

The Dallas County Administrative Code contains the employment policies and procedures for Dallas County. It is not to be construed as a contract of employment or to contain any provision guaranteeing a specific term or tenure or employment. The Dallas County Commissioners Court and/or Civil Service Commission may, at any time, unilaterally implement changes in employment conditions, rescind or add to any of the policies, benefits or practices contained within the Dallas County Administrative Code.

Chapter 82
PERSONNEL BENEFITS, PAYROLL AND COMPENSATION*

***Cross references:** Any order providing for salaries or employee benefits not codified in this Code, or otherwise related to employees saved from repeal, § 1-8(a)(5); administration, ch. 2; financial matters, ch. 70; personnel and employment, ch. 86; sheriff's department civil service rules and regulations, app. A; employment, app. A, ch. II, § 2.00; compensation, app. A, ch. III, pt. I § 3.00; leave policies, app. A, ch. IV, § 4.00 et seq..

State law references: County officers and employees, V.T.C.A., Local Government Code § 151.001 et seq.; salary reduction agreements, V.T.C.A., Local Government Code § 155.043; medical insurance coverage, V.T.C.A., Local Government Code § 157.001 et seq.; child care services, V.T.C.A., Local Government Code § 157.061 et seq.

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**DALLAS COUNTY CODE
Chapter 82**

ARTICLE I. GENERAL

Sec. 82-1. Introduction.

All employee benefits and programs covered throughout this chapter are applicable to all Dallas county employees as outlined in Article XI. Group Health Insurance.

Secs. 82-2--82-30. Reserved.

ARTICLE II. PAYROLL WORK WEEK, PAY DEPOSITS/COMPUTATION, WORK SCHEDULES, AND TELECOMMUTING PROGRAMS*

***State law references:** Personnel and payroll, V.T.C.A., Local Government Code § 151.903.

Sec. 82-31. Payroll Workweek, Payroll Deposits/Computation (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) All county employees will be paid on a bi-weekly basis.
- (b) Bi-weekly paydays will be every other Friday except where such date falls on an officially designated holiday in which case the payday will be on the last working day before such date. Direct deposit or a debit pay card is required as a condition of employment (Court Order 2003-1785).
- (c) Advanced delivery of the county pay deposits will not be permitted. The county treasurer's office should be contacted for incorrect pay deposits or debit pay card amounts.
- (d) The computation of pay for a partial pay period will be based on the standard of 2,080 annual working hours.
- (e) Pay due will be determined by multiplying the hourly rate by the number of hours worked in the pay period involved for employees entering or terminating county employment. The employee's wages for time lost will be reduced by the number of hours lost multiplied by the hourly rate.
- (f) County employees who are required to work in excess of the standard workweek (40 hours) shall be compensated as stated in Article IV of this chapter.

(Ord. No. 2000-1341, §§ 1.00--1.10, 7-11-2000)

Sec. 82-32. Work hours scheduling. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) *Work Schedule.* Each supervisor must approve and establish an authorized work schedule for each employee within the time-keeping system. All employees' work hours, exempt and non-exempt, will reflect their established work schedule.
- (b) *Office hours.* An elected official/department head, with the approval of the commissioners court, has the right to establish and schedule reasonable work hours, rules and working conditions in a manner most advantageous to the county in accomplishing its service and work requirements. Compensatory time and overtime are also scheduled by the elected official/department head according to appropriate county policies. County offices, excluding 24-hour operations, are expected to remain

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open between the hours of 8:00 a.m.--4:30 p.m. and remain open during the noon hour. Employees should verify office hours and work hours with their supervisor.

- (c) *Breaks and lunch periods.* An elected official/department head may also establish breaks and lunch periods for their employees. Employees may be granted one break of ten minutes for each four hours worked. Employees are paid while on break. A lunch period may be 30 minutes to an hour depending on the work schedule approved by the elected/appointed official/department head. Lunch periods are in addition to the regular eight-hour work period and shall not be combined with breaks. Employees are not paid during their lunch period; therefore, they should be completely relieved of all duties and be free to leave their post of duty.
- (d) *Flex time.* The commissioners court encourages elected officials/department heads to implement flexible schedules, if feasible, and when it can be done without impacting service delivery or incurring additional expenses. However, elected officials/department heads are not mandated to grant flexible schedules, and each request will be evaluated on a case-by-case basis. Such a request requires:
 - (1) Written authorization/approval from the elected official/department head.
 - (2) The employee to submit HR/CS Form 100 to the employee's supervisor for approval. HR/CS Form 100 will be maintained in the employee's departmental personnel file.
- (e) *Workweek.* The county's official workweek begins Saturday at 12:01 a.m. and ends the following Friday at midnight.
- (f) *Hours worked less 40.* Any nonexempt employee who does not work a full 40 hour workweek will have his compensation reduced by the value of the hours not worked or will charge such time not worked to accrued leave or compensatory time, holiday pay, vacation or sick leave, or any combination of such leave. Employees not eligible for approved leave and unable to consistently work 40 hours per week are subject to loss of full-time status and benefits.
- (g) *Other.* 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). 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.

(Ord. No. 2000-1341, §§ 1-11--1-15D, 7-11-2000; Ord. No. 2009-0091, 1-13-2009)

Sec. 82-33. Telecommuting program (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011; Court Order #2020 0259; 03-20-2020).

- (a) Dallas County permits employees to telework when approved by the employee's elected official/department director. With a thoughtful plan in place, telework can benefit not only the employee but also the supervisor, the team, and Dallas County.
- (b) Telework permits an employee to work at an alternate site, such as a home, a satellite office, or a library. An elected official/department director who determines it is advantageous to allow an employee to work at an alternate site may approve:

- (1) **Occasional telework:** Occasional telework is infrequent and not regularly scheduled. Written approval, such as an email, must be provided by the elected official/department director (or a designee).

Occasional telework may be used when an employee has:

- A personal need at home, such as meeting a service technician;
- A temporary workplace disruption, such as office remodeling or inclement weather; or
- Another circumstance that supports the need to telework.

Occasional telework may not exceed ten consecutive workdays.

- (2) **Regular telework:** Regular telework arrangements are for ongoing telework and must be supported by a completed Telecommuting Request Form (HR/CS #106) that specifies the requirements and details of the arrangement. The telework arrangement can last for a defined period or continue indefinitely, with regular review. The employee's elected official/department director must approve this assignment.

Regular telework may be used when:

- A lack of work space, a disaster, or an epidemic virus exists;
- The elected official/department director determines that the arrangement will result in improved productivity and employee engagement; or
- The elected official/department director determines that the telework arrangement benefits the attainment of operating goals.

- (c) Telecommuting may be appropriate for high-performing employees whose job responsibilities are suited for such arrangements. Telecommuting requests are considered on an individual basis. When evaluating whether a position is suitable for telecommuting, a manager should evaluate whether the job tasks can be performed independently and away from the workplace setting and whether an employee's absence from the workplace would interrupt office operations. When evaluating whether an employee is eligible for a telecommuting assignment, a manager should consider whether the employee is:

- (1) A high performer, as evidenced by performance evaluations;
- (2) Able to communicate effectively with clients, stakeholders, and team members;
- (3) Able to manage time effectively;
- (4) Able to work independently; and
- (5) Free from significant disciplinary actions.

(d) A telecommuting employee:

- (1) Must abide by this Policy and the employee's Telecommuting Request Form as well as all other Dallas County policies; and
- (2) Remains subject to all Dallas County performance standards and policies as well as any additional requirements imposed by the elected official/department director.

(Ord. No. 2009-0091, 1-13-2009; Ord. No. 2011-1463, 8-30-2011; Ord No. 2020-0259, 03-20-2020; Ord. No. 2021-0881, 09-07-2021)

Sec. 82-34. Lactation (This section reflects recent court approved policy language: Court Order #2016 0755 – June 21, 2016).

- A. Dallas County supports the practice of expressing breast milk, recognizes that its employees are entitled to do so at their workplaces, and will make reasonable accommodations for the needs of an employee who express milk during the course of a work day/shift.

Accordingly, Dallas County shall:

1. Provide reasonable amount of break time for an employee to express breast milk each time the employee needs to do so;
2. Provide a place, other than a multi-user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk; and
3. Not suspend or terminate the employment of or otherwise discriminate against an employee because the employee expresses breast milk at the employee's workplace.

- B. A Dallas County employee shall inform her supervisor of her space and scheduling needs so that appropriate and reasonable accommodations can be made. To the extent feasible, a Dallas County employee should use the time normally allotted for breaks and lunch periods to express breast milk. If the employee uses a break time that would otherwise be compensated, she will be compensated in the same way that other employees are compensated for that break time. If the employee uses a break

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time that would otherwise not be compensated, she will not be compensated for that break time.

Sec. 82–35. Breast-Feeding (This section reflects recent court approved policy language: Court Order #2016 0755 – June 21, 2016).

Dallas County recognizes the health advantages of breast-feeding for children and mothers and desires to provide a supportive environment. Therefore, a mother is entitled to breast-feed her baby in any Dallas County location in which the mother is authorized to be.

(Ord. No. 2016-0755, 06-21-2016)

Secs. 82-36--82-60. Reserved.

ARTICLE III. EMERGENCY AND INCLEMENT WEATHER CONDITIONS (This section reflects recent court approved policy language: Court Order #2012 0145 – January 24, 2012).

Sec. 82-61. Emergency conditions.

- (a) *Authority to close government operations.* The county commissioners court has the authority to close general government operations due to emergency conditions. Such action, unless specifically stated, does not close essential, emergency, residential and detention operations. The county fire marshal, under the direction of the county judge, is responsible for communicating with elected officials/department heads and media outlets if there are office closings or delayed openings due to inclement weather. Whenever possible, notification will be made before 6:00 a.m. to the designated radio and television stations.
- (b) *Employee time off with pay when the county is closed.* With the approval of the commissioners court, regular employees of general government operations may be allowed approved time off with pay for those scheduled hours they would have worked had the county been in operation. If an employee is not aware that the county is closed and reports for work, he is not authorized additional pay or compensatory time for hours worked during this period. Approved time off with pay is not considered time worked, and such time off shall not be used to determine eligibility for overtime.
- (c) *Employee time off with pay with the county is open.* When an elected county official closes his or her office due to inclement weather or other circumstances for a period that is normally a part of a regular work period, and intends to compensate those employees, the Office of Budget and Evaluation will: (1) notify commissioners court of the department that closed, (2) the reason(s) the department closed, and (3) the cost of the department closure during the first posted meeting after the closure.
- (d) *Vacation, sick or holiday leave during periods of closure.* Employees on vacation, sick leave or holiday leave during periods of closure are still recorded as using accrued leave.
- (e) *Time off with pay not authorized for home workers.* Employees authorized to work at home shall not be authorized time off with pay for times the county is closed by the commissioners court.

(Admin. Policy Manual, § B(1.16--1.19))

Sec. 82-62. Emergency service, residential and/or detention operations.

- (a) Employees in essential, emergency, residential and/or detention (EERD) operations are required to work as scheduled to meet the needs of the operation and/or emergency condition. Essential, emergency, residential and/or detention departments include, but are not limited to: building security, facilities management, road and bridge operations, fire marshal, juvenile residential operations, sheriff detention and patrol services. Individual expectations or duties during emergency conditions will be communicated to employees during their departmental orientation.

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- (b) Essential, emergency, residential and/or detention employees compensation during emergency conditions or during periods that general government operations are closed is the same as during nonemergency conditions. Essential, emergency, residential and/or detention employees, who do not report to work as scheduled during emergency conditions, will have their compensation determined by the elected official/department head. The elected official/department head may allow payment during this period not worked as approved time off with pay, compensatory time, vacation, or may dock the employees' pay.

(Admin. Policy Manual, § B(1.20, 1.21))

Secs. 82-63--82-80. Reserved.

ARTICLE IV. OVERTIME/COMPENSATORY TIME*

DIVISION 1. GENERALLY

Sec. 82-81. Policy statement.

Overtime/compensatory time shall be assigned by the supervisor to meet the essential operating needs of the county. It should only be assigned for those situations where the supervisor is convinced the work is essential in order to meet established schedules, deadlines, special projects, emergencies, or there are unscheduled vacancies etc. Due to its cost and other factors, supervisors should be judicious in their utilization of overtime. However, if overtime is required, the supervisor must carefully follow the guidelines outlined in this article regarding the accrual, utilization and recording of overtime for county employees.

(Ord. No. 2000-736, § 1.22, 4-11-2000; Ord. No. 2008-460, 2-26-2008)

Sec. 82-82. Compliance with applicable law.

The county complies with all provisions of the Fair Labor Standards Act and applicable state statutes which govern most of the overtime/compensatory time off issues discussed in this article. This article will address overtime/compensatory time off for nonexempt and exempt employees as defined by the Fair Labor Standards Act.

(Ord. No. 2000-736, § 1.23, 4-11-2000)

Sec. 82-83. Supervisor's responsibility.

It is imperative that supervisors be aware of the workload of each of his employees, and in cases where extraordinary amounts of time worked over 40 hours is being spent on the job, determine whether or not job expectations, productivity, staffing or other resource problems exist. If so, the manager should take corrective actions.

Each elected official/department head is held accountable for the utilization and accrual of overtime and compensatory time in their department. This accountability includes ensuring that employees do not accrue excessive amounts of overtime/compensatory time and that if accrued, it is not carried forward year after year. The county's goal is to compensate employees for overtime or compensatory time at the same pay rate at which it is accrued. Therefore, all accruals should be limited and the scheduling or pay for accruals should be within the same (1) pay period, (2) month, (3) quarter, or (4) fiscal year in which it is earned.

Supervisors shall have the discretion to require employees to use compensatory time to limit compensatory time accruals, require use of compensatory time in lieu of vacation accruals, and substitute use of compensatory time in lieu of sick leave in cases of questionable use of sick leave or when sick leave accruals have been exhausted.

