plan description; and
 - b. For medical coverage: The dependent is enrolled in medical coverage through the county and does not have a break in coverage, meaning that:
 1. The dependent is enrolled in a county medical plan on the retiree's last day as an active, regular employee or has COBRA coverage through a county medical plan on the day prior to their retirement date; and
 2. The retiree enrolls the dependent(s) when the retiree enrolls for county retiree medical coverage within 31 days of their retirement date; and
 3. The dependent is continuously covered by a county group medical plan and does not have a break in coverage for any reason, including nonpayment of premiums. See the "premium payments" section below for more information.
 - c. For dental coverage: The dependent is enrolled in dental coverage through the county and does not have a break in coverage, meaning that:
 1. The dependent is enrolled in a county dental plan on the retiree's last day as an active, regular employee or has COBRA coverage through a county dental plan on the day prior to the retirement date; and
 2. The retiree enrolls the dependent(s) when the retiree enrolls for county retiree dental coverage within 31 days of the retirement date; and
 3. The dependent is continuously covered by a county dental plan and does not have a break in coverage for any reason, including nonpayment of premiums. See the "premium payments" section below for more information.

- (2) In addition to the eligible dependents described above. The retiree may be able to add new dependents to the medical or dental plans if they meet the requirements in the "change in status events" section [subsection (d)] below.

(d) *Change in status events.*

- (1) Once the retiree enrolls for retiree medical or dental coverage, the retiree may not change benefit choices, including adding or dropping dependent coverage, until the next annual enrollment period unless the retiree or dependent experiences a qualified change in status event. Refer to the plan document or summary plan description for the underlying medical or dental plan for a list of the qualified change in status events and a description of the requirements.
- (2) If the retiree does experience a qualified change in status event, the retiree may make a new election for coverage as long as the election is consistent with the qualified change in status event. To be considered consistent, the qualified change in status event must result in either becoming eligible for or losing eligibility for coverage under the plan. The change must correspond with the specific eligibility gain or loss.
- (3) In order for a new dependent to be covered, the retiree must enroll the new dependent within 31 days after the date of the qualified change in status event. Benefits will begin on the first day of the month following notification of status change. The retiree must satisfy all other eligibility and enrollment requirements of the county retiree medical or county dental plans in which the retiree is enrolled. Refer to the underlying plan document for specific enrollment deadlines and instructions. If the retiree misses the plan's enrollment deadlines, the retiree cannot make any changes, regardless of the type of change in status event that occurred.
- (4) Note that the act of retiring does not constitute a qualified change in status event for the retiree. Thus, the retiree may not add new dependents to the plan at the time of the retirement. However, if the spouse retires, the act of retiring could be a qualified change in status event, allowing the spouse to enroll in the county plans, if the spouse loses his/her or her coverage as a direct result of retirement.
- (5) The opportunity to add new dependents to the plan due to qualified change in status events applies only to the retiree and their eligible dependents. Once the retiree is deceased, no new dependents may be added to the plan due to a change in status event, even if that event appears to otherwise satisfy the plan's requirements. See the section on "dependents of deceased retirees" below [subsection (e)] for more information.

(e) *Dependents of deceased retirees.*

- (1) The surviving spouse and eligible child(ren) of a deceased retiree are eligible to continue coverage, if they meet all of the following requirements:
 - a. The surviving spouse and/or eligible child(ren) is/are enrolled in coverage through the county at the time of the retiree's death;
 - b. The surviving spouse and/or eligible child(ren) meet(s) all other eligibility requirements of the plan; and

- c. The surviving spouse and/or eligible child(ren) do(es) not have a break in coverage, including nonpayment of premium.
 - (2) If a surviving spouse or dependent drops county group retiree medical plan or county dental plan coverage for any reason, that dependent will not be allowed to re-enter the applicable plan in the future.
 - (3) After the retiree's death, no new dependents are eligible for coverage at any time. For example, if a surviving spouse remarries, the new spouse is not eligible for retiree medical or dental coverage.
 - (4) A surviving spouse or dependent over 65 years of age are only eligible to enroll in County Group Retiree-Only Health Benefit Plans for Retirees and Surviving Spouse/Dependents over the age of 65.
- (f) *Annual enrollment.*
- (1) The county will hold an annual enrollment period each plan year. During the annual enrollment period, the retiree may change choices in retiree medical and dental coverage, cancel coverage for dependents, or make no changes. Enrollment changes made during the annual enrollment period will be effective on January 1 following the annual enrollment period.
 - (2) The retiree may not add dependents to retiree medical or dental plan coverage during annual enrollment. Dependents are eligible only if they were covered by the plan at the time of their retirement, or if they experience a qualified change in status event as described in the "change in status events" section [subsection (d)] above.
- (g) *Premium payments.*
- (1) Once the retiree elects retiree medical or dental plan coverage, the retiree must continue to pay the monthly premiums for themselves and any dependents in a timely manner, following the retiree billing rules communicated by the plan administrator, in order to continue eligibility. If the retiree discontinues premium payments for any reason, eligibility will end for the retiree and any covered dependents, and the retiree cannot elect coverage again at a later date.
 - (2) As health care costs increase, required premium payments for retiree medical and dental coverage may also increase. The county reserves the right to change required premium payments or modify plan benefits offered at any time.
- (h) *If the retiree medical plans end or are modified.* The county reserves the right to change, suspend, or end the retiree medical and dental plans at any time, in whole or in part. In the event that the retiree medical and dental plans are discontinued or terminated, benefits would be paid only for services received up to the date of plan termination. The retiree will be notified if the retiree medical and dental plans are amended or terminated.

(Admin. Policy Manual, § B(6.05); Ord. No. 2005-248, 2-1-2005; Ord. No. 2005-2149, 11-1-2005; Ord. No. 2006-160, 1-24-2006)

State law references: Preexisting conditions, V.A.T.S. Insurance Code, art. 26.90.

Secs. 82-647--82-680. Reserved.

ARTICLE XI. GROUP HEALTH AND LIFE INSURANCE

Sec. 82-681. General information.