(Ord. No. 2000-736, § 1.24, 4-11-2000; Ord. No. 2008-460, 2-26-2008)

Sec. 82-84. Maintenance of time and attendance records.

Each department shall keep a record of each employee's hours worked in a manner approved by the commissioners court and administered by the county auditor's office.

(Ord. No. 2000-736, § 1.25, 4-11-2000)

Sec. 82-85. Compensatory Time - General.

Each department is responsible for recording time worked beyond the normal work hours.

- (1) Some staff positions are required to be on call 24/7 to provide after-hour assistance as needed. A list should be prepared alerting staff about who is to be available to take calls.
- (2) All hours worked by staff must be consistently captured in Kronos or other time tracking devices, especially when they are on call; this will assist everyone in accurately tracking the work hours. Please note that the status of being "on call" does not, in of itself, automatically count toward hours worked. The individual must actually perform bona-fide work activities;
- (3) While employees may be allowed to work from home on a temporary basis, staff must contact their manager and get clearance to do so, unless they are on call. Requests to work from home on a frequent basis must follow the requirements of the county's Telecommuting Policy, Sec. 82-33;
- (4) Employees are expected to be at work when the County is open for business. If inclement weather impedes an employee from making it to work, even though the county is open, there are three options available to the manager:
 - a. The employee's time may be recorded as vacation time;
 - b. The employee can work from home, with the manager's approval and the completion of bona-fide work deliverables, and the employee time is recorded as a normal work day;
 - c. The manager can (at his discretion) consent to use Approved Time Off (ATO), providing that the employee has worked hours in addition to the minimum number of required hours;
- (5) Managers are to be sensitive to the hours employees work when they are required to work additional hours on a consistent basis. This includes both the hours that are worked from home (with agreement) or in the office. Managers have the option to allow flexible work schedules to offset the need to work extra hours on a regular basis.

Secs. 82-86--82-110. Reserved.

DIVISION 2. EMPLOYEES

Sec. 82-111. 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:

Nonexempt employees mean those subject to the minimum wage and overtime/compensatory time off provisions of the Fair Labor Standards Act. All positions in the county have been designated as either nonexempt or exempt. This designation is noted on the employee's job description under the title: FLSA Code. These designations are subject to change based on reviews by the human resources/civil service department.

(Ord. No. 2000-736, § 1.26, 4-11-2000; Ord. No. 2008-460, 2-26-2008)

Cross references: Definitions generally, § 1-2.

Sec. 82-112. Accrual for overtime/compensatory time.

The county does not permit voluntary or unauthorized overtime work. Accrual of overtime for nonexempt employees:

- (1) Must be approved in advance by the employee's supervisor; however, if worked, it must be compensated, whether approved or not, if the work was known or should have been known by the supervisor. Failure of the employee to seek approval prior to working overtime may subject the employee to disciplinary action, up to and including termination.
- (2) Is compensated at the premium rate of time and one half for all approved hours worked in excess of the employee's regular 40 hour workweek. (For example: Employee B works ten hours a day Monday--Wednesday and eight hours a day on Thursday and Friday. Employee B's time sheet will show a total of 46 hours worked during the week. Since all 46 hours represent hours actually worked, Employee B would have worked six hours more than his regularly scheduled 40 hours. Therefore, the overtime would accrue at time and a half for a total of nine hours (six hours × 1.5 = nine hours).
- (3) Should be flexed by the supervisor, if at all possible. This means the supervisor shall make an effort to schedule the employee to take off within the same workweek in which the overtime is earned to avoid the accrual of overtime.
- (4) While the county must pay compensatory amounts in excess of 240 hours for civilian nonexempt and 480 hours for law enforcement in accordance with the Fair Labor Standards Act, the departments are encouraged to keep compensatory time below 120 hours (80 overtime hours worked) for civilian nonexempt and 240 hours (160 overtime hours worked) for law enforcement. The commissioners court will review each department's compensatory time accruals and utilization during each budget cycle.

(Ord. No. 2000-736, § 1.27, 4-11-2000; Ord. No. 2008-460, 2-26-2008)

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Sec. 82-113. Utilization/payment for overtime/compensation time.

It is the policy of the county to provide compensatory time off instead of overtime pay. In some circumstances, employees may be paid for work over 40 hours. The options listed below shall be utilized to compensate overtime worked:

- (1) Compensatory time off (preferred method) in lieu of overtime pay may be utilized to compensate an employee who works overtime. Supervisors should grant the employee's request to utilize compensatory time off as soon as practical, provided that use of such leave time does not adversely affect the operation of the department.
 - a. Employees are encouraged to request compensatory time use;
 - b. Elected officials/department heads have the discretion to require that employees use their compensatory time; and
 - c. When compensatory time is used, the federal balance will be drawn down first, followed by any time left in a county balance.

- (2) Overtime may be paid to nonexempt employees required to work more than 40 hours in the official workweek, provided that all of the following conditions are met:
 - a. Compensatory time would adversely affect the operations of the department;
 - b. Overtime is approved in advance by the level of supervision designated by the elected official/department head;
 - c. The county auditor certifies funds availability for the specified tasks in advance; and
 - d. The employee must be classified as a regular, full-time employee who is nonexempt and any other non-classified employee performing in a similar nonexempt position.

- (3) Nonexempt employees who separate from service or attain a position with an exempt status are entitled to be paid for all compensatory time accrued after April 14, 1986. The pay will be at their regular rate of pay earned during the period immediately prior to separation, or attainment of an exempt status, or at the average regular rate of pay over the previous three years, whichever is greater.

- (4) Nonexempt employees who transfer (lateral transfer, promotion, and/or demotion, etc.) from one department to another shall be paid for all overtime/compensatory time accrued with funds from the department's budget from which the employee is leaving. Such vacancy cannot be filled until all time has been paid, except those vacancies of positions required to meet mandatory staffing ratios in 24-hour-a-day operations.

Department is defined as the consolidated budgetary group for a department head or elected official. (Examples include sheriff's department, juvenile

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department, health and human services department, etc.)

- (5) Nonexempt employees who are promoted or demoted within a department shall be paid for all accrued overtime/compensatory time from the department's budget.
- (6) Any balance of compensatory time accrued prior to April 15, 1986, by a nonexempt employee at time of separation or attainment of exempt status will be forfeited and is not eligible for payment.
- (7) Overtime pay for work on scheduled holidays is governed by the policy on holidays, section 82-743.

(Ord. No. 2000-736, § 1.28, 4-11-2000; Ord. No. 2000-1341, § 1.28, 7-11-2000; Ord. No. 2008-460, 2-26-2008)

Secs. 82-114--82-130. Reserved.

DIVISION 3. EXEMPT EMPLOYEES

Sec. 82-131. Policy of division.

Exempt employees are not subject to overtime/compensatory time off provisions of the Fair Labor Standards Act. When setting salaries for exempt positions, considerations are given to the scope and time commitment of the positions as opposed to the number of tasks completed and hours worked. Therefore, there are no provisions in the Dallas County Code that guarantee exempt employees will be granted any time off for hours worked in excess of 40. Exempt employees are expected to work the required number of hours in order to perform their job assignments, even if that requirement exceeds 40 hours per week.

(Ord. No. 2000-1341, § 1.29, 7-11-2000; Ord. No. 2006-1746, 10-3-2006)

Sec. 82-132. Work schedules.

Exempt employees shall report all hours worked and adhere to an established work schedule approved by the elected official/department head. Exempt employees' work schedules shall average a minimum of 40 hours per week, including use of accrued leave time. All time worked shall be recorded in the official time and attendance system.

(Ord. No. 2000-1341, § 1.30, 7-11-2000; Ord. No. 2006-1746, 10-3-2006)

Sec. 82-133. Accrual of compensatory time.

Effective February 15, 2000, employees whose positions are classified as exempt are not eligible to accrue compensatory time. They are expected to meet the time needs of the position, which includes working over 40 hours in a workweek when required. Exempt employees may utilize county time that was recorded prior to February 15, 2000, at the discretion and with the approval of the elected official/department head. However, no elected official/department head is obligated to grant such time.

(Ord. No. 2000-1341, § 1.31, 7-11-2000; Ord. No. 2006-1746, 10-3-2006)

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Sec. 82-134. Scheduled time off.

Periodically, elected officials/department heads may grant administrative time off for exempt employees. Such time off must be approved by the elected official/department head. In order to approve such leave, the elected official/department head must ensure the exempt employee's most current 12-month average weekly work schedule exceeds 40 hours. For exempt employees whose tenure is less than 12 months, their average weekly hours worked shall be determined by the average hours worked over the number of weeks worked for the county. If this criterion is met, the elected official/department head may, at his/her discretion, approve the time off. Under no circumstances will this time be granted on an hour-for-hour basis and the total amount of time granted shall not exceed 15 work days in a 12-month period except by formal approval by the commissioners court.

Any exempt employee who is not approved for administrative time off by the elected official/department head shall have the appropriate accrued leave balances docked. If appropriate leave is unavailable, the employee's salary shall be docked.

Elected official/department heads should carefully monitor the amount of administrative leave time granted to each exempt employee to ensure against abuse and the leave is being granted fairly. The county auditor's office will periodically audit administrative time off usage and submit a report to county departments and/or commissioners court.

(Ord. No. 2000-736, § 1.32, 4-11-2000; Ord. No. 2006-1746, 10-3-2006)

Sec. 82-135. Separation and accrued compensatory pay.

Exempt employees who separate from the county shall not be eligible for time off or pay for any county time recorded prior to February 15, 2000.

(Ord. No. 2000-736, § 1.33, 4-11-2000; Ord. No. 2006-1746, 10-3-2006)

Sec. 82-136. Exempt employee premium payment plan.

In the event the County experiences an extraordinary event that causes or requires excluded exempt employees to work in excess of the customary hours in a payroll period, a department director or an elected official may submit a request to activate the Exempt Employee Premium Payment Plan ("EEPPP") to the County Administrator in accordance with this section. An "Extraordinary Event" is defined as an unforeseen circumstance, event, or series of events that impacts public health, public safety, or critical County operations. The EEPPP is subject to the following procedures and conditions:

- (a) The request to activate the EEPPP must be submitted in writing by the department director or elected official to the County Administrator.
- (b) The submitting department director or elected official shall provide: (1) written justification to activate the EEPPP, (2) a sufficient description of the extraordinary event, and (3) include a beginning and ending date.

- (c) The form of the written request shall be promulgated and determined by County Administration.
- (d) Activation of the EEPPP shall be contingent upon the availability of adequate budget and funds for the compensation payments.
- (e) The exempt employee must be pay grade K equivalent or below to be considered eligible for the EEPPP.
- (f) The exempt employee must work an average of 20 hours per pay period over their regular hours for 30 days to be eligible for the EEPPP.
- (g) The County Administrator shall timely review the request for an EEPPP activation.
- (h) The County Administrator shall notify the department director or elected official of the approval or disapproval of the request to activate the EEPPP in writing.
- (i) If approved by the County Administrator, the department director or elected official shall notify the Budget Officer, the Director of Human Resources, the County Auditor, and the payroll manager immediately upon each EEPPP activation or extension by providing a copy of the written approval of the County Administrator or extension authorization and any supporting documentation.
- (j) Payment shall be made at 1.5 times the employee's regular hourly rate of pay for any hours worked in excess of regular hours during the pay period during the EEPPP activation.
- (k) If the County Administrator approves an EEPPP activation, the County Administrator shall notify the Commissioners Court at their next regularly scheduled meeting.
- (l) All hours worked in excess of regular hours in the pay period and compensated as a result of a EEPPP activation for an extraordinary event shall be recorded in the payroll system using the code designated by the County Auditor.
- (m) The payroll section shall maintain a record of all hours worked and payments made in connection with each EEPPP activation.

(Ord. No. 2021-0311, 03-23-2021)

Secs. 82-136--82-170. Reserved.

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ARTICLE V. AUTOMATED TIME AND ATTENDANCE ENTRY SYSTEM (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

Sec. 82-171. Purpose of article.

The purpose of this article is to provide time and attendance reporting procedures for all county employees. All county employees are required to record their daily attendance. The county time and attendance tracking system includes three time entry methods: time clocks, on-line entry and time sheets. Employees shall use the time entry method designated by their elected official or department head.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-172. Nonexempt employee responsibilities.

- (a) The county requires that every employee work 40 hours every week. Vacation leave, sick leave, authorized holidays, authorized time off, and accrued compensatory time count toward this 40-hour per week requirement. Except for the lunch period explained in subsection (c) of this section, employees are expected to be working for the benefit of the county from the time the employee's shift begins until the employee's shift ends.
- (b) Nonexempt employees are strictly prohibited from working more than 40 hours per week, without prior approval from their supervisor. All of the time an employee works must be recorded on the county's time and attendance system. An employee is never to work without recording time. If an employee is ever asked to work without recording work time, the elected official or department head must be notified immediately. If the matter is not resolved by the department, the employee must immediately notify the county human resources department.
- (c) Each elected official or department head will designate a 30-minute, 45-minute or one-hour lunch period for his nonexempt employees. The elected official or department head may not set the lunch period within the two hours after the employee's regular shift begins or in the two hours before the employee's regular shift ends. Whatever lunch period the elected official or department head designates for his employees will not be work time. The time and attendance system will automatically deduct the designated lunch period from the hours actually worked by the employee, and the employee will not be paid for this time.
- (d) The employee is not allowed to work during his lunch period. The lunch period is time for the employee to use for his benefit, not for the benefit of the county. It is time for the employee to use as the employee chooses, except that the employee may not choose to work during the lunch period. If any employee does work during a lunch period, that employee's supervisor is required to record that lunch period on the time and attendance system as having been worked. Working the required lunch period without prior approval on more than three occasions or failing to report the work done during the lunch period may subject the employee and the employee's supervisor to disciplinary action, up to and including termination.

(Ord. No. 2000-1615, 8-14-2000)

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Sec. 82-173. Exempt employee responsibilities.

Exempt employees are expected to record the start and end of their workday on the time and attendance system in accordance with departmental policy.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-174. General provisions.

- (a) Employees leaving the premises during working hours for reasons other than county business shall clock out when leaving and clock in when returning to work.
- (b) Employees who do not record hours worked by the payroll deadline due to lack of preplanning for vacation, sick time, errors or accidental omissions must notify their supervisor as soon as possible.
- (c) Employees who forget to record their time shall notify their supervisor. Employees who consistently forget to record their time shall be subject to disciplinary action up to and including termination. For example, more than three missed entries in one month may be considered excessive and may result in disciplinary action up to and including termination. If time worked, overtime, compensatory time, sick leave payment time, or any other payment is not turned in before the payroll deadline, it will roll over to the next pay period.
- (d) Employees shall not correct another employee's time records to account for vacation time, sick time, errors and accidental omissions unless instructed to do so by their supervisor. Errors in the time record shall be reported to the supervisor for correction.
- (e) Tampering, altering and/or falsifying information on an employee's own or another employee's time record shall result in disciplinary action that may include termination, as well as possible criminal charges.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-175. Supervisory responsibilities.

- (a) Supervisory responsibilities fall to the elected official, department head or their designee.
- (b) Supervisors are responsible for informing their employees about which time entry method (time clocks, on-line entry or time sheets) they shall use to record their time and attendance. Supervisors shall educate their employees about how to use the time entry method they are assigned and about the time and attendance policies for their department.
- (c) Supervisors are responsible for ensuring employee time records are accurate and that no abuses occur. Only supervisors have the authority to correct employee time record errors or omissions.
- (d) Supervisors are responsible for recording employee vacation and sick time and for entering time for employees who are working outside their department work area.
- (e) Supervisors are responsible for checking daily start times, meal periods, end times, vacation time, sick time, compensatory time and overtime to ensure employees are in compliance with their shift work schedule and the county's overtime policies. Supervisors are responsible for promptly documenting actions warranting discipline

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and for promptly reporting possible fraud to the county auditor.

- (f) Supervisors are responsible for approving all time records for their department every Monday by 10:00 a.m.
- (g) Supervisors are responsible for reporting lost, stolen or damaged key cards and arranging for replacement key cards.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-176. Time clock utilization.

- (a) Employees, who are designated by their department to use time clocks to record their time and attendance, are assigned an identification card. Employees shall be given a key card by their department supervisor which serves as time clock activation. Employees shall use their key cards at the time clocks designated by their supervisor.
- (b) Employees shall use their key card upon entering their work area and when they are ready to immediately begin work. (For example, employees are not permitted to leave their cars parked outside the door to clock in and then return to park their cars.) Employees shall clock in no sooner than six minutes before their scheduled shift start time. Employees shall clock out no later than six minutes after their scheduled shift end time. Exceptions can be made to this section if the supervisor has given prior approval to work overtime. The supervisor will make a manual override to the system to approve overtime/compensatory time.
- (c) Employees shall only clock in and out with their own key cards. Using another employee's key card is prohibited. Employees who violate this subsection shall be subject to disciplinary action up to and including termination.
- (d) Employees shall report lost, stolen or damaged cards to their supervisor. Employees shall pay \$10.00 for a replacement key card to the county auditor's office.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-177. On-line entry utilization.

Employees who are designated by their department to use on-line entry shall record their time and attendance on-line from their personal computer on a daily basis.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-178. Time sheet utilization

- (a) Employees, who are designated by their department to use time sheets, shall record their time and attendance on the appropriate form.
- (b) Employees will provide their completed time sheet forms to their department time and attendance representative.

(Ord. No. 2000-1615, 8-14-2000)

Secs. 82-179--82-210. Reserved.

ARTICLE VI. PAYROLL ACTIONS (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

***State law references:** Authorized deductions, V.T.C.A., Local Government Code § 155.001 et seq.

DIVISION 1. GENERALLY

Secs. 82-211--82-230. Reserved.

DIVISION 2. ADJUSTMENTS

Sec. 82-231. Processing deadline.

In order for requests for payroll actions to be processed, all essential paperwork must be completed and submitted to the auditor's office by noon two Fridays preceding the commissioners court meeting at which time the requests are to be approved. For example, to get an item on the commissioners court for Tuesday the 20th, the request must be in by Friday the 9th.

(Ord. No. 2000-1341, § 2.00, 7-11-2000)

Sec. 82-232. Change in positions

Any change of an employee's salary (promotion, demotion, reclassification, etc.), position change or changes in status from part-time to full-time or exempt to non-exempt will be authorized only on the first day of the county pay period (Saturday).

(Ord. No. 2000-1341, § 2.01, 7-11-2000; Ord. No. 2001-1506, 8-14-2001; 2011-1463, 08-30-2011)

Sec. 82-233. Adding new employees. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

The following forms are required to add a new hire employee to the county's system. These forms are normally completed on/before and collected at the New Employee Orientation Program class:

- (1) Human resources department requirements;
 - a. Employee acknowledgement form;
- (2) Auditor's department requirements;
 - a. The new employee and position change form no. 6-1 which is often referred to as the personnel court order is submitted separately to the county auditor by the hiring department;
 - b. Employment eligibility verification form I-9;

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- c. Election pursuant to Open Records Act;
 - d. Acknowledgment;
 - e. Time and attendance form.
- (3) Treasurer department requirements;
- a. Federal withholding allowance certificate form W-4;
 - b. Texas County and District Retirement System New Employee Information and Beneficiary Designation Form;
 - c. Employee benefits information packet receipt;
 - d. New employee information (retirement enrollment);
 - e. Direct Deposit Authorization;
 - f. Public Agency Retirement System (PARS) Form – completed by part-time, temporary employees only.
- (4) Security and emergency management requirements:
- a. Identity and access card.

(Ord. No. 2000-1341, § 2.02, 7-11-2000; Ord. No. 2001-1506, 8-14-2001)

Sec. 82-234. Salary change.

To change an employee's salary use a new employees and position change form.

(Ord. No. 2000-1341, § 2.03, 7-11-2000)

Sec. 82-235. Position change with salary change.

To change an employee's position and salary use a new employee and position change form and include a time and attendance information form.

(Ord. No. 2000-1341, § 2.04, 7-11-2000; Ord. No. 2001-1506, 8-14-2001)

Sec. 82-236. Lateral transfer within same department (no salary change).

To change an employee's position within the same department with no salary change, use a new employee and position change form and include a time and attendance information form. If you have numerous changes, a spreadsheet capturing the required information may be used. For a sample form of the spreadsheet, contact the Auditor's department.

(Ord. No. 2000-1341, § 2.05, 7-11-2000; Ord. No. 2001-1506, 8-14-2001; Ord. No. 2008-943, 5-13-2008)

Sec. 82-237. Transfer from one department to another.

To transfer an employee from one department to another use a new employee and position change form and include a time and attendance information form.

(Admin. Policy Manual, § B(2.06); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-238. Reemployment with the county

To rehire a previous employee, a New Employee and Position Change form no. 6-1 should be completed by the department; also include a time and attendance information form.

(Admin. Policy Manual, § B (2.07); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-239. Terminations (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (1) When an employee terminates, a notice of separation form (no. 6-5) should immediately be submitted by email to the county auditor, treasurer and human resources/civil service department to ensure that the employee is removed from the system and that benefits are terminated.
- (2) The department shall process or notify the auditor's office of the employee's termination. Failure to timely notify will result in the deduction of the full insurance premium or accrual amount (county plus employee) from the department's discretionary spending account (DDA).
- (3) All terminations, voluntary or involuntary, except those resulting from a reduction -in-force, shall be final and constitute a break in service. A civil service employee terminated as a result of reduction-in-force may retain his original hire date if rehired within one year. See Termination policy for employees terminated as a reduction-in-force in Chapter 86, Article 4.
- (4) The elected official/department head has final discretion regarding termination in the case where an employee submits a letter of resignation, then prior to his/her termination date wishes to withdraw the resignation to remain employed.
 - a) The effective termination date is the date the employee indicates in the resignation notice (written/verbal) or earlier depending upon the elected official/department head decision to accept resignation immediately and terminate the employee as a matter of security and/or safety. If the elected official/department head terminates the employee immediately or earlier than the resignation date given due to security and/or safety concerns, the elected official/department head may at their discretion authorize severance up to a maximum of two weeks or the resignation date given (whichever is less) provided the employee is leaving in good standing. Good Standing is defined as "given at least a two-week proper notice in writing and NOT resigning in lieu of termination."

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- b) A letter of resignation cannot be withdrawn by either party after the effective date of termination on the employee's resignation notice or elected official's/department head's decision to immediately terminate the employee.
- c) When a resignation is given, all applicable paperwork must be processed immediately.

(Admin. Policy Manual, § B(2.08); Ord. No. 2001-1506, 8-14-2001; Ord. No. 2006-160, 1-24-2006; Ord. No. 2015-0798, 6-9-2015)

Sec. 82-240. Change the number of federal withholding exemptions.

To change the number of federal withholding exemptions, contact the County Treasurer for a federal withholding allowance certificate form no. W-4.

(Admin. Policy Manual, § B(2.09); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-241. Changes in personnel data related to payroll. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

Most changes may be made by the employee through Employee Self Service Module (Oracle). Name changes will require legal documentation (marriage license, divorce decree, etc.). You will be required to submit proof of this legal change to the Auditor's Office. When an employee changes their last name, use a request for personnel action form no. 6-A and attach required legal documentation.

(Admin. Policy Manual, § B(2.10); Ord. No. 2001-1506, 8-14-2001)

Secs. 82-241--82-260. Reserved.

DIVISION 3. PAYROLL OPTIONS* (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

*State law references: Cafeteria plan program, V.T.C.A., Local Government Code § 155.042.

Sec. 82-261. Payment Methods.

The commissioners court has approved two payroll deposit options for county employees. Employees must participate in one of these options as a condition of employment.

- (1) *Direct deposit.* Payroll direct deposit provides county employees with the option to have their pay automatically deposited into their financial institution each pay period.

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- (2) *Debit Pay Card.* Payroll debit pay card provides county employees with the option to have their pay automatically deposited on a debit card each pay period.

State law references: Electronic funds transfer, V.T.C.A., Local Government Code § 156.001 et seq.

(Ord. No. 2000-1341, §§ 2.11--2.15, 7-11-2000)

State law references: Payroll deduction for savings bond, V.T.C.A., Government Code § 608.001 et seq.; deductions authorized for county employees, V.T.C.A., Local Government Code § 155.001 et seq.

Sec. 82-262. Formulas. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) *Gross pay (bi-weekly).* The following formula will be used to calculate gross pay for all county nonexempt employees: Gross Pay Biweekly = hourly rate multiplied by hours worked. For Exempt employees, Gross pay (bi-weekly) = Annual salary divided by 26. Annual salary = monthly multiplied by 12.
- (b) *Overtime pay- hours worked in excess of forty.* Overtime pay is calculated at the rate determined by the following formula: Hourly rate multiplied times 1.5 multiplied times the number of overtime hours worked = overtime pay.
- (c) *Holiday hours.* Elected officials/department heads will ensure that holiday hours are recorded for pay purposes as leave without pay if the employee was not employed for the entire pay period preceding the pay period in which the holiday occurs or if the employee did not work or was not on paid leave the day before and the day after the holiday.

(Ord. No. 2000-1341, §§ 2.16--2.18, 7-11-2000)

Sec. 82-263. Deductions. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) *Allowable deductions.* [Allowable payroll deductions are as follows:
 - (1) Payment to a credit union;
 - (2) Payment of membership dues in a labor union or a bona fide employees association;
 - (3) Payment of fees for parking in a county-owned facility;
 - (4) Payment to a charitable organization; and
 - (5) Payment relating to an item not listed in this subsection, if the commissioners court determines that the payment serves a public purpose.

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- (b) *Requests.* A request for a payroll deduction must:
- (1) Be in writing;
 - (2) Be submitted to the county auditor; or county treasurer’s office, depending on the deduction;
 - (3) State the amount to be deducted and the entity to which the amount is to be transferred;
 - (4) Will remain in effect until the county auditor/county treasurer receives written notice of revocation signed by the employee; and
 - (5) May not exceed the amount stated in the request.
- (c) *Labor union or employees' association membership fees.* The commissioners court, upon a written request signed by at least 25 percent of the county employees eligible for membership who wish to join a labor union or bona fide employees association, may authorize payroll deduction to be made from the employee's salary for membership dues.
- (d) *Administrative costs.* The credit union, labor union or employees association, and other associations as deemed necessary by the commissioners court or state law, shall pay any administrative costs for making the deductions. The county auditor, budget officer and data services director shall calculate the amount of the administrative costs for approval by the commissioners court.
- (e) *County ride share; parking.* For county ride share, see sections 74-501 through 74-508, parking. There will be no refunds for payroll deductions for parking for terminated employees. There will be no refunds for payroll deductions for parking for employees who relocate within the county due to promotions or transfers.
- (f) *Criteria for implementation of deductions for parking.* For the full text of the criteria for the implementation of payroll deductions for county employees parking see section 74-478.
- (g) *Frequencies.*

Deduction Description	Frequency
Dental pre-tax	Biweekly
Flex dependent	Biweekly
Flex medical	Biweekly
Health pre-tax	Biweekly
Health post-tax	Biweekly
Dependent life post tax	Biweekly
Optional Life pre-tax	Biweekly

Optional Life post-tax	Biweekly
Basic Life employee	Biweekly
County parking-Crowley	Biweekly
County parking-Decker	Biweekly
County parking-Govt. Center	Biweekly
Parking Crowley Lot A	Biweekly
Parking Lot 5	Biweekly
Credit union	Employee choice
Deferred Compensation 457B	Employee choice
Charitable deduction	Employee choice
Sheriff's Association	Biweekly
Texas Police Association	Biweekly
Dallas Sheriff's Union	Biweekly
Public Agency Retirement System (PARS); part-time temporary only	Biweekly
Federal tax withholding	Biweekly
Medicare withholding	Biweekly
Social Security withholding	Biweekly
TCDRS Retirement-EE contribution	Biweekly
Bankruptcy garnishment	Biweekly
Child support garnishment	Biweekly
Federal tax levy (IRS)	Biweekly
Student loan garnishment	Biweekly
Child support voluntary	Biweekly

(Ord. No. 2000-946, 5-9-2000; Ord. No. 2000-1341, §§ 2.19--2.25, 7-11-2000; Ord. No. 2003-2199, 12-2-2003)

State law references: Deductions from wages, V.T.C.A., Government Code § 155.001 et seq.