- (a) A group health insurance plan offered by the county is provided for the benefit of all regular, full-time county employees who work a minimum of 40 hours per week. Medical insurance coverage is a condition of employment for each regular, full-time employee. This means the employee must participate in one of the county medical plans or produce proof of medical coverage from another medical plan.
- (b) Employees desiring to have medical coverage for their dependents may do so by making application to their department human resources representative or the county human resources/civil service department. Upon approval, all applicable deductions for dependent coverage will be made from the employee's paycheck. Additional information and claims forms may be acquired through department human resources representatives or the county human resources/civil service department.
- (c) Employees failing to give two weeks' written notice of his/her resignation whose insurance premiums are paid on their behalf shall have the full insurance premium (county plus employee cost) deducted from their last paycheck.

(Ord. No. 91-1788, §§ 7.00--7.02, 10-8-1991; Ord. No. 2000-848, §§ 7.00, 7.01, 4-25-2000; Ord. No. 2006-160, 1-24-2006)

Sec. 82-682. Comparison of benefits; health insurance.

Comparison of benefits and health insurance may be obtained from the county human resources/civil service department.

(Ord. No. 91-1788, § 7.03, 10-8-1991)

Sec. 82-683. Life insurance.

The county provides term life insurance for all regular, full-time employees, and the premium is paid for by the county. Optional life insurance, on a contributory basis, is available at time of employment. Information regarding amounts of insurance may be obtained from the county human resources/civil service department.

(Ord. No. 99-376, § 7.04, 2-23-1999)

Sec. 82-684. Long term disability.

The county provides long term disability coverage for all regular, full-time employees. It is designed to protect an employee's pay in case of a long term illness. Specific details can be obtained from the benefits section of the human resources/civil service department.

(Admin. Policy Manual, § B(7.06))

Secs. 82-685--82-720. Reserved.

ARTICLE XII. MISCELLANEOUS BENEFITS, AND AWARDS, AND PROGRAMS

DIVISION 1. GENERALLY

Sec. 82-721. General information.

- (a) The county is constantly striving to attract and retain qualified applicants in order to provide quality service to its taxpayers. One of the most important elements in achieving this goal is the provision of attractive benefits.
- (b) Toward this end, the county annually monitors the local labor market as well as national trends in the provision of both compensation and benefits. This survey of benefits may results in adjustments in the county benefit program to the extent that it will benefit both the employee and the county.

(Admin. Policy Manual, § B(8.00, 8.01))

DIVISION 2. HOLIDAYS*

Sec. 82-741. Designated holidays.

Each year during the budget process, the county commissioners court reviews and adopts holidays for the employees of the county. Employees of the county will observe the holidays designated by official action of the county commissioners court. Court orders with these holiday designations may be acquired from the clerk of the court. Generally, the holidays consist of the following and others that may be designated:

- New Year's Day
- Martin Luther King, Jr. Birthday
- Memorial Day
- independence Day
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day
- Day After Christmas
- Personal Day (see Sec. 82-771)

(Ord. No. 2000-1463, § 8.02, 7-25-2000)

Sec. 82-742. Observance.

Employees in regular, full-time positions are eligible to receive eight hours of pay for a holiday. Regular, full-time employees working ten-hour shifts must use another form of accrued leave to be paid for the additional two hours. Part-time, temporary, extra help and seasonal employees are not eligible for paid holidays. Holidays will be observed as follows:

- (1) Holidays that fall on Saturday will be observed on the Friday preceding the holiday;
- (2) Holidays that fall on Sunday will be observed on the Monday following the holiday; and

(Ord. No. 2000-1463, § 8.03, 7-25-2000)

Sec. 82-743. Compensation for holiday pay.

In order for an employee to receive pay for a holiday, the employee:

- (1) Must work a complete pay period before being eligible to earn or receive holiday pay.
- (2) Must work or be paid leave the day before and the day after a holiday.

(Ord. No. 2000-1463, § 8.04, 7-25-2000)

Sec. 82-744. Holiday pay for nonexempt employees.

Holidays (8 hours) will be paid in addition to time worked on the actual holiday for all non-exempt county employees.

(Ord. No. 2000-1463, § 8.05, 7-25-2000) (This section reflects recent court approved policy language: Court Order #2008 460-February 26, 2008).

Sec. 82-745. Holiday pay and other leave.

If an employee is on leave without pay, leave of absence, FMLA (unpaid), workers' compensation or salary continuance, the employee will not be eligible to earn or receive holiday pay.

(Ord. No. 2000-1463, § 8.06, 7-25-2000) (This section reflects recent court approved policy language: Court Order #2008 460-February 26, 2008).

Sec. 82-746. Holiday pay and terminating or retiring employees.

If an employee terminates or retires in a pay period which ends with a holiday, the employee shall receive eight hours of pay for the holiday.

(Ord. No. 2000-1463, § 8.08, 7-25-2000)

Secs. 82-747--82-770. Reserved.

Sec. 82-771. Personal Day granting conditions

In addition to the holidays listed in section 82-741, during the budget process each year, the commissioners court may grant an additional personal holiday (eight hours) with the following stipulations:

- (1) Must be a regular, full-time employee;
- (2) Must be employed by the county for more than six months.
- (3) Must be taken in a full day increment;
- (4) Can be taken on any day of the year with supervisory approval; and
- (5) If the personal day is not taken during the effective calendar year, the personal day shall be forfeited.

Contact the departmental human resources representative to find out the most recent holiday schedule.

(Ord. No. 2000-1463, § 8.09, 7-25-2000; Ord. No. 2002-558, 3-26-2002)

Secs. 82-772--82-790. Reserved.

DIVISION 3. LONGEVITY PAY*

***Cross references:** Longevity pay guidelines and career change re law enforcement and detention officers salary plan, §§ 82-905, 82-906.

Sec. 82-791. Guidelines. (This section reflects recent court approved policy language: Court Order# 2010 0075-January 12, 2010.)

Longevity pay is additional compensation paid to full-time licensed peace officers. The following guidelines shall apply to eligible employees:

- (1) After 12 months of service in a regular, full-time position, the employee shall receive \$5.00 a month for each year as a licensed peace officer with the county, up to and including 25 years.
- (2) After 12 months of service in a regular, full-time position has been completed, longevity pay shall commence at the beginning of the fiscal year (October 1). For example, a licensed peace officer whose appointment begins on September 15, 1999, will be eligible for longevity pay on October 1, 2000; however a licensed peace officer whose appointment begins on October 15, 1999, will not be eligible for longevity pay until October 1, 2001.
- (3) Part-time licensed peace officers are not eligible for longevity pay.
- (4) Licensed peace officers who return to the county in a regular, full-time position after having a break in service shall receive credit for years of service prior to the separation in the calculation of longevity pay.
- (5) Twelve (12) months of service is defined as 2,080 hours of actual work or applicable approved time off with pay (vacation, sick leave, etc., that is allowed for calculating longevity pay) in a regular, full-time position with Dallas County.

(Ord. No. 2000-1463, § 8.10, 7-25-2000)

Sec. 82-792. Career change.

Licensed peace officers who are placed or choose to move into a civilian position will not be eligible for longevity pay. If the employee returns to a licensed peace officer position, his/her previously calculated longevity pay will be restored. The auditor's office shall determine and process longevity pay for eligible employees.

(Ord. No. 2000-1463, § 8.11, 7-25-2000)

DIVISION 4. SPECIAL DUTY PAY

(This section reflects recent court approved policy language: Court Order# 2011 559 March 22, 2011 and Court Order #2011 1463, August 30, 2011.)

Sec. 82-793. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Direct contact means immediate, proximate, without circuitry, operating by an immediate connection, instead of operating through a medium.

Regular means consistent, normal and/or routine.

Secured or detention facility means a location that relieves a person of their rights of freedom including, but not limited to, jails and detention facilities.

Service means the act or function of serving; or incidental service.

Special Duty Pay is given when an employee has regular direct contact with confined individuals or provide a service to or for confined individuals in the regular course of a work day. Detention, security and supervisory positions are excluded from receiving special duty pay.

(Admin. Policy Manual, § B(2.45))

Cross references: Definitions generally, § 1-2.

Sec. 82-794. Effective date.

In an effort to retain competent staffing in certain work environments, the county will provide special duty pay effective November 1, 1998, to eligible employees in designated positions.

(Admin. Policy Manual, § B(2.44); Ord. No. 2006-1222, 7-11-2006)

Sec. 82-795. Eligibility criteria.

- (a) A position must meet the following criteria to be certified as eligible to receive special duty pay:
 - (1) It must be a regular, full-time clerical position located in a secured or detention facility; and

- (2) The position must require the employee to have regular direct contact with confined individuals or provide a service to or for confined individuals in the regular course of a work day.
- (b) Detention, security and supervisory positions are excluded from receiving special duty pay.
- (c) An employee must physically work a full pay period to receive special duty pay for the month.
- (d) If an employee leaves a position which is eligible to receive special duty pay and moves to a position not eligible to receive special duty pay (which includes transfers, demotions or promotions), the employee's special duty pay terminates.
- (e) If a position identified as eligible to receive special duty pay is transferred out of one secured or detention facility to another or to a different location (cost center, department, etc.), the position must be recertified by the human resources/civil service department as eligible to receive special duty pay.
- (f) Regular, full-time employees temporarily assigned to a designated special duty pay position must work a full pay period to receive special duty pay.
- (g) Employees become eligible to receive this additional compensation when the new hire personnel action is effective or the first day of a pay period for any payroll not distributed when not part of the new hire process (with no retroactive adjustments). The special duty pay will be paid after each eligible pay period.
- (h) For purposes of calculating salaries, special duty pay is added or subtracted after the applicable calculations have been completed. (For example, if an employee is promoted from a grade five non-special duty pay position to a grade six position which is eligible to receive special duty pay, the promotional increase is first calculated and then the \$50.00 special duty pay is added to the new promotional salary.)
- (i) Effective October 1, 2000, the biweekly compensation will be \$23.08. As with all compensation matters, the provisions of and the amount is subject to the commissioners' court appropriating funds for this purpose during the budgetary process each year.
- (j) If a department identifies a position that may be eligible to receive special duty pay, the department will submit a special duty request form to the human resources/civil service department who will complete a review and notify the requesting department of the findings. If the position is certified as eligible to receive special duty pay, the requesting department submits a new employee and position change (personnel court order) form no. 6-1 to the county auditor.

(Ord. No. 2000-1341, §§ 2.46--2.55, 7-11-2000; Ord. No. 2006-1222, 7-11-2006)

Secs. 82-796--82-810. Reserved.

DIVISION 5. SERVICE AWARDS POLICY

Sec. 82-811. Program generally.

- (a) To recognize all regular, full-time county employees by the authorized presentation of service awards for the completion of predetermined periods of continuous county service.

(b) Regular, full-time county employees who have completed the required continuous county service will be eligible to receive service awards as authorized by the commissioners court.

(Admin. Policy Manual, § B(8.12, 8.13); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-812. Eligibility.

Service awards will be presented to each county employee upon the completion of five years (60 months) and each additional five years (60 months) of continuous county service as a regular, full-time employee. Plain service pins shall be awarded to employees with five years of continuous service. Service pins with various stones shall be awarded to employees with continuous service at five (5) year increments. Upon completion of thirty-five (35) years of service, a watch or thirty-five (35) pin may be awarded.

(Admin. Policy Manual, § B(8,14); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-813. Presentation.

Service awards may be presented annually to employees who *will* be eligible for such awards during that fiscal year.

(Admin. Policy Manual, § B(8.15); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-814. Continuous service defined.

Continuous service is uninterrupted active employment. Such things that constitute a break in service are termination, retirement, unapproved leave of absence without pay, any break in service where retirement contributions are withdrawn, and layoff due to reduction-in-force where separation has been for more than one year. Military duty as described in section 82-422, Armed forces active duty, may be counted toward continuous service for the purpose of service awards.

(Admin. Policy Manual, § B(8.16); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Cross references: Definitions generally, § 1-2.

Sec. 82-815. Special service award.

Retiring law enforcement personnel with 30 years or more continuous service as a law enforcement officer may be presented a special service award of their assigned badge at the time of retirement.

(Admin. Policy Manual, § B(8.17); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-816. Commissioners court service recognition award

Dallas county employees upon reaching their 25th service anniversary will be recognized publically by a formal court order resolution. Employees, their friends and family, are invited to attend the public meeting where their service and successes are celebrated with a commissioners court resolution.

Secs. 82-817--82-940. Reserved.

DIVISION 6. TRANSPORTATION PROGRAM

Editor's note: Ord. No. 2003-1950, adopted Oct. 21, 2003, amended div. 6 of this article to read as herein set out. Prior to amendment., div. 6, §§ 82-841--82-847, pertained to the monthly bus pass program and derived from the Admin. Policy Manual, §§ B(8.19)--B(8.25).