Secs. 82-264--82-290. Reserved.

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ARTICLE VII. APPROVED TIME OFF GUIDELINES FOR VARIOUS LEAVES (FMLA, LOA, WORKERS' COMPENSATION, JURY, MILITARY, ETC.), INCLUDING LEAVE CALCULATION, ELIGIBILITY, AND APPLICABLE PREMIUM DEDUCTIONS.—(This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

15***State law references:** Deductions from compensation, V.T.C.A., Local Government Code § 5.001 et seq.

DIVISION 1. GENERALLY

Secs. 82-291--82-310. Reserved.

DIVISION 2. LEAVE*

***State law references:** Leave of absence for military service, V.T.C.A., Government Code § 431.005.

Subdivision I. In General

Sec. 82-311. Notification of absence. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

Regular attendance is important to the overall operation of the department. If, for any reason, an employee is unable to report for work, notification shall be made to the employee's immediate supervisor at the earliest time possible in accordance with the notification or call-in procedures established by the department. Based on prior or timely notification, the department shall determine an employee's eligibility to receive paid leave or future employment status.

(Admin. Policy Manual, § B (3.00))

Sec. 82-312. Leave Accrual Calculation (vacation/sick) and Eligibility

- (a) Effective date of employment for calculating accrued leave means the day from which an employees becomes a regular full-time employee with benefits.
- (b) Effective date of an employee's termination will be the last actual day the employee worked for the county or the last day of any authorized leave time approved by commissioners court. The leave time must be court ordered through commissioners court. Any accrued leave benefits that are eligible for payment as of the employee's termination date will be paid on the employee's last paycheck.
- (c) Vacation and sick leave accrual will be calculated from the start of the employee's first full pay period as a full time regular employee only.
- (d) Regular part-time, temporary full-time or temporary part-time employees do not receive paid sick leave or vacation leave benefits.
- (e) Employees will accrue vacation and sick leave benefits for all or a prorated part of

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any pay period for which they are in a paid assignment status after they become an eligible employee (see subsection (d) of this section). Employees on workers compensation or unpaid leave do not accrue leave benefits.

(Admin. Policy Manual, § B(3.01--3.06); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-313. Change in family status for leave of absence.

- (a) The act of going out on leave of absence (LOA) and the act of returning from a leave of absence constitutes a change in family status under section 125 of the IRS code. Employees will be required to complete a family status change form upon return to work.
- (b) In order to reenter the benefits plan (pre-tax funding) upon returning to work, the employee must have completed and filed with the Human Resources/Civil Service department, a family status change form.
- (c) Terminated employees who reenter the plan during the same plan year must reenter exactly the same coverage they had at the time of termination or enter the plan on a post-tax basis.
- (d) For the purpose of insurance premiums and dependent care spending accounts, upon taking the leave without pay, the employee can make changes to his elections as a result of lifestyle change event. Upon resumption of full-time work, the employee can make another change to his elections as a result of a lifestyle change event.
- (e) The following are considered changes in family status under section 125 of the IRS code:
 - (1) Legal marital status;
 - (2) Number of dependents;
 - (3) Employment status;
 - (4) Residence or work site;
 - (5) Unmarried dependent status.

(Admin. Policy Manual, § B (2.40--2.43))

Secs. 82-314--82-330. Reserved.

Subdivision II. Family and Medical Leave (FMLA)* (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

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

Sec. 82-331. Family and Medical Leave Act (FMLA) - Benefit coverage while on FMLA

Medical coverage and other benefit options (dental coverage, life, AD&D, dependent life) will continue during FMLA leave unless an employee chooses not to retain health coverage, if any, and other optional benefits during FMLA leave. In such a case, when the employee returns from leave, coverage will be reinstated at the same benefit levels as prior to taking leave, without any qualifying period, or physical examination.

For a full review of the FMLA, see Secs 82-601 through 82-608.

(Admin. Policy Manual, § B (2.26))

Sec. 82-332. Decision deadline for maintaining leave of absence coverage.

Eligible employees who qualify for entitlement under FMLA must make a decision to maintain medical coverage and other benefit options (dental coverage, life, AD&D, dependent life) within 30 days prior to the onset of leave (when the leave is foreseeable) or within 30 days of the onset of the actual FMLA leave. While out on a FMLA leave of absence, an employee may choose to change his benefit options such as dropping dependents or cancelling their benefit coverage altogether.

(Admin. Policy Manual, § B (2.27))

Sec. 82-333. Payment of monthly premiums while on Family and Medical Leave

Employees will be required to pay their share of the monthly premiums based on their election:

- (1) Through payroll deduction when the FMLA leave is substituted paid leave;
- (2) Prepayment payroll deduction at the employee's option (pre-tax); or
- (3) By making biweekly premium payments payable to the county on payday.

(Admin. Policy Manual, § B (2.28))

Sec. 82-334. Coverage to cease upon late payment.

If an employee chooses to make monthly premium payments and the employee's premium payment is more than 30 days late, coverage will cease as of the last day for which premiums were paid. In such a case, coverage will be reinstated when the employee returns from leave at the same benefit levels as prior to taking leave without any qualifying period, physical examination, exclusion of preexisting conditions, etc.

(Admin. Policy Manual, § B (2.29))

Sec. 82-335. Failure to return from leave.

If an employee notifies the county of his intent not to return from FMLA leave or fails to return from leave, coverage will cease and the employee will be notified of his rights under COBRA. The COBRA event does not occur until the employee in a FMLA status fails to return to work at the appointed time. Therefore, any coverage not continued during FMLA status will not be eligible to be continued under COBRA. COBRA requires continuation of coverage that is in effect on the day of the COBRA event.

(Admin. Policy Manual, § B (2.30))

Sec. 82-336. Recovery of premiums.

The county will recover premiums it paid for maintaining group health plan coverage during FMLA leave when circumstances allow for their recovery as provided under the FMLA entitlement provisions.

(Admin. Policy Manual, § B (2.31))

Sec. 82-337. County's continuation of contribution.

Although the FMLA mandates only continued group health plan coverage, the county will continue its contribution, if any, to the Flexible Spending Accounts (FSA) during the period of FMLA leave since the county's contribution is provided as paid medical coverage.

(Admin. Policy Manual, § B (2.32))

Sec. 82-338. Suspended flexible spending account guidelines. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

The following guidelines apply to suspended flexible spending accounts while on FMLA:

- (1) If the employee chooses to stop his/her contribution during the period of leave, contributions will begin again when the employee returns from leave.
- (2) No changes in the amount contributed can be allowed unless consistent with qualifying life event (For example in the case of a birth, one can increase the amount.)
- (3) Reimbursements will be made only for expenses incurred during the time contributions are made. Advance payments can continue to be made.
- (4) If an employee chooses to continue to make contributions during the leave without pay on a post-tax basis, the pre-tax election will be continued upon resumption of full-time work.
- (5) If an employee chooses, a prepayment payroll deduction (pre-tax) can be arranged.

(Admin. Policy Manual, § B(2.33))

Secs. 82-339--82-470. Reserved.

Subdivision III Leave of Absence* (LOA)

(This section reflects recent court approved policy language: Court Order# 2009 2090; and Court Order #2011 1463 – August 30, 2011)

***Editor's note:** Ord. No. 2004-2097, adopted Nov. 16, 2004, amended art. VII, div. 2, subdiv. VII in its entirety to read as herein set out. Prior to amendment, art. VII, div. 2, subdiv. VII, §§ 82-471--82-474, pertained to certain leave without pay and derived from the Administrative Policy Manual, § B (3.31--3.34); and Ord. No. 2002-1977, adopted Oct. 29, 2002.

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

Sec. 82-471. Administrative discretion; guidelines.

A leave of absence (LOA) is an officially approved temporary suspension of employment designed to allow the county to meet its critical business functions while assisting employees who encounter special circumstances that necessitate a limited period of time away from the job, excluding Family and Medical Leave (FMLA) and Military Leave.

- (1) It is generally discouraged because it deprives a department of needed staffing. However, a reasonable request for such leave will be carefully considered;
- (2) It shall not extend beyond 90 continuous days;
- (3) An authorized LOA is a matter of administrative discretion and no employee may demand that such leave be granted; and
- (4) Elected official/department heads may grant such leave however, notification to commissioners court via court order (New Employee and Position Change Form) is required;
- (5) All approved LOAs shall be for a maximum period of 90 continuous days. Use of all or any number of the 90 days exhausts the employee's LOA possibilities for the next 24 months. (For example: If an employee is granted a 90 day LOA and only takes 15 of those 90 days prior to return to work, the employee cannot at a later date, take the other 75 days nor will the employee be eligible for another LOA for two years from LOA return date).

Sec. 82-472. Employee eligibility.

Only full-time regular, non-grant funded employees with more than 6 months of continuous service are eligible to request a leave of absence.

- (1) If the elected official/department head elects to grant a leave of absence to employees in their first six months of regular, full-time employment or to grant funded employees, the elected official/department head must submit a request for an exception to commissioners court for authorization.
- (2) The elected official/department head should forward the written request to human resources/civil service department for briefing to the commissioners court.

(Ord. No. 2004-2097, 11-16-2004)

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Sec. 82-473. Reasons for granting.

An employee may be granted a leave of absence for the following reasons:

- (1) For the recovery from an illness or disability not believed to be of a permanent or disqualifying nature, after the exhaustion of family and medical leave;
- (2) When return to work would threaten the health of others;
- (3) When the service to be performed would contribute to the public welfare;
- (4) To provide necessary care for a family member or designated care recipient as defined in the county's sick leave policy under Section 82-493; or
- (5) To participate in a training program or obtain educational achievement that will increase job ability or qualify an employee for advancement within the county.

(Ord. No. 2004-2097, 11-16-2004; Ord. No. 2015-0381, 03-24-2015)

Sec. 82-474. Time limitations.

The following time limitation guidelines shall apply to an authorized leave of absence:

- (1) Such leave granted by the elected official/department head shall not exceed 90 continuous calendar days and can only be granted every 24 months from the date the last leave ended. **For example,**

Employee A's Family and Medical Leave ended on May 1st and she requested an additional 90 days to complete her recuperation. The department head approved the additional 90 days which began on May 1st and ended on August 1st. Once the 90 days leave period is exhausted on August 1st, the employee will not be eligible for leave of absence for 24 months from the August 1st date.

- (2) The time period of 90 days of leave of absence is continuous and is counted as a single period of time whether the employee is out continuously all 90 days or is out for any period of time during the 90 day period. The emphasis is on the time period and not the number of days utilized by the employee. **For example,**

Employee B's Family and Medical Leave ended on May 1st and the employee requested additional leave for medical treatments that would require him to be absent from work for one day per week from May 1st to July 15th. The department head approves the leave of absence for this period. However, if the employee needs additional time after July 15th, the department head has the authority to extend the leave of absence through August 1st. On August 1st, the leave of absence will end even though the employee may have only used 13 days during the 90-day period.

Sec. 82-475. Leave of Absence Terms and Conditions.

The following terms and conditions shall apply:

- (1) It may be paid or unpaid, depending on the employee's leave accrual balances, compensatory time balance, workers' compensation and 52e status, etc.
 - a. Paid leave continues to accrue while employees are on paid leave due to vacation, sick leave, and compensatory time.
 - b. Paid leave does not accrue while on workers compensation or unpaid leave.
- (2) Employees shall be required to use appropriate accrued leave balance(s) including compensatory time during the leave, and the time shall run concurrently. For example, if the employee is out due to his, or a qualifying dependent's, illness (see sick leave policy), then the employee shall utilize sick, holiday credit, vacation leave, and compensatory time. However, if the employee takes a leave of absence to attend college, the employee shall only utilize vacation and compensatory time accruals.
- (3) Medical coverage and other benefit options elected by the employee will continue as long as the employee is on paid leave of absence. If on unpaid leave of absence, employees must pay their premiums as well as their dependent's premiums to maintain medical coverage and other benefit options such as dental, life, AD&D, and dependent life.
- (4) Unpaid leave of absence will result in a "break in service" for purposes of participation and vesting under the Texas County and District Retirement System (TCDRS).
- (5) A leave of absence must be taken after Family and Medical Leave (if applicable);
- (6) Employees are not allowed to work another job while on a leave of absence, unless specifically approved by the elected official/department head;
- (7) Employees are subject to the same code of conduct and can be terminated for violation of the codes or departmental policies;
- (8) Employees must work cooperatively with the department;
- (9) Employees must provide all required documentation, and
- (10) Employees must return to county employment within 48 hours or two working days should the circumstances for which they were granted the leave of absence change.

(Ord. No. 2004-2097, 11-16-2004)

Sec. 82-476. Submitting a request; authorization.

To request a leave of absence the following procedures shall be followed:

- (1) The employee must timely complete and submit the "Request for Leave of Absence Form, (HR/CS #30) to the elected official or department head for consideration as soon as he knows of the need for the leave or within 48 hours after learning of the need for the leave. If there is an emergency, the employee shall notify the supervisor on the next working day or follow the notification rules of his department.
- (2) The elected official/department head has the right to initiate a leave of absence for an employee when in its sole judgment, such a leave is appropriate.
- (3) If the leave of absence is not approved by the elected official or department head, the absence may subject the employee to disciplinary action, up to and including termination for violation of the county attendance policy.