Sec. 82-841. Participation authorized.

The commissioners court is committed to the utilization of public transportation for employees who commute to work. Each year the human resources/civil service department will review the annual transportation program with the commissioners court during the annual budget cycle, develop/modify all policies and procedures related to the program, and communicate those [policies and procedures] to employees.

(Ord. No. 2003-1950, 10-21-2003)

Secs. 82-842--82-910. Reserved.

DIVISION 7. RESERVE DEPUTY AND VOLUNTEER FIREFIGHTER MEDICAL PAYMENT PROGRAM

Sec. 82- 911. Policy; eligibility.

- (a) The county will provide for a medical payment program for eligible reserve deputies and volunteer firefighters who are injured in the course and scope of their assigned duties. Eligible individuals include:
- (1) *Reserve deputy:* Must be appointed and duly bonded and current on all required training and/or certifications.
 - (2) *Volunteer firefighter:* Must be on the volunteer roster and current in all required training and/or certifications.
- (b) The county will provide for payment of eligible medical expenses up to a limit set by commissioners court.

(Ord. No. 2006-710, 4-18-2006)

Secs. 82-912--82-940. Reserved.

ARTICLE XIII. SALARY PLANS*

*State law references: Salary grievances committee for county officers, V.T.C.A., Local Government Code §§ 152.014--152.017.

DIVISION 1. GENERALLY

Secs. 82-941--82-960. Reserved.

DIVISION 2. JUDICIAL SUPPORT PERSONNEL SALARY PLAN

Sec. 82-961. Implementation.

- (a) Employees of the county prior to the implementation of this plan who become covered by the judicial support personnel salary plan shall initially be placed in the step or position salary rate closest to their current salary or according to their experience and qualifications, assuming such employee qualifies for such salary according to the provisions of the plan.
- (b) After an employee's salary has been moved to the proper step or position salary rate, their salary shall be adjusted by the policies, procedures and guidelines of the plan.
- (c) On the implementation of this plan any employee whose salary is above the maximum salary for their position shall not be eligible for a salary increase of any kind until such time as their salary is within the approved salary range/rate and is otherwise allowed by this plan. This subsection does not apply to the additional compensation paid in accordance with subsections 82-965(d) and 82-966(a).
- (d) Any criminal district court coordinator whose salary is above the maximum of a court coordinator V (the maximum of the court coordinator salary range) but subsequently becomes covered by the policies, procedures and guidelines of the plan pursuant to subsection (c) of this section shall be designated as a court coordinator V and compensated as such without regard to education and experience requirements set forth in the plan.
- (e) No employee's salary will be reduced upon the implementation of this plan, and an employee whose salary is above the maximum salary for their position is not covered by the policies, procedures and guidelines of the plan until their salary is within the approved salary range/rate.
- (f) Court coordinators below a court coordinator III will be moved to that level and will receive credit on a one-year for one-year basis of their prior service as a court coordinator with the county toward their eligibility to move to a court coordinator IV.

(Ord. No. 99-076, §§ 1-1--1-6, 1-12-1999)

Sec. 82-962. Administration.

- (a) The judicial support personnel salary plan will be administered by the following five-member panel of judges selected from the participating courts:

- (1) Two county criminal judges;
 - (2) Two criminal district judges; and
 - (3) One juvenile judge.
- (b) This panel is called the judicial support personnel panel, referred to in this division as the JSP panel.
 - (c) Each court section will select their representatives to the JSP panel. Each judge serving on the JSP panel shall serve until a successor is selected by judges of the courts which the panel members represent.
 - (d) Decisions of the JSP panel shall be by majority vote of the judges on the panel.
 - (e) Review and approval of the individual hiring, promotion and salary adjustment decisions made by judges under this plan are the responsibility of the JSP panel which will then submit all of its decisions on personnel actions to the commissioners court for filing and payroll action on all personnel actions consistent with the rules of this plan. Copies of certificates of completion verifying that a coordinator has completed the required continuing education courses shall accompany any decisions of the JSP panel submitted to the commissioners court approving the promotion of a court coordinator to the next salary level. The certificates of completion are considered records of the judiciary and all copies shall be returned to the court the coordinator serves upon approval by the commissioners court of the personnel action. No copies of the certificates shall be made or retained by the commissioners or any other county department or employee unless specifically authorized by the judge of the court the coordinator serves.
 - (f) Salary adjustments under the plan will be effective on the first day of the month following formal action by the JSP panel and the commissioners court.
 - (g) Any salary increase may be delayed by the JSP panel.
 - (h) Adjustments to the salary rates established in this plan will be proposed by the JSP panel periodically based on evaluation of labor market competitiveness and will be subject to approval by the commissioners court. The salary rates of court coordinators who have been placed on the salary schedule established in subsection 82-964(d) and staff attorneys in subsection 82-965(c) shall be increased at the same time and in the same amounts as increases in the county exempt salary schedule, except for the staff attorney judicial law clerk who shall be increased at the same rate and time as the district attorney salary schedule.
 - (i) In the absence of a specific policy in the plan, the county policies and procedures shall apply.
 - (j) Judicial support personnel eligibility for overtime pay shall be determined by the requirements of the Fair Labor Standards Act.
 - (k) All judicial support personnel determined to be exempt shall not be eligible for overtime pay and are only eligible for the accrual and use of compensatory time as allowed by article IV, division 3 of this chapter.
 - (l) All judicial support personnel determined to be nonexempt are eligible for overtime pay or compensatory time as allowed by article IV, divisions 2 of this chapter.