Sec. 82-477. Department's response to request.

The elected official/department head shall:

- (1) Respond in writing to the employee via the Request for Leave of Absence Form (HR/CS #30) or Leave of Absence Request and Primary Caregiver Medical Certification form (HR/CS #33) indicating whether the leave request is granted or denied.
- (2) Complete and submit a personnel court order to the Auditor's Office for processing to human resources/civil service and commissioners court if the employee's request for leave of absence is approved. Leave of absence is not authorized until a personnel court order has been submitted to and approved by commissioners court. Requests to commissioners court for a leave of absence of 90 days will be processed as routine county business.
- (3) Place the employee on leave effective the first day of the absence if the leave request is approved.
- (4) If a leave request is denied by the elected official/department head, a copy of the request and the proposed response to the employee indicating why the leave request is being denied must be forwarded to the director of human resources/civil service for review to ensure compliance and consistency with county policies and procedures.

(Ord. No. 2015-0381, 03-24-2015)

Sec. 82-478. Status of position while on leave of absence.

- a. A position will be held open for an employee during an authorized leave of absence; however, if the position is eliminated due to a reduction in force or other significant business reasons, the county cannot guarantee reinstatement at the end of the leave period.
- b. A leave of absence, paid or unpaid, as well as any and all unpaid time, will not be

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counted as time worked for purposes of merit increases, step increases, promotional increases, etc. This provision also applies to employees who are on workers' compensation and/or 52e. 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 all specified requirements are met.

Sec. 82-479. Payroll and recordkeeping. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- a. The payroll division of the auditor's office will monitor all leave time and notify the human resources/civil service department of possible non-compliance with policy. The human resources/civil service department will work with the department to resolve any non-compliance issues; however, if it is unable to do so, commissioners court will be briefed for final resolution.
- b. Due to the inability of the auditor's office to pay employees for extended periods of time away from the job without a court order, even those with accrual balances, a department's failure to timely process a personnel court order may result in the employees not being paid timely.
- c. The department has the responsibility for ensuring that all leave time taken by their employees are in compliance with policy and must notify the Human Resource/Civil Service department and the Auditor's office immediately of any leave not in compliance with policy.

(Ord. No. 2004-2097, 11-16-2004)

Sec. 82-480. Return from leave of absence.

At the end or expiration of the approved leave of absence, the employee has the following options:

- (1) Return to work as scheduled on or before the end of the 90-day leave of absence period. When returning to work after a leave of absence, the following guidelines shall apply:
 - a. Employee shall provide the supervisor two business days notice of intent to return to work, if feasible;
 - b. Employee must provide fitness for duty certification from his physician stating the employee is able to return to work and perform all job duties with or without accommodations, if the leave was due to the employee's own illness;
 - c. Employee must receive medical clearance from the county's employee health center, if the employee (excludes Sheriff's Department law enforcement employee) has been absent from work more than 45 days due to an illness or injury.

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If a law enforcement employee of the Sheriff's Department has been absent from work more than 30 days due to an illness or injury, then the employee must receive medical clearance from the county's employee health center.

d. If an employee is injured on the job, and at the end of the leave of absence the employee is unable to perform the essential functions of his position with or without accommodations but is able to perform "light duty assignments"; then:

1. at the discretion of the elected official/department head, "light duty assignments" may be provided for up to 45 days; however,
2. at the end of the 45 days, if the employee is still not able to perform the essential functions of his position with or without accommodations, the employee will be terminated, unless the elected official/department requests and receive approval for an extension of the leave from commissioners court.

For example, employee "A" was injured on the job while restraining a youth in the detention center. The employee was released to return to work with restrictions that prevent him from working in detention. The department head may assign the employee to a clerical position for up to 45 days.

Once the 45 day light duty assignment has ended, if the employee remains unable to perform the essential functions of his position with or without accommodations, he will be terminated unless additional leave time has been requested by the department head and approved by commissioners court.

3. at the end of a leave of absence when an employee is unable to return to work and perform the essential functions of his position must be reviewed by the human resources/civil service director for compliance with the Americans with Disabilities Act (ADA).

(2) If an employee is unable to return to work at the end of the leave of absence and requires additional leave, the employee may request an exception to policy to the elected official/department head and commissioners court. If the employee's injury or illness is not an on-the-job injury/illness, and the employee is not able to perform the essential functions of his position with or without accommodations, the following guidelines shall apply:

- a. "Light duty assignments" are not available to employees for non-work related illnesses or injuries;
- b. The elected official/department head chooses not to request an extension of the leave, or if requested, commissioners court does not approve an extension of the leave of absence, the employee will be terminated; and
- c. Employees who are unable to return to work and perform the essential functions of their positions with or without accommodations are

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encouraged to contact their departmental HR representative or the county's HR/civil service department to apply for other positions within their department or the county and/or the county's long-term disability insurance program. **For example,**

Employee "B" was injured while off-duty while playing football. The employee was released to return to work with restrictions that prevent him from working as a Building Mechanic. Light duty assignments are not available for non-work related illnesses or injuries. The employee must receive approval for an extension of leave from the elected official and commissioners court or be terminated.

- d. Under no circumstances shall the leave granted as an exception to this policy by commissioners court and/or the sheriff's department civil service commission exceed an additional 90 days or until the end of grant funding (if applicable), whichever comes first.
- (3) If the employee does not return to work on or before the end of the 90-day leave of absence period and does not request a leave of absence extension, the employee's termination will be considered a voluntary resignation with no right to appeal, if covered under the civil service system. The following guidelines shall apply to resignations.
- a. Ensure the employee has resigned with no intent to seek an exception to policy and request a written resignation letter from the employee;
 - b. Forward a general notice of separation along with a copy of the separation notice to the employee with a written request to return all county equipment, keys, etc. in the employee's possession; and
 - c. Process the Notice of Separation form via the human resources/civil service department, payroll hotline, and county treasurer's office.

(Ord. No. 2004-2097, 11-16-2004)

Sec. 82-481. Right of appeal.

If a non-probationary, civil service covered employee is terminated under this policy, he may utilize the grievance process, provided that he meets the filing deadline. Such appeals should be filed with the secretary to the civil service commission. Sheriff's department employee appeals should be filed with the sheriff's department legal advisor.

(Ord. No. 2004-2257, 12-14-2004)

Subdivision IV. Other Approved Nonpaid Leave*

*Federal law reference--Family medical leave, 29 USC 2801 et seq.

Sec. 82-482. Payment of premiums.

Full-time, regular employees who are on nonpaid status (other than entitlement under the Family and Medical Leave Act) must pay for their premiums as well as their dependent's premiums to maintain medical coverage and other benefit options: dental coverage, life, AD&D and dependent life.

(Admin. Policy Manual, § B(2.34))

Sec. 82-483. Decision deadline. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

Employees who go on a nonpaid status must make a decision to select COBRA within 60 calendar days of the onset of their unpaid status; no medical coverage will be provided until written authorization is granted by the employee and the first month's premium is paid to Dallas County's Third Party COBRA Administrator. These employees will be required to elect continuation of health coverage under COBRA to continue medical coverage. The COBRA benefit period will run concurrently with the individual's leave without pay (LWOP) period.

(Admin. Policy Manual, § B (2.35))

Sec. 82-484. Life, AD&D and dependent life.

Life, AD&D and dependent life will cease as of the end of the month in which the nonpaid status begins. Employees who wish to maintain life insurance will need to contact the insurance carrier regarding conversion to an individual policy. Employees must contact the insurance carrier within 30 calendar days of the onset of their unpaid status.

(Admin. Policy Manual, § B (2.36))

Sec. 82-485. Discontinuance of coverage.

If an employee chooses to discontinue health coverage during the nonpaid status, upon return to work, he will be subject to plan provisions including the exclusion for preexisting conditions.

(Admin. Policy Manual, § B (2.37))

Sec. 82-486. Benefit elections.

Upon return to work, the benefit elections which were in place at the onset of leave will continue for the remainder of the plan year. Coverage will begin on the first of the month following 30 days back at work.

(Admin. Policy Manual, § B(2.38))

Sec. 82-487. Flexible spending accounts; guidelines.

The following guidelines apply to flexible spending accounts while on leave:

- (1) Once contributions have stopped, the eligibility to participate in this program for the remainder of the year ceases. A new election can be made at the next plan year.
- (2) If an employee continues to make the contributions during the leave without pay on a post-tax basis, the pre-tax election can be continued upon resumption of full-time work.
- (3) No changes in the amount contributed can be allowed. The plan document allows changes to the unreimbursed healthcare spending account only in the event of termination or death. Leave without pay is neither.
- (4) Reimbursement will be made only for expenses incurred during the time contributions are made. Advance payments can continue to be made.

(Admin. Policy Manual, § B (2.39))

Secs. 82-488--82-489. Reserved.

Subdivision V. Sick Leave* (This section reflects recent court approved policy language: Court Order# 2009 1225-July 7, 2009.)

***State law references:** Sick leave, V.T.C.A., Local Government Code § 157.071 et seq.

Sec. 82-490. Purpose.

- (a) Paid sick leave is provided to continue the salary of eligible employees who are absent from work because of illness, injury, disability, or medical appointments. Eligible employees may use sick leave for illness of, injury to, or need to obtain medical or dental consultation for the employee and/or other eligible family members. Employees are encouraged to conserve sick leave usage in the event of long-term or catastrophic illness.
- (b) This policy provides uniform guidelines for the accrual and use of sick leave. Employees are encouraged to review the Family and Medical Leave Policy and the Leave of Absence Policy for guidelines related to the use of sick leave while off work on these programs.

Sec. 82-491. Eligibility for Sick Leave Accruals.

- (a) Dallas county provides sick leave for all regular, full-time employees as follows.
 - (1) Sick leave accrues at the rate of 3.692 hours per pay period or 96 hours per year and is calculated from the start of the employee's first full pay period as a regular, full-time employee. Sick leave will accrue while the employee is on paid leave for sick leave, vacation, compensatory time

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taken, or paid leave of absence. Sick leave does not accrue while the employee is on Workers Compensation or Leave of Absence without pay.

- (2) Sick leave may accrue to an employee without limitation.

(Admin. Policy Manual, § B (3.07, 3.09); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-492. Notification of absence due to illness.

- (a) Attendance is important to all departmental operations. All employees must notify their immediate supervisor on each day of absence or in accordance with the notification or call-in procedures established by the department. Payment of sick leave may be denied and/or disciplinary action taken if proper notification is not received by the specified time.
- (b) Each department reserves the right to require employees to provide a note from the treating physician anytime abuse is suspected and if there is a pattern or history of absenteeism; or, after more than three consecutive days absence to support the use of sick leave whether it is for the employee or other eligible family member. See the Family and Medical Leave Policy found at section 82-601 to 82-607 for more details regarding extended absences due to illness.
- (c) Paid sick leave may be denied if sufficient medical documentation is not provided as requested. Physician statements found to be false shall be grounds for disciplinary action. Failure to report for work for three (3) consecutive days of absence without notice to the supervisor is considered job abandonment and is grounds for immediate termination at the discretion of the supervisor.

Sec. 82-493. Utilization of Sick Leave.

Sick leave must be accrued before it can be taken and may be authorized when:

- (1) An employee is physically unable to perform job duties because of an illness or injury.
- (2) An employee is the primary caregiver for a member of the immediate family who is ill or incapacitated. For purposes of this policy, immediate family members are defined as husband, wife, child, stepchild, brother, sister, nephew, niece, stepbrother, stepsister, parent, stepparent, grandparent, grandchild, uncle, aunt, or any person serving as parent/guardian; or any relative living in the same household or a designated care recipient. A "designated care recipient" for this section is defined as one individual designated by the employee who is ill or incapacitated, unable to provide self-care, and is recommended by a physician to have a primary caregiver. Employee must complete and submit a Leave of Absence Request and Primary Caregiver-Medical Certification Form to his or her supervisor.

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- (3) Medical, dental, and optical appointments cannot be scheduled outside of normal work hours. Employees are encouraged to schedule planned medical appointments outside normal work hours, if possible, or in a manner that minimizes disruption of work operations such as early morning or late afternoon.
- (4) An employee who is not eligible for salary continuation under the workers' compensation program, may use sick leave to supplement workers' compensation. In no instance shall the combination of sick leave and workers' compensation benefits exceed the employee's gross pay.
- (5) An employee has exhausted all salary continuation under the workers' compensation program; sick leave may be used in an amount to supplement workers' compensation. In no instance shall the combination of sick leave and workers' compensation benefits exceed the employee's gross pay.
- (6) An employee who has completed six months or more service from effective date of employment and who is sick, injured or has a major operation may, with the approval of the employee's elected official/department head, borrow sick leave not to exceed three days. Upon termination (except in the case of death) a deduction for unearned sick leave will be made from the employee's paycheck(s).

(Admin. Policy Manual, § B(3.10--3.18); Ord. No. 2001-1506, 8-14-2001; Ord. No. 2015-0381, 03-24-2015)

Sec. 82-494. Extended Sick Leave.

- (a) **Family and Medical Leave.** Employees who are absent from work due to personal illness, the illness or injury of a covered military service member, or the illness of a minor child, parent or spouse for more than three (3) consecutive days or three (3) days over a three month period may be eligible for family and medical leave. To initiate protections afforded by family and medical leave, employees are required to provide satisfactory documentation of a serious health condition by submitting medical certification from the treating health care provider (FMLA) and the family and medical leave request form. Sick leave shall be used concurrently with family and medical leave *Other* forms of paid leave (vacation, holiday credit, personal day) shall be used concurrently as well. *For example, the employee takes family and medical leave due to the chronic illness of a parent. If paid leave accruals are available, the employee would be required to exhaust all sick leave, vacation leave, holiday credit and personal day before moving to a without pay status.* Under no circumstances shall an employee be placed in a leave of absence without pay status (LWOP) while paid time is available. See Family and Medical Leave Policy found at Section 82-601 to 82-608 for more details.
- (b) **Leave of Absence.** If approved for leave of absence, sick leave may be used if the employee is out due to his or a qualifying family member's illness. Sick leave shall run concurrently with leave of absence in this case. A leave of absence up to 90 continuous days may be granted at the discretion of the elected official/department

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head. See the Leave of Absence and Return to Work Policy found at Section 82-471 to 82-478 for more information.