- (m) All judicial support personnel shall be entitled to the same fringe benefits incidental to employment as those typically provided to other county employees (FICA, retirement, health and life insurance, sick leave, vacation leave, termination benefits, holiday pay, credit union and deferred compensation). All decisions about these benefits will be made in accordance with county policies by the commissioners court.
- (n) All judges who participate in the plan shall provide equal employment opportunities to applicants and shall treat personnel under the plan without regard to race, color, creed, gender, age, national origin, disability or political affiliation.
- (o) All judicial support personnel shall be considered "employees at will" who hold their positions solely at the discretion of the judge that appointed them.
- (p) Disciplinary action shall be at the sole discretion of the judge/department head and may consist of a written or oral reprimand, suspension with or without pay, or dismissal. Disciplinary action by a department head may be appealed to the appointing judge.
- (q) Causes for discipline shall include, but are not limited to, those causes listed in article VII of chapter 86 of this Code, discourteous treatment of the public or fellow employees and willful noncompliance with state bar standards or the Code of Judicial Conduct.
- (r) If the majority of the judges in a court section choose to join the judicial support personnel salary plan, then all of the courts in that section are covered by the plan. After a court section joins the plan, enforcement of all judicial personnel requirements of the plan shall be applied by the JSP panel to all courts covered by the plan.
- (s) Members may be added to the JSP panel to represent additional sections of courts that join the plan in the future.
- (t) Amendments to this plan may only be made with the concurrent approval of the JSP panel and the commissioners court.
- (u) No judicial support personnel shall be prohibited from running for political office or seeking political appointment if it does not interfere with the person's job performance or utilize court staff on court time, or court supplies, equipment, funds or facilities. No judicial support personnel shall be discriminated against for engaging in allowed political activities or choosing not to. This section shall not be construed to deny any judicial support personnel any civil or political liberties guaranteed by the United States or Texas Constitutions.

(Ord. No. 99-076, §§ 2-1--2-21, 1-12-1999; Ord. No. 2006-2179, 12-5-2006)

Sec. 82-963. Judicial support personnel.

- (a) The following judicial support personnel are covered by this judicial support personnel salary plan:
 - (1) Criminal district court coordinators;
 - (2) Court coordinators for the district courts giving preference to criminal cases;
 - (3) County criminal court coordinators;
 - (4) County criminal court of appeals coordinators;
 - (5) Juvenile district court coordinators;
 - (6) Criminal district court staff attorneys and law clerk; and

(7) Criminal magistrates and juvenile referees.

(b) Additional employees may be added when other court sections join the plan or as otherwise necessary.

(Ord. No. 99-076, §§ 3-1, 3-2, 1-12-1999)

Sec. 82-964. Court coordinators.

(a) All court coordinators for court sections participating in the plan shall comply with the qualifications and salary rates established in the plan.

(b) Minimum qualifications for court coordinators are as follows:

(1) A four-year college degree from a post-secondary institution that has been accredited to grant degrees by one of the regional institutional accrediting agencies in the United States, as recognized by the United States Department of Education. A degree in criminal justice, public administration or a related field is highly desirable. A combination of education and related experience may be used to meet this qualification requirement, with two years of related experience being equal to one year of college.

Education obtained outside the United States must be converted to the equivalent U.S. educational level by a recognized accrediting agency or organization in the United States.

(2) Strong organizational, interpersonal and communication skills.

(3) Extensive knowledge of or demonstrated ability to learn statutes, rules and procedures governing administration of court processes and services.

(4) Independent judgment, initiative and discretion are crucial.

(5) Managerial experience in the private or public sector is preferable.

(c) To be considered related, experience must be from the following agencies and jobs:

(1) District or county clerk's office as at least a court clerk;

(2) Legal assistant or paralegal in a private law firm;

(3) The district attorney's office as a clerk, paralegal, legal secretary, or legal assistant;

(4) Community supervision and corrections department as a community supervision officer, court clerk, paralegal, legal secretary, or legal assistant;

(5) The local, state, or federal public defender's office as a court clerk, paralegal, legal secretary, or legal assistant; or

(6) Trial or appellate court as a court clerk, paralegal, legal secretary, or legal assistant.

(7) The state or federal attorney general's office, as a court clerk, paralegal, legal secretary, or legal assistant;

(8) A law enforcement division reporting to the state or federal attorney general's office in a clerical/administrative capacity directly supporting legal counsel in preparing court cases;

(9) A clerical/administrative assistant who works directly supporting legal counsel in

preparing court cases in a public entity directly;

(10) Legal assistant, law clerk, or paralegal in the legal division of a company/agency/organization.

(d) The qualifications for court coordinators are as follows: (refer to the current judicial salary schedule for salary amount)

Title/Level	Minimum Qualifications
Court coordinator I (entry)	Four-year college degree from an accredited college or university, or eight years of related experience.
Court coordinator II (entry)	Coordinator I qualifications; and either a Masters Degree from an accredited college or university, or three additional years of related experience; which can include three years' experience as a coordinator I.
Court coordinator III	Three years' experience as a court coordinator II; and certification in trial court coordination by the Texas Center for the Judiciary and attendance of at least one educational program sponsored by an organization listed in Rule 6b or Rule 2c of the Rules of Judicial Education or other educational programs approved by the Court of Criminal Appeals Education Committee for the continuing education of court coordinators.
Court coordinator IV	Four years' experience as a court coordinator III; and certification in trial court management by the Texas Center for the Judiciary; and attendance of at least two educational programs sponsored by an organization listed in Rule 6b or Rule 2c of the Rules of Judicial Education or other educational programs approved by the Court of Criminal Appeals Education Committee for the continuing education of court coordinators.
Court coordinator V	Three years' experience as a court coordinator IV; and attendance of at least three educational programs sponsored by an organization listed in Rule 6b or Rule 2c of the Rules of Judicial Education or other educational programs approved by the Court of Criminal Appeals Education Committee for the continuing education of court coordinators.

(e) An applicant for a court coordinator position who does not meet the minimum qualifications for court coordinator I may be employed as a court coordinator (probationary) if they can reasonably obtain the minimum qualifications for a court coordinator within 24 months, and the JSP panel finds that there are not other satisfactory applicants who meet the minimum qualifications. The salary of an applicant under this rule shall be 85 percent of the salary of a court coordinator I as set out in the current judicial salary schedule, until such time as the person meets the requirements of a court coordinator I.

(f) All persons hired as a court coordinator under this plan will initially be employed as court coordinator I or court coordinator II based on qualification, except that a person previously employed as a court coordinator for a Dallas County Court may be re-employed within 12 months from their date of separation at the same salary the person was earning at the time of separation.

(g) A court coordinator that transfers from another county court shall be placed in the appropriate step under the plan according to qualifications and experience. This subsection also applies to grant funded court coordinators who move from one position to another.

(Ord. No. 99-076, §§ 4-1--4-7, 1-12-1999; Ord. No. 2004-2054, 11-9-2004; Ord. No. 2005-2370, 12-6-2005; Ord. No. 2006-2179, 12-5-2006)

Sec. 82-965. Staff attorneys' office.

(a) All staff attorneys and the judicial law clerk shall be compensated on the same basis and grade as other county attorneys on the attorney salary schedule performing the same level and complexity of work. When the comparable grades and salaries on the attorney salary schedule are adjusted by the county, the salary for the affected staff attorney positions under this plan will be automatically adjusted.

(b) With the recommendation of the JSP panel, the position of staff attorney may be filled at a lower grade than is authorized.

(c) Staff attorneys shall be qualified as follows: see attorneys salary schedule for compensation:

Title	Grade	Minimum Qualifications
Chief staff attorney	Attorney VI	1. Licensed to practice law in the state of Texas.
		2. Five years' criminal law experience.
		3. Strong written and oral communication skills.
		4. Extensive legal research and writing skills.
		5. A comprehensive knowledge of statutory and case law dealing with court administration and the trial and appeal of a criminal case.
		6. Some supervisory experience with the proven ability to supervise professionals.
		7. Prior work experience in a court environment is desirable, but not required.
		8. A commitment to the judicial system and the ability to remain impartial confidentiality of matters pending before the courts.
Senior staff attorney	Attorney V	1. Licensed to practice law in the state of Texas.
		2. Four years' criminal law experience.
		3. Extensive research and writing skills.
		4. Familiarity with the state court system and court administration.
		5. Extensive knowledge of all aspects of criminal law and procedure.
		6. Some supervisory experience or work experience in a court environment preferred.
		7. Strong sense of ethics and ability to remain impartial.
Staff attorney	Attorney III	1. Licensed to practice law in the state of Texas. 2. One year experience in the area of criminal law or two years' experience in a judicial law clerk position handling criminal matters.

		3. Strong legal research and writing skills.
		4. A working knowledge of statutory and case law dealing with the trial and appeal of a criminal case.
		5. The ability to reason logically and analytically and the ability to comprehend and analyze complex legal issues.
		6. The ability to exercise discretion, confidentiality, impartiality and honesty in handling matters before the court.
Judicial law clerk	(Attorney) 1	1. Graduate of A.B.A. accredited law school.
		2. Familiarity with state court system preferred.
		3. Strong legal research and writing skills.
		4. Training in the use of personal computers and computer research helpful.
		5. License to practice law in state preferred, but not required.

- (d) Staff attorneys who perform the duties of a criminal magistrate are eligible for additional compensation as requested by the criminal district judges and approved by the commissioners court on a case-by-case basis.
- (e) Appointment to the position of judicial law clerk is for a period of one year only. The incumbent may be retained for a second year upon recommendation of the chief staff attorney and by mutual agreement of the appointee and the criminal district court judges. To be eligible for retention for a second year the incumbent must be licensed to practice law in the state.
- (f) The JSP panel may fill a staff attorney position at a salary lower than that authorized by the plan. Upon completion of the person's second year in the position, the salary must be raised to the amount authorized for the position in subsection (c) of this section.

(Ord. No. 99-076, §§ 5-1--5-6, 1-12-1999)

Sec. 82-966. Criminal court magistrates and juvenile referees.

- (a) Criminal court magistrates and juvenile referees are paid the same as justices of the peace in the county. The chief criminal court magistrate's compensation is higher than the salary of a justice of the peace per court order 95-1923.
- (b) Criminal court magistrates working on a part-time basis shall receive an hourly salary equivalent to the hourly compensation paid justices of the peace in the county.
- (c) Any salary increase for justices of the peace in the county shall result in a corresponding salary increase for the criminal court magistrates and juvenile court referees and a corresponding hourly salary increase for criminal court magistrates working on a part-time basis.

(Ord. No. 99-076, §§ 6-1--6-3, 1-12-1999)

Secs. 82-967--82-979. Reserved.

DIVISION 3. Reserved

DIVISION 4. LAW ENFORCEMENT AND DETENTION OFFICERS SALARY PLAN

Sec. 82- 980. General plan provisions.

- (a) *Positions covered under plan.* The county positions covered under this plan are those previously covered by the sheriff's commissioned officer salary schedule, sheriff's detention service officer salary plan, constable commissioned officer salary schedule and detention service supervisors and detention service managers covered by the exempt salary schedule. Grand jury bailiffs and assistant fire marshals are included in this plan since they have been covered by the sheriff's commissioned officer salary schedule.
- (b) *Scheduled salary increase.* All employees covered by this plan shall receive the scheduled 2.5 percent salary increase on January 1, 1998, and then shall, on their anniversary date of employment or promotion to their current grade, be assigned to the appropriate grade in the law enforcement and detention officer salary schedule (Attachments A and B) for their position and be placed initially in the closest higher step except that:
 - (1) DSO's on step 1, 2 or 3 and any employee above the maximum of the salary range in which they were placed prior to January 1, 1998, shall not receive the 2.5 percent increase.
 - (2) Any employee whose salary on January 1, 1998, after the 2.5 percent increase, equals the salary amount of the highest step earned by the employee's months of service in that grade shall be placed in that step with no change in salary.
 - (3) Any employee whose salary on January 1, 1998 after the 2.5 percent increase exceeds the amount of the highest step earned by the employee's months of service in that grade shall, on the anniversary date, be placed in the earned step with no change in salary until advancement to a higher step is earned or the salary schedule is revised to provide a higher salary for the current step.
- (c) *Deputies.* All certified deputies will be placed on their anniversary date in the next higher step in the deputy salary range. All non-certified personnel occupying a deputy position who are in the process of obtaining their certification as a deputy shall be placed in the deputy recruit salary range, based on their months of service as a recruit.
- (d) *Salaries less than minimum; increase.* All employees covered by this plan whose salary is effective January 1, 1998, is less than the minimum of their salary range (step 1) shall be increased to the salary of step 1 effective January 1, 1998 rather than on their anniversary date in 1998. All employees who are advanced to the minimum of the salary range effective January 1, 1998 shall advance to step 2 on their anniversary date in 1999 and shall advance further in accordance with the provisions of this plan.
- (e) *Advance due to satisfactory performance.* Beginning January 1, 1999, all covered employees will advance in their salary range based on satisfactory job performance and on the completion of the necessary months of service established for each step in the law enforcement and detention officer salary schedule, except for those transitional employees whose months of service in grade exceed the requirement for the next step above the one

in which they are initially placed. Such transitional employees shall, on their anniversary date in their current position, annually advance to the next step until such time as their position in the salary range corresponds to the step earned by their months of service in their current position.