- (c) **Long Term Disability.** The county provides long-term disability coverage for regular, full-time employees who are absent from work for more than six months. Employees who have long term illnesses should contact the benefits section of the human resources/civil service department for specific details.
- (d) **Termination.** Employees who are absent from work for any reason for more than six (6) months in a twelve month period shall be terminated unless exceptions have been granted by commissioners court or the Sheriff's Department Civil Service Commission.

Sec. 82-495. Exclusions.

- (a) Any periods of incapacity that result from involvement in illegal activities, the excessive use of alcohol or drugs, or use of illegal substances will not be allowable for sick leave purposes, unless the employee is under the treatment of a licensed physician or on an inpatient basis in a medically approved hospital/treatment facility.
- (b) Illness occurring while on vacation shall not be paid as sick leave unless the illness is a qualifying event as provided in the Family and Medical Leave Policy.
- (c) Sick leave shall not be used in conjunction with a disciplinary suspension without pay.

Sec. 82-496. Payroll and Recordkeeping.

Accruals and expenditures of sick leave are calculated and maintained by the county auditor's office. For payroll purposes, sick leave shall be expended in no less than one-tenth hour increments. Usage of sick leave shall be reported via the county time and attendance tracking system as designated by the elected official/department head. Under no circumstances shall an employee be placed in a leave of absence without pay status while paid time is available. Supervisors are responsible for approving all sick leave reporting for their departments. However, the supervisors' approval does not excuse the absence unless the absence is related to family and medical leave.

Sec. 82-497. Employee Status Changes.

- (a) Regular full-time employees who transfer to designated part-time positions shall be allowed to retain their sick leave accruals in the time and attendance system and utilize such leave consistent with the sick leave policy.
- (b) This policy does not apply to employees who retire and who are re-employed. There can be no break in service.

Sec. 82-498. Sick leave termination benefits.

Employees who leave county employment are subject to sick leave termination benefits as follows:

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- (1) Any employee who leaves the employment of the county for any reason other than reduction-in-force shall lose all right to accrued sick leave, except as provided in subsection (b) of this section.
- (2) Employees who terminate their employment after five complete years of continuous service with the county shall be paid a percentage of the balance of their accrued, but unused, sick leave as follows:

At Least (Years)	But Less Than (Years)	Percent of Final Daily Rate To Be Used
5	10	5
10	15	10
15	20	15
20	25	20
25	30	25
30	35	30
35	40	35
40	45	40
45	50	45
50	51 Plus	50

- (3) An employee who dies as a direct result of an on-the-job injury or illness will have his total accumulated sick leave paid to his beneficiary or estate. Beneficiary will be the same as that stated on the employee's county life insurance enrollment form on file in the auditor's office.

(Ord. No. 2000-1464, §§ 3.19--3.21, 7-25-2000)

Sec. 82-499. Abuse of Sick Leave.

- (a) Extensive and/or questionable use of sick leave shall be reviewed by the employee's supervisor and/or department head in a timely manner. If the finding of the review indicates misuse, disciplinary action or termination of employment may be recommended. See the Attendance Policy found at Section 86-391 to 86-400 for more information.
- (b) Each department reserves the right to substitute other forms of paid leave (vacation, compensatory time, personal day) in lieu of sick leave in cases of questionable use of sick leave or when sick leave accruals have been exhausted.

- (c) Other than family and medical leave, sick leave is granted at the discretion of the department head and no employee may demand such leave.

(This section reflects recent court approved policy language: Court Order# 2009 1225-July 7, 2009.)

Subdivision VI. Vacation Leave

Vacation Leave provides periodic leave to ensure employees are energized and motivated to perform their job duties at an optimal level. While the main purpose of vacation leave is for rest and relaxation, the leave may also be used for personal business or obligations that promote work/life balance.

***State law references:** Vacation leave, V.T.C.A., Local Government Code § 157.072.

Sec. 82-500. Eligibility.

The county provides vacation leave for all regular, full-time employees. Vacation leave is accrued but cannot be used during the first six months of employment.

Sec. 82-501. Vacation leave accruals.

The following guidelines apply to vacation leave accruals:

- (1) Accrual is based on the number of years of continuous service. The most recent hire date for continuous unbroken service will be used to calculate the length of service.
- (2) Employees are not required to use all vacation leave and may carry over or retain a maximum of two weeks in addition to their normal annual accrual. Regular, full-time employees shall be entitled to vacation leave as follows:

Years of Service	Bi-weekly Accrual	Annual Accrual	Maximum Accrued Hours
0 to 6 years	3.077 hours	80 hours	160 hours
7 years to 15 years	4.615 hours	120 hours	200 hours
16 years and over	6.154 hours	160 hours	240 hours

Sec. 82-502. Scheduling and Usage of Vacation Leave.

- (a) All vacation leave must be requested and scheduled in advance according to departmental procedures. Departments are encouraged to make every effort to accommodate the employee's leave request. However, vacation leave is subject to the approval of the employee's supervisor based upon the operational needs of the workgroup or department. The supervisor's approval of unplanned vacation leave or vacation leave taken in lieu of sick leave accruals does not excuse the absence and may be considered in the employee's attendance record.

- (b) Employees of more than six months of employment will be eligible to expend only the amount of vacation leave they have accumulated as of the last day of the preceding pay period. Additionally, vacation leave may be used for the following purposes:
 - (1) Absences due to inclement weather conditions;
 - (2) In conjunction with family and medical leave;
 - (3) In conjunction with approved bereavement leave;
 - (4) In conjunction with approved military leave;
 - (5) Other periods of absence for personal reasons;
 - (6) Vacation leave up to a maximum of 40 hour per week may be used to supplement workers' compensation.
 - (7) Non-family and medical leave personal illness when there are no available sick leave accruals. However, the department reserves the right to deny such usage where excessive tardiness and absenteeism are present.

- (c) Other than family and medical leave, the department reserves the right to deny such use.

- (d) Employees of more than six months will be eligible to expend only the amount of vacation leave they have accumulated as of the last day of the preceding pay period that they are requesting leave; however, vacation time may be advanced to the employee not to exceed three days upon approval of the elected official/department head. Should the employee leave the employment of the county before earning credit for the advanced vacation time, appropriate deductions for the time will be made from the employee's final county paycheck.

Sec. 82-503. Exclusions.

- (a) Vacation leave shall not be used in conjunction with a disciplinary suspension without pay.
- (b) Holidays occurring while on vacation leave shall not be counted as part of the vacation leave.
- (c) Illnesses occurring while on vacation leave shall be paid as vacation leave unless the illness is a qualifying event as provided in the Family and Medical Leave Policy. To be charged to family and medical leave, medical documentation shall be required and the leave paid as sick leave provided sick leave accruals are available.

Sec. 82-504. Payroll and Recordkeeping.

Accruals and expenditures of vacation leave are calculated and maintained by the county auditor's office. Usage of vacation leave shall be reported by the county time and attendance tracking system as designated by the elected official/department head. Supervisors are responsible for approving all vacation leave reporting for their department and must ensure accruals are available.

Sec. 82-505. Coordination with Other Leave.

- (a) Employees are required to use vacation leave concurrent with family and medical leave and leave of absence, *For example, the employee requests to take family and medical leave due to the serious health condition of a spouse. If paid vacation or sick leave accruals are available, the employee will be required to use these accruals while on leave before moving to without pay status.*
- (b) The department may require employees who accrue compensatory time to use available compensatory time rather than accrued vacation leave.
- (c) See the Workers' Compensation Policy, Family and Medical Leave Policy, Leave of Absence Policy, and the Military Leave Policy for specific information regarding the use of vacation leave under these respective policies.

Sec. 82-506. Employee Status Changes.

- (a) Regular, full-time county employees who transfer to designated part-time positions will be allowed to retain their vacation leave balances in the time and attendance system and to utilize such leave consistent with leave policy for time taken off during their regularly scheduled work hours.
- (b) This policy does not apply to county employees who retire and then return to county employment. There can be no break in service.

(Admin. Policy Manual, § B (3.22--3.24); Ord. No. 2001-1506, 8-14-2001; Ord. No. 2004-2252, 12-14-2004)

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Sec. 82-507. Termination benefits.

- (a) Regular, full-time county employees shall be entitled to payment for vacation that has accrued as outlined in section 82-501.

(Ord. No. 2000-1464, §§ 3.36--3.38, 7-25-2000; Ord. No. 2014-1719)

Secs. 82-508--82-509. Reserved

Subdivision VII. Military Leave*

*State law references: Military leave of absence, V.T.C.A., Government Code § 431.005.

Sec. 82-510. Policy.

- (a) *Generally.* In compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), any regular, full-time employee of the county who is a member of a reserve unit of the armed forces, and who is called for temporary active duty, shall be granted up to 15 working days per federal fiscal year (October through September) without loss of salary or reduction in vacation or sick leave. In all cases, a copy of the military orders must be submitted for approval by the elected official/department head, unless the employee is prevented by military necessity. Paid leave will not be granted for voluntary services. If military leave is granted to category D employees, it will not extend beyond the funding source.
- (b) *Covered employees.* The following regular, full-time employees are covered by the USERRA:
 - (1) Those engaged in voluntary or involuntary duty in a uniformed service, which includes the U.S. Army, Navy, Air Force, Marines, Coast Guard, Army National Guard, and Air National Guard;
 - (2) Those called to active duty, active duty for training, inactive duty training, or full-time National Guard duty, those absent from work for a medical examination to determine eligibility for duty; and funeral honors; or
 - (3) Any other category of persons deemed covered by the President of the United States.

(Admin. Policy Manual, § B (3.35); Ord. No. 2001-1989, 10-16-2001; Ord. No. 2001-2182, 11-13-2001)

Sec. 82-511. Armed forces active duty.

- (a) Every regular, full-time employee of the county who is a member of a reserve unit of the armed forces called to active duty, is entitled to the following additional benefits:
 - (1) If the employee will be absent for 30 days or less, the employee's insurance cost for employee and/or dependent coverage cannot exceed the amount paid prior to the scheduled leave;

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- (2) If 31 or more days, the employee may elect to:
 - a. Use all accrued vacation and compensatory time to remain on the payroll until such leave is exhausted. Only non-exempt employees are eligible to utilize accrued compensatory time.
 - b. Use a pre-determined amount of accrued vacation leave and compensatory time to fund their health insurance premiums and/or bridge the gap between their military and county salary. Only non-exempt employees are eligible to utilize accrued compensatory time.
 - c. Maintain health insurance coverage for their dependents through COBRA at active employees rates up to 24 months after the absence begins or for the period of service, if less.

(b) In addition:

- (1) Active duty time will count as time in grade and position as though there was no break in service for eligibility for step increases or merit increases.
- (2) Vacation and sick leave will not accrue during the employee's absence; however, upon the employee's return, vacation and sick leave, which are based on length of employment with the county, will be calculated for future accruals as though the employee had not been on military leave.
- (3) Employee may apply for retirement credit for the time spent on active duty, provided the employee is eligible for re-employment rights and he/she returns to work within the prescribed time limits.
- (4) No waiting period or pre-existing clause if coverage would have been provided had the employee not been on military leave. Exception: may exclude any illness incurred in or aggravated during performance of military services.
- (5) Employees should carefully review their summary plan documents for health, life, and all disability coverage for all exclusions based on the act of war clauses.

(Ord. No. 2001-1989, 10-16-2001; Ord. No. 2001-2182, 11-13-2001; Ord. No. 2005-070, 1-11-2005)

Sec. 82-512. Actions required to receive additional benefits.

In order to receive the additional benefits described in section 82-511, the employee must:

- (1) Present a copy of the military orders, along with the military leave request form to their departmental human resources representative or the auditor's office, prior to the employee's departure unless prevented by military necessity;
- (2) Notify the county auditor's office immediately if there are changes; and
- (3) Comply with all applicable county policies and guidelines of the Uniformed Services Employment and Reemployment Act.

(Ord. No. 2001-1989, 10-16-2001; Ord. No. 2001-2182, 11-13-2001)

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Sec. 82-513. Military service re-employment.

(a) *Generally.*

- (1) An employee returning from military service must meet the following criteria to be eligible for reinstatement:
 - a. The employee or appropriate military officer must have provided the notification of military service as outlined in the military leave policy.
 - b. At the time of military discharge, the employee generally has no more than five years of total absences from the county for all military service.
 - c. The employee was honorably discharged from military service.
 - d. The employee complies with the requests for documentation to establish any of the above criteria. However, re-employment may not be denied if documentation is not readily available. If later documentation is received that shows re-employment requirements were not met, the department may terminate, although the termination may not be retroactive.
 - e. The employee returns to employment or applies for re-employment within the time frames specified below or circumstances beyond the employee's control made it impossible to report back to work within the time frames specified herein.
- (2) The length of an employee's military service determines the time period for seeking re-employment following military discharge. If military service was for:
 - a. Less than 31 days, the employee must return to work on the first regularly scheduled workday that begins within eight hours after returning home, unless other arrangements are approved by the elected official/department head.
 - b. 31 days to 180 days, the employee must submit an application for re-employment no later than 14 days after discharge. An application for re-employment may be a written or verbal notice to the elected official/department head or their designee.
 - c. 181 days or more, the employee must submit an application for re-employment within 90 days after military discharge.
- (3) An employee who is hospitalized or convalescing from a service-related injury or illness may report back to work or apply (depending on their length of service) at the end of the period of hospitalization or convalescing, not to exceed two years.