- (1) Only paid time covered under family and medical leave shall count as time worked for purposes of merit increases, step increases, promotional increases, etc. Any and all unpaid time will not be counted as time worked. Once family and medical leave has been exhausted, all other time (paid or unpaid) taken during the applicable 12-month period will not be counted as time worked for these purposes. These provisions also apply to employees who are on workers' compensation.
 - (2) However, if the county makes salary/benefit modifications to all employees or to employees in the injured or absent employee's specific job category, then the employee may be impacted by these changes, if he meets all specified requirements.
- (f) *Detention service officer or detention service supervisor.* A detention service officer or detention service supervisor who is appointed to a deputy recruit position whose current salary exceeds the range for a deputy recruit shall not have their salary adjusted until such time as they complete the 12 months of service as a deputy recruit. When they have completed 12 months as a recruit they will be placed at the minimum salary for a deputy. If their salary at that time exceeds the minimum salary of the deputy salary range, they shall be placed at the minimum of the range without a salary decrease and will then advance to the higher steps based on the completion of the necessary months of service required for each step. In this case the deputy's salary will not be decreased and will only be increased at such time as they advance to a step that offers a higher salary.
- (g) *Sheriff, constable or fire marshal.* The sheriff, constable or fire marshal may delay indefinitely any step increase based on a non-satisfactory performance evaluation or disciplinary action. Such delay will not affect the employee's anniversary date and eligibility for future salary. Back pay will not be awarded for any period in which a step increase is delayed due to a non-satisfactory performance evaluation or disciplinary action.
- (h) *Hiring at entry step.* All employees are hired at the entry step in the salary range.
- (i) *Hiring anniversary date.* An employee hired before the 16th of a month will have an anniversary date of the first of that month, and those employees hired after the 16th of the month will have an anniversary date of the 16th of that month.
- (j) *Promotions.* All promotions shall include a ten percent increase and be accomplished by placement in the closest step in the promotional grade which meets or exceeds the ten percent increase in salary. Promotion to corporal shall be limited to five percent and to the closest higher step.
- (k) *Demotions.* Demotions shall include at least a ten percent salary decrease and will be accomplished by placement in the closest step in the lower range which is at or below the ten percent salary reduction. Demotion from corporal shall be limited to five percent and to the closest lower step.
- (l) *Initial in-hire rate for deputies.* Deputy recruit, step 1, is the initial in-hire rate for new deputies who are not certified by the state commission on law enforcement standards and education, and step 1a is a mid-probation rate. Promotion of a deputy recruit, step 1a, to a deputy is subject to satisfactory performance and obtainment of full certification as a law enforcement officer and six months of service as a deputy recruit 1. A deputy recruit will

occupy an authorized deputy position. Deputy, step 1, is the minimum salary of the regular deputy salary range and is the initial in-hire step for new deputies who are already certified by the state as a law enforcement officer and meet all other requirements for the deputy recruit and deputy position.

- (m) *Assistant chiefs and chief deputy sheriffs; chief deputy constable.* Assistant chiefs and chief deputy sheriffs will be eligible for a standard merit allocation consistent with the county's merit plan. The merit pay ranges for those positions will be adjusted at the same time as law enforcement salary structure adjustments. A chief deputy constable will be compensated consistent with the salary authorized by the assigned pay grade.
- (n) *Minimum requirements for education and experience.* Minimum requirements for education and experience and education incentive pay for all positions covered by the law enforcement and detention officer salary plan are described in section 82-902.
- (o) *Overtime for certain positions.* The positions of detention service officer, detention service supervisor, deputy and sergeant are eligible to be paid overtime pay for time worked in excess of a 40-hour workweek as long as such payment and time worked is consistent with other county policies and procedures and all state and federal laws relating to overtime, overtime pay and compensatory time. Positions other than those of the sheriff and constables that are compensated under the law enforcement and detention officer salary plan are eligible for overtime based on their eligibility under the Fair Labor Standards Act (i.e., assistant fire marshals have been determined as being employees exempt from overtime).
- (p) *Part-time or temporary detention service officers and/or deputies.* Persons working on a part-time or temporary basis in the positions of detention service officer and/or deputy shall be paid at the minimum salary authorized for these positions. Hospital guards are not covered by this plan.
- (q) *Plan not a contract.* This law enforcement and detention officer salary plan, salary schedules and the future pay increases referred to in this plan do not constitute a contract and are subject to annual appropriation and the availability of funds in the same manner as all other county benefits and salaries.
- (r) *Effect of plan on longevity pay.* Nothing in this plan affects law enforcement longevity pay.

(Ord. No. 98-251, §§ 1--18, 2-10-1998; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2004-1790, 10-5-2004)

Sec. 82- 981. Minimum requirements for law enforcement and detention officer positions and educational incentive pay. (This section reflects recent court approved policy language: Court Order #2009 0097- January 13, 2009).

- (a) Minimum requirements for education and experience for all positions covered by the law enforcement and detention officer salary plan are outlined on the applicable job description approved by the Civil Service Commissions. Contact the Human Resources/Civil Service Department for the most recent job description. College degrees and college hours completed are accepted from post-secondary institutions that have been accredited to grant degrees by one of the regional institutional accrediting agencies in the United States, as recognized by the U. S. Department of Education. Education obtained outside of the United States must be converted to the equivalent U.S. level by a recognized, accrediting agency or organization in the United States. Positions under the Law Enforcement and Detention Officer Salary Plan are:

- (1) Detention service officer, supervisor, manager, commander
- (2) Deputy sheriff recruit
- (3) Deputy I (sheriff)
- (4) Deputy II (sheriff)
- (5) Deputy III (sheriff)
- (6) Deputy IV (sheriff)
- (7) Deputy V (sheriff)
- (8) Assistant chief and chief deputy -- appointed by the sheriff.
- (9) Deputy constable recruit
- (10) Deputy constable I
- (11) Deputy constable II
- (12) Deputy constable III
- (13) Deputy constable IV

Any employee covered by the law enforcement and detention officer salary plan who has made formal application for promotion prior to the adoption of this plan will not be required to meet the additional minimum requirements for that promotional opportunity.