(b) *Position upon re-employment.*

- (1) Generally, if the period of military service was for:
 - a. Less than 91 days, the employee must be placed in the position that he/she would have held if continuous employment had not been interrupted by military service, provided he/she is qualified for that position. If the employee is not qualified to perform the duties of the position after reasonable efforts by the department to qualify the

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employee, the employee must be reinstated into the position he/she held when military leave began.

- b. 91 days or more, the employee must be placed in the position that he/she would have held if continuous employment had not been interrupted by military service, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform. If the employee is not qualified to perform the duties of the position, reasonable efforts will be made by the department to qualify the employee. If the employee is still not able to qualify for the position, he/she must be reinstated into the position held at the time military leave began, or to an alternative position in the department that he/she is qualified to perform with similar seniority, status and pay.

- (2) When an employee incurs or aggravates a disability during the period of military service, reasonable efforts will be made by the department to accommodate the disability. However, if the disability renders the employee unable to return to the position they would have held if their continuous employment had not been interrupted by military service, they will be placed in any other position in the department equivalent in seniority, status and pay. The employee must be qualified to perform or become qualified to perform with reasonable efforts by the department, or the nearest approximation to such a position in terms of seniority, status, and pay consistent with circumstances of the employee's case.
- (3) The department is not required to reinstate an employee if circumstances have changed and re-employment would be impossible, unreasonable or present an undue hardship. Please contact the human resources/civil service department for review if the option to not re-employ is being considered.

(c) *Benefits after re-employment.*

- (1) An employee who is re-employed following military leave is entitled to the seniority and other rights and benefits determined by seniority that he/she would have had if employment had not been interrupted by military service. Thus, in determining the employee's wage, leave accrual or retirement credits, the department should contact the auditor's and treasurer's offices for specific information. Any employee who is considering drawing down his or her retirement should be counseled by a retirement representative in the treasurer's office concerning the repercussions of this decision.
- (2) Health insurance benefits discontinued during military leave for an employee and his/her eligible dependents must be reinstated as if employment had not been interrupted. There will be no lapse in coverage, no waiting periods or exclusions for pre-existing conditions, other than waiting periods or exclusions that would have applied if there had been no absence for military service. Returning employees will have their insurance eligibility reinstated the first of the month of their return. While returning employees will be reinstated beginning the first of the month of their return, the employees will begin paying for their benefits beginning with the first paycheck of the month following their return.

Returning employees who do not apply for reinstatement with the 120-day period following their date of release from active duty will be re-enrolled and begin paying for insurance on the first of the month following their application. They will be subject to all applicable policy requirements and exclusions.

- (3) An employee who returns to work after a military leave that is more than 30 days but less than 180 days, may not be discharged without cause for six months following re-employment. If the military leave was for more than 180 days, the protection against discharge other than for cause, is increased to one year.

(Ord. No. 2002-110, 1-15-2002; Ord. No. 2005-1006, 5-24-2005)

Sec. 82-514. Disaster Leave.

In accordance with Texas Government Code Section 437.202, an employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team who is called to support a declared disaster shall be entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year ("Disaster Leave"). Disaster Leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During Disaster Leave, the employee shall not be subjected to loss of time, personal time, sick leave, or vacation time.

(Ord. No. 2021-0878, 09-07-2021)

Subdivision VIII. Other Leave (Approved Time Off)

Sec. 82-515. With pay.

- (a) Time off, in reasonable amounts, is only authorized for the following reasons:
 - (1) Jury duty;
 - (2) Commissioners court approved closings; and
 - (3) Whereas it is the desire of the commissioners court to provide quality and immediate health care services to employees, approved time off with pay will be granted in reasonable amount for regular, full-time employees to attend the county employee health center.
- (b) Each elected official/department head will be responsible for developing departmental policies consistent with the intent of the court in conjunction with policies which will not interfere with the daily, efficient operation of the department.

(Admin. Policy Manual, § B (3.29, 3.30); Ord. No. 2002-299, 2-12-2002)

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Sec. 82-516. Jury duty

- (a) Serving on a jury is a civic duty and as such is fully recognized and supported by the county. Therefore, leave time for jury duty will be granted in reasonable amounts as approved time off with pay (coded as jury duty in the time and attendance system). When employees are summoned for jury duty, the following guidelines shall apply:
 - (1) The employee shall immediately notify the supervisor and provide a copy of the jury summons notice.
 - (2) If selected to serve on the jury, the employee shall verbally notify the supervisor.
 - (3) The employee shall report for jury duty each day as instructed by the court.
 - (4) At the completion of the process, the employee will provide the supervisor with documentation from jury services that he/she participated/served in the jury process.
- (b) If the employee is released from jury service during normal working hours, the employee should either report to work immediately or contact his/her supervisor for further instructions. When requesting an employee to return to work, the supervisor should consider the number of work hours remaining in the day and the amount of travel time required. Failure to return to work or to contact the supervisor may result in the employee being required to utilize accrued leave time and disciplinary action, up to and including termination.

(Ord. No. 2002-299, 2-12-2002)

Sec. 82-517. Grand Jury Duty (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) Serving on a grand jury is only recognized and supported by the county if the summons is from a federal court. Serving on a county grand jury is voluntary and if an employee chooses to do so then the department has the option to:
 - (1) Allow the employee to use accrued vacation leave;
 - (2) Work with the employee to make up any lost hours while serving on the grand jury; or
 - (3) Request a leave of absence through commissioners court.

Sec. 82-518. Witness duty.

- (a) Testifying as a witness is a civic duty and is supported by the county. Reasonable leave time for witness duty will be granted as approved time off with pay, not to exceed eight hours or one work day per calendar year.
- (b) When an employee is summoned as a witness, the employee shall immediately notify the supervisor and provide a copy of the court order, subpoena, or summons. The following guidelines shall apply:
 - (1) Witness leave is appropriate for duty with a federal, state, or local court.

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- (2) Leave for witness duty must be requested in advance as soon as the employee receives the summons or subpoena.
 - (3) Time to appear in court when the appearance is part of the employee's regular job duties will be approved as regular time worked.
 - (4) Time spent by employees testifying as expert witnesses will be governed by their department's procedures. Employees who receive compensation from their court for their appearance shall in no instance receive dual compensation from the county.
 - (5) Time to appear in court when the employee is a party to the action is the individual employee's responsibility and will not be covered under this policy. However, employees may use accrued vacation or compensatory time for this purpose if time is available.
- (c) The person responsible for time and attendance entry in the department will enter the pay code for jury duty with a comment code of "Witness."
 - (d) The employee should contact his/her supervisor for instructions regarding return to work when court is adjourned or when excused during normal working hours. Employees may be required to submit proof of attendance from the court to the supervisor upon completion of the witness duty. Failure to return to work or contact the supervisor may result in the employee being required to utilize other accrued leave time and disciplinary action, up to and including termination.
 - (e) All other witness duty not specifically addressed in this policy must be done on the employee's own time or must be charged to vacation, compensatory time, or leave without pay.

(Ord. No. 2004-206, 2-3-2004)

Sec. 82-519. Bereavement Leave. (This section reflects court approved policy language: Court Order #2008 0157-January 22, 2008 and Court Order #2008 1128-June 10, 2008 and Court Order #2011 1463 – August 30, 2011).

The County recognizes that a death in the family creates some very difficult times for an employee. In an effort to support the employee during this time and to specify the guidelines involved with granting leave to an employee during this time, the following policy guidelines shall apply:

- (a) An elected official/department head may grant a regular, full-time employee up to the following number of days off, depending on family ties:
 - (1) Up to 5 working days (40 hours) of leave time off for bereavement leave if the relative who dies is a: mother, father, spouse, child, sister, brother, grandchild , grandparent, or someone who has acted as the employee's parent(s);
 - (2) up to 3 working days (24 hours) of leave time off for aunts, uncles, nieces, nephews, step-parents, stepchild, step-brother/sister, in-laws or for any relative living in the same household;

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- (3) One day of leave for cousins; and
 - (4) For funerals of other relatives, friends, and acquaintances not included above, the employee shall utilize county time, compensatory time or vacation time accruals.
- (b) The guidelines specify up to the maximum number of days or hours; however, due to business necessity, the elected official/department head may require the employee to return sooner;
 - (c) Such leave shall be charged to the employee's sick leave accruals;
 - (d) If additional time off is requested, the elected official/department head or their designee, at their discretion, may grant additional time off; however, this additional time off must be charged to the employee's vacation, compensatory, and county time accruals or taken off as leave without pay if the employee's has no such accruals; and
 - (e) An elected official/department head may, at their discretion, request verification of the absence (i.e., death certificate, newspaper article, etc.).

Subdivision IX. Catastrophic Sick and Vacation Leave

Sec. 82-520. Policy.

This policy is adopted by the Dallas County Commissioners Court pursuant to the authority in Subchapter E, Section 157.071 *et. al.* of the Texas Local Government Code, to provide for a sick and vacation leave pool. This policy will enable County employees to voluntarily donate accrued sick and vacation leave to a pool for the use of and to help alleviate the financial hardship caused to an employee if the employee's or the employee's "eligible family member's" catastrophic illness or injury forces the employee to exhaust all paid leave time earned and subsequently lose compensation from the County. This policy is not intended to and does not provide for paid leave after the exhaustion of the employee's FMLA or Leave of Absence; rather, all sick pool leave must run concurrent with either approved unpaid FMLA or an unpaid Leave of Absence.

This policy does not supersede nor replace other disability or retirement programs or policies. The availability of a catastrophic sick and vacation pool will not delay or prevent the County from taking adverse or disciplinary action against an employee when such action is warranted. No inducement, discipline, promise or threat of inducement or discipline shall be used to encourage or discourage participation.

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Sec. 82-521. Definitions.

- (a) Administrator -- the Dallas County Director of Human Resources or his/her designee OR the person(s)/panel designated by Commissioners Court to administer this policy.
- (b) Catastrophic Illness or Injury – A catastrophic illness or injury is a serious debilitating illness, injury, impairment, or physical or mental condition that is:
 - (1) terminal, life-threatening, and/or very severe; and
 - (2) present for a minimum of thirty consecutive calendar days; and
 - (3) forces the employee to exhaust all of his/her accrued leave; and
 - (4) involves:
 - a. A period of illness or injury or treatment connected with inpatient care (e.g. overnight stay) in a hospital, hospice, or residential medical care facility for ten or more consecutive days; or
 - b. A period of illness or injury requiring absence from work of ten or more consecutive work days, and that also involves continuing treatment by (or under the supervision of) a licensed physician; or
 - c. A period of illness or injury that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, cancer, terminal disease, etc.) and requires absence from work for ten or more consecutive work days; or
 - d. An absence of at least ten consecutive work days to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition, e.g., cancer or kidney disease.
 - (5) Examples of catastrophic illness/injuries generally considered include, but are not limited to: cancer, AIDS, myocardial infarction, stroke, chronic obstructive pulmonary disease, chronic liver disease and cirrhosis, chronic kidney disease and other major illnesses and injuries as determined by a licensed physician, including physical and/or mental health condition or been exposed to contagious disease that may jeopardize other employees by continuing to work.
- (c) Catastrophic Sick and Vacation Pool – is the combined sick and vacation leave donated by employees for allocation to eligible employees/recipients based on a catastrophic illness or injury.
- (d) Donor -- an employee who voluntarily provides a written request for transfer of his/her sick or vacation leave to the pool.
- (e) Dependent – an eligible family member as outlined under Section 82-605(c) of the Dallas County Code, as defined under the Family Medical Leave Act.
- (f) Eligible Employee/Recipient – a non-elected district, county, or precinct full-time employee paid from the general fund of the County or from special funds or grants paid through the County with twelve (12) or more months of continuous service with Dallas County and by virtue of their employment status, earns sick and/or

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vacation leave and whom the Administrator (or Commissioners Court) has approved to receive sick leave from the pool.

- (g) Licensed Physician -- A medical doctor (MD) or a doctor of osteopathy (DO) who is authorized to practice in the United States, licensed in the State of Texas, and who is performing within the scope of his or her practice as defined under applicable law.
- (h) One Day of Leave -- is eight (8) hours of accrued sick or accrued vacation leave earned by the employee.
- (i) Open Enrollment Period -- The open enrollment period for the Sick Leave Pool will be on a semi-annual basis. Contributions can be made in October and April.

Sec. 82-522. Procedures.

(a). Administrator

- (1) The Administrator processes Catastrophic Sick and Vacation Pool contributions that are received during the open enrollment periods. For employees who are terminating, resigning, and retiring, and wish to donate sick and/or vacation leave, the employee must submit the catastrophic leave pool donation form to the Payroll Division prior to the effective date of termination, resignation, or retirement. The department must submit the notice of separation form prior to the effective date of termination, resignation, or retirement. Employees not terminating, resigning or retiring will only be able to join and contribute to the Catastrophic Sick and Vacation Pool during the open enrollment periods in October and April of each fiscal year.
- (2) Upon receipt of a request for leave from the Catastrophic Sick and Vacation Pool ("Catastrophic Leave"), the administrator reviews each request on an individual basis, including the physician's certification form to determine whether or not the condition is catastrophic based on the definition defined by this policy.
- (3) The administrator may require the employee to provide additional information or documentation and/or may consult with a medical expert such as the Employee Health Center Physician to determine whether the condition is severe enough to be considered catastrophic for the employee to qualify for leave from the catastrophic leave pool.
- (4) If the Administrator is uncertain whether a particular employee is eligible for an award of Catastrophic Leave, the Administrator may request the Dallas County Employee Health Center Physician determine in conjunction with the treating physician if the illness or injury is considered catastrophic. If considered catastrophic, the Administrator will award the leave based on policy.
- (5) The administrator approves or denies the request for the use of catastrophic leave from the pool. Once it has been confirmed that the leave is catastrophic,

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the Administrator in conjunction with the Payroll Division determines the amount of leave to be granted, which will be in pay period increments. The leave being granted starts the beginning of the pay period after leave has been approved.