- (b) All detention service officers and deputies shall be eligible to receive education incentive pay of \$25.00 per month for each 30 hours of accredited college hours successfully completed with a grade of C or above, not to exceed \$100.00 per month. All Officers covered by this plan, who have successfully completed an Associates Degree/Bachelors Degree from an accredited college/university is eligible to receive \$50.00/\$100.00. The two (2) years of continuous active military service with honorable discharge, substituted for 30 college hours, are not eligible for the education incentive. College hours eligible to be included in this educational incentive program are those courses completed from a post-secondary educational institution that has been accredited to grant degrees by one of the regional institutional accrediting agencies in the United States, as recognized by the U.S. Department of Education and is part of a degree plan to obtain an associate's or bachelor's degree. College hours for elective subjects above the degree plan requirements are not eligible, and no credits in physical education are eligible except as part of a completed associate's or bachelor's degree. To begin to receive education incentive pay the employee must provide the sheriff a certified copy of their transcript and sign a personnel form swearing that the information contained on the transcript is accurate to the best of their knowledge. Education completed outside the United States will not be accepted unless it has been converted to the equivalent U.S. educational level by a recognized accrediting agency or organization in the United States. If the employee has not yet earned a degree, the certified copy of the transcript should be accompanied by a degree plan or the human resources/civil service department will review all courses before credit will be given for any elective courses. These documents must be attached to a personnel action form and processed through the county's standard payroll review and approval process. Each employee's education incentive pay will begin when the new hire personnel action is effective or the first day of a pay period for any payroll not distributed when not part of the

new hire process (with no retroactive adjustments). Detention service supervisors, detention service managers, corporals, sergeants, lieutenants and captains are not eligible for education incentive pay.

- (c) When an employee is receiving education incentive pay and is promoted to a position that is not eligible for education incentive pay, the ten percent minimum salary increase for purposes of promotion will be based on the employee's total prior pay, including the employee's regular salary and the education incentive pay.
- (d) When an employee is demoted from a position that is not eligible for education incentive pay to a position that is eligible for education incentive pay, the employee is then eligible to receive education incentive pay.
- (e) If for any reason the minimum requirements for education and experience for all positions covered by this plan are not used or are not able to be used, all education incentive pay will be suspended until such time as these minimum requirements are utilized.

(Ord. No. 98-251, §§ 1-5, 2-10-1998; Ord. No. 2004-1790, 10-5-2004; Ord. No. 2006-1222, 7-11-2006)

ARTICLE XIV. CHARITABLE CAMPAIGNS*

*State law references: Charitable deductions authorized, V.T.C.A., Local Government Code § 155.001.

Sec. 82-1001. Authority.

The county may conduct a combined charitable campaign once each year to allow its employees to voluntarily make contributions to certain eligible nonprofit organizations in accordance with the V.T.C.A., Local Government Code §§ 155.001--155.003 and the commissioners court Order No. 2000-844 and its successors. This campaign will comply with all state and federal laws and rulings concerning the conduct of combined workplace charitable campaigns.

(Ord. No. 2000-844, 4-25-2000)

Sec. 82-1002. Administration.

The county will may contract with a third party to conduct the administration of the campaign, including training of volunteers, development of materials, scheduling of employee information presentations and employee designation of recipients of donations, and receipt of funds from the county and distribution of funds to all eligible organizations in accordance with rules established in the administrative contract. All costs of this contract will be covered by a deduction from the aggregate amount donated by the county employees each year, and a budget will be approved in advance by the county commissioners court. There will be a maximum established for this annual budget in the administrative contract.

(Ord. No. 2000-844, 4-25-2000)

Sec. 82-1003. Employee committee.

Each year, the commissioners court may select an employee committee of 11 members after receiving nominations from elected officials and department heads. The employee committee will be responsible for reviewing all proposals received from interested agencies once each year. The annual eligibility determination period will be specified by the commissioners court. Following the guidelines for eligible organizations, the employee committee will recommend a list of participating agencies to the commissioners court. The commissioners court will formally approve an annual list of eligible entities after receiving a recommendation from the employee committee.

(Ord. No. 2000-844, 4-25-2000)

Sec. 82-1004. Eligible organizations.

- (a) To be eligible for participation in the county employees charitable campaign, a charitable organization must be one that:
- (1) Is organized for charitable purposes under the Texas Nonprofit Corporation Act (Vernon's Ann. Civ. St. art. 1396-1.01 et seq.) or holds a certificate of authority issued under that act;
 - (2) Is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of that code and to which contributions are deductible for income tax purposes under section 170 of that code;
 - (3) Complies with all applicable federal nondiscrimination laws, including 42 USC ch. 21;
 - (4) Complies with all state statutes and rules relating to charitable organizations and has been in continuous operation for at least three years;
 - (5) Is not a private foundation;
 - (6) Is governed by a voluntary board of citizens that meets at least twice each year to set policy and manage the affairs of the organization;
 - (7) Has an established physical presence in the county in the form of an office or service facility that is available to members of the public and staffed at least 15 hours a week (physical presence cannot be established solely through an 800 telephone number or the U.S. Postal Service);
 - (8) Predominantly provides services closely related to county functions, including health care services, public health, mental health and mental retardation services, juvenile and criminal rehabilitation, civil and criminal justice, law enforcement, trail and park development, litter control, housing and homeless assistance, job training, drug abuse treatment and prevention, senior citizen services, animal control and shelters, and services for abused and neglected children including adoption and foster care;
 - (9) Does not provide any abortion services;
 - (10) Does not provide any reproductive counseling services or distribute reproductive materials to juveniles without prior parental notification and consent;

- (11) If the organization's annual budget:
 - a. Does not exceed \$100,000.00, provides a completed Internal Revenue Service Form 990 and an accountant's review that offers full and open disclosure of the organization's internal operations; or
 - b. Exceeds \$100,000.00, provides a completed Internal Revenue Service Form 990 and is audited annually in accordance with generally accepted auditing standards of the American Institute of Certified Public Accountants; and
- (12) Does not spend more than 25 percent of its annual revenue for administrative and fundraising expenses.
- (b) The county employee charitable campaign committee may recommend and the commissioners court may grant a charitable organization temporary exemption from the 25 percent requirement if the committee finds that:
 - (1) The organization's administrative and fundraising expenses are reasonable under the circumstances; and
 - (2) The organization has a practical plan to reduce its administrative and fundraising expenses to 25 percent of this annual revenue within the next three years.

(Ord. No. 2000-844, 4-25-2000)