- (6) The administrator shall send written notice of the approval or denial of the request, via memo or email, to the employee, the Elected Official/Department Head (if applicable), and the Payroll Division of the County Auditor's Office. If catastrophic leave is approved, the notice should include the amount of sick pool leave approved.
- (7) If the employee is not eligible to contribute to the Catastrophic Sick and Vacation Pool, the Administrator will send a notice to the employee with an explanation of the eligibility criterion and the reason the proposed contribution does not meet the criterion.
- (8) After determining that an employee is eligible and before awarding any Catastrophic Leave, the Administrator or Payroll must:
 - a. divide the number of hours in the Catastrophic Leave Pool by three (3) to determine the maximum number of hours of Catastrophic Leave that may be awarded to that employee;
 - b. determine the amount of Catastrophic Leave that should be awarded to the employee based on the circumstances of the application and the date the employee will exhaust any FMLA or Leave of Absence. Catastrophic Leave cannot be granted beyond the date the employee will exhaust any FMLA or Leave of Absence;
 - c. award the employee the lesser of the amount that could be awarded, if it exceeds one-third of the total amount of time in the pool or 60 days (480 hours) for employee, 30 days (240 hours) for eligible FMLA/LOA family members. The maximum leave allowed cannot exceed the lesser of one-third of the total amount of time in the pool or 60 days (480 hours) for employee or 30 days (240 hours) for dependent;
 - d. decrease the balance in the Catastrophic Leave Pool by the number of hours of catastrophic leave awarded to the employee from the Catastrophic Leave Pool.
- (9) If catastrophic leave is awarded, the administrator may award this leave based on the attached Vacation and Sick Leave Pool Contribution table for that fiscal year. The maximum amount an individual may withdraw for Catastrophic Leave in a fiscal year is 60 days (480 hours) if the Catastrophic Illness or Injury involves the employee; or 30 days (240 hours) if the Catastrophic Illness or Injury involves an eligible FMLA/LOA family member, assuming they meet the policy requirements.
- (10) The catastrophic leave pool will be administered on a first-come, first-served basis, determined by the date or time when all necessary information, certifications, and releases have been provided.

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- (11) The administrator will administer adjudication and/or clarification of this policy and will advise elected officials/department heads, supervisor, department representative, and recipients of the guideline of the policy when issues arise.
- (12) The administrator will notify payroll if any recipient loses it rights to access the Catastrophic Leave Pool.
- (13) The administrator will assist the Payroll Division of the Auditor's Office (if needed) in maintaining records of leave contributions, requests, denials and approvals made under this policy and forward in a timely manner, all approved requests of donors and recipients to the Payroll Office of the Auditor.
- (14) Only the administrator will publicize the program and the need for donors. Such publicizing will be done upon establishment of the pool and periodically thereafter. Frequency of publicizing will depend upon the balance of sick leave in the pool and the current and/or projected need by the recipients. Publicizing will be done in a manner that is cost effective, as determined by the Administrator.
- (15) All decisions made by the Administrator (in conjunction with the Employee Health Center Physician) in regard to an employee's eligibility to receive catastrophic sick leave will be final.
- (16) All decisions made by the Administrator in regard to an employee's eligibility to donate sick and vacation leave will be final.

(b). Contributions/Donations

- (1) An employee must have been employed full-time by Dallas County for at least twelve consecutive months, contribute a minimum of 1 day (8 hours) of sick or vacation time to the pool, and have at least 10 days (80 hours) of combined sick or vacation time remaining after his/her contribution **this section does not apply to donors who are terminated, resigning, or retiring in order to donate.**
- (2) An employee may contribute a maximum of 5 days or 40 hours combined accrued sick or vacation leave in increments of 1 day or 8 hours each fiscal year. An employee cannot donate compensatory time.
- (3) Contributions must be made:
 - a) during the open enrollment periods; OR
 - b) when an employee terminates, resigns or retires from the County. The employee may donate additional sick and vacation hours up to a maximum combined total of 80 hours (10 days) of accrued leave in increments of 1 day or 8 hours to the pool for a total of 15 days or 120 hours for the fiscal year to take effect immediately before the effective date of termination, resignation, or retirement (**section 1 does not apply to donors who are terminated, resigning, or retiring in order to donate**); OR,

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- c) during one supplemental two week open enrollment period in the fiscal year (TBD) if requested by the Administrator, to replenish the pool and authorized by Order of the Commissioners Court.
- (4) Contributions to the Catastrophic Sick and Vacation Pool are strictly voluntary; however, in order to be “eligible” to participate in the Catastrophic Leave Pool, the Commissioners Court in adopting this policy requires that an employee “donate” a minimum of eight (8) hours of sick/vacation leave combined.
- (5) Any employee electing to contribute sick or vacation time to the Catastrophic Leave Pool shall complete the “Catastrophic Leave Pool Donation Form,” and submit it to the HR department for review and approval and submission to the Auditor’s Office Payroll Division.
- (6) Sick or vacation leave donated will be deducted from the contributing employee’s sick or vacation leave balance by the Auditor’s Office Payroll Division. An appropriate notation will be made on the donor’s sick or vacation leave record that the leave was donated to the Catastrophic Leave Pool.
- (7) Donated leave time is permanent and cannot be reversed, revoked or refunded to the employee. The leave contributed by an employee becomes the property of the County’s Catastrophic Leave Pool and cannot be returned in the event the employee dies, retires, resigns, is terminated, is placed on temporary suspension or otherwise fails to maintain his or her membership in the Catastrophic Leave Pool from year to year.
- (8) Enrollment and contribution to the Catastrophic Leave Pool is not a guarantee that a contributing employee will receive any time from the pool should such employee have a need to make application for Catastrophic Leave at a later date.

(c) Requesting Catastrophic Pool Leave

- (1) An employee requesting Catastrophic Leave from the Pool must: a) have a Catastrophic Illness or injury (or eligible FMLA family member with a catastrophic illness or injury); b) be employed as a fulltime non-probationary employee continuously for 12 months; c) have contributed at least eight (8) hours of accrued sick or vacation leave (see Sick and Vacation Leave Contribution Table); d) must be meeting job performance requirements, based on their most recent performance appraisal, and (e) have approved FMLA or LOA for the days which they seek Catastrophic Leave, to be eligible for pool leave.
- (2) Employee must have exhausted all accrued paid leave (sick, vacation, compensatory time, personal day, etc.) to which the employee is otherwise entitled before being eligible to use leave from the catastrophic leave pool.
- (3) The employee must be absent from work due to a catastrophic illness or injury of himself/herself or an “eligible family member” as defined in the policy as a catastrophic illness or injury to request and receive catastrophic leave, which can begin no earlier than the 11th day of absence.

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- (4) Employees must be on an approved Family Medical Leave (unpaid) or Leave of Absence (unpaid).
- (5) The maximum leave the employee will be able to withdraw, if approved by the administrator is set forth in the contribution table.
- (6) An eligible employee electing to apply for use of time from the Catastrophic Leave Pool must complete a "Catastrophic Leave Pool Request Form" and have the treating physician complete the "Catastrophic Leave Pool Medical Certification Form." Both forms must be completed and submitted together to the Administrator for review. The Form must include a certification from the physician that the employee or Dependent as defined in this policy has or had an illness or injury that is catastrophic as also defined in this policy and a statement of the diagnosis, prognosis, and anticipated recovery time for the illness or injury. Failure to submit a completed form or both forms will cause a delay and possible denial of your request. If an employee is unable to request leave from the Catastrophic Leave Pool due to his/her catastrophic illness, the Elected Official/Department Head may submit the request on the employee's behalf.
- (7) If the initial medical record information supplied is not adequate, the employee must provide further sufficiently detailed medical record information and a medical release for medical information to the Administrator, if requested. The Administrator may require an independent medical examination. Failure to comply with a request for additional medical information may result in delay or denial of the application.
- (8) An employee who has been granted and exhausted available Catastrophic leave pool time is not eligible for additional Catastrophic leave pool time until two (2) years has elapsed from the last Catastrophic leave pool day for which that employee was paid.
- (9) Sixty days (480 hours) is the lifetime maximum that may be withdrawn from the pool for the employee and eligible dependent combined; with the lifetime maximum for the dependent not to exceed 30 days (240) hours.
- (10) The leave recipient may use catastrophic leave time in the same manner as sick leave earned by the recipient in the course of employment, for the catastrophic injury or illness for which it was approved.
- (11) Employees returning to work after being off on Catastrophic Pool Leave must provide the Administrator a written release from their physician documenting their ability to return to work (with or without restrictions) as well as obtain clearance from the Dallas County Employee Health Center Physician.
- (12) The employee must notify the Administrator in writing (via certified mail) and via phone within 48 hours if they begin receiving or are notified that they will begin receiving (whichever comes first): a) disability payments (including social security, long term, or short term) or other voluntary supplemental insurance payment to replace lost income; or b) pay, reimbursement, or recovery for loss of

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work time or damages from a third party as a result of the catastrophic illness or injury.

(d) Payroll Division Auditor's Office

- (1) Upon receipt of notification of approval of catastrophic leave granted to the employee, the Payroll Division will credit the approved amount of time granted to the recipient from the catastrophic leave pool with an appropriate notation made on the recipient's sick leave record that the leave was received from the Catastrophic Leave Pool.
- (2) Payroll will track the catastrophic leave used by the employee and notify Human Resources, the department and the employee when the employee is close to exhausting the paid leave.
- (3) If the employee returns to work prior to exhausting the leave, Payroll will credit back the unused balance to the Catastrophic Leave Pool and maintain a record of such.
- (4) As the employee must have used all available earned leave or compensatory time prior to utilizing Catastrophic pool leave, Payroll will ensure that the employee continues to accrue any applicable leave while on Catastrophic Pool Leave (unless the employee does not return to work).
- (5) A holiday within the leave period is not counted as catastrophic leave.
- (6) An employee absent on sick leave assigned from the county sick leave pool is treated for all purposes as if the employee were absent on earned sick leave. Employees on catastrophic leave continue to accrue leave.
- (7) Employees must exhaust all accrued leave with pay entitlements before they use Catastrophic Leave, including the leave earned while on Catastrophic Leave. If the employee accrues vacation or sick leave while on Catastrophic Leave, Payroll will deduct the accrued vacation or sick leave prior to deducting hours from the Catastrophic Leave allotted the employee.
- (8) The estate of a deceased employee is not entitled to payments for unused catastrophic leave acquired by the employee from the Catastrophic Leave Pool.

(e) Return of Unused Catastrophic Leave to the Catastrophic Leave Pool/Termination of Catastrophic Leave.

- (1) Catastrophic Leave must be used only for the reason requested and approved. Employees shall immediately notify the Administrator if there is any change in the nature or severity of the illness or injury that modifies their need for Catastrophic Leave. Use of Catastrophic Leave for purposes other than Catastrophic Illness or Injury may result in termination. The grant of time for Catastrophic Leave shall terminate upon the earliest of the following:
 - a. The date the employee is able to return to work.

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- b. The date the employee's FMLA or LOA runs out (catastrophic leave must run concurrently with a grant of unpaid FMLA or unpaid LOA);
 - c. The exhaustion of the specific amount of time that the Administrator granted to the employee, unless the Administrator has granted the employee additional Catastrophic Leave time and, in such case, upon the exhaustion of any additional Catastrophic Leave time that was granted to the employee;
 - d. The effective date of the employee's termination, retirement, or resignation;
 - e. The employee has used the maximum amount of Catastrophic Leave time allowable under this policy; or
 - f. The Administrator determines that the employee is no longer eligible to receive any further or additional Catastrophic Leave time (including if the employee fails to cooperate with requests for medical information, submits false information, remains off work because the employee is not following the doctor's prescribed treatment, or is abusing sick leave pool hours).
- (2) The Payroll Division must track each employee receiving catastrophic leave. Any balance of catastrophic leave: 1) remaining after the employee has used the Catastrophic Leave; or 2) which is no longer needed or justified due to the Catastrophic Illness or Injury, must be canceled and returned to the Catastrophic Sick and Vacation Pool. This action should also be taken if, anytime within the period following the date the award was initially used, any of the following situations is met:
- a. The Administrator determines that the employee is no longer eligible for Catastrophic Leave;
 - b. employee is deceased;
 - c. employee terminates employment; or
 - d. employee retires.

(f) Exclusion and Limitation

- 1) The following are not eligible to access the Catastrophic Leave Pool:
- a. Employees who are off without pay because of a disciplinary or unlawful action.
 - b. Employees who have been officially disciplined for sick leave abuse within the 12 months preceding the date of the catastrophic leave being granted.
 - c. Employees who have committed fraud or misrepresentation in the request or use of catastrophic leave.
 - d. Employees with a Catastrophic Illness or Injury requiring intermittent leave of 24 hours or less per week.
 - e. Employees on active duty in any Military force.
 - f. Employees confined in correctional institution (jail, prison, boot camp, detention center, house arrest, etc.).
 - g. Full-time grant funded employees are not entitled to Catastrophic Leave beyond the termination date of the funding sources for the position.
 - h. Employees who go from full-time to part-time will no longer be eligible for catastrophic leave.

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2) The following treatments/conditions/illnesses/injuries are not eligible for Catastrophic Leave:

- a. Routine medical, vision and/or dental care for an employee or eligible family member;
- b. Elective cosmetic surgery or procedures;
- c. A broken limb;
- d. Weight loss surgery or treatment;
- e. Stress related illnesses;
- f. Colds, flu, and allergies;
- g. Minor surgery with no complications such as appendectomy or tonsillectomy;
- h. Carpal tunnel syndrome;
- i. Addiction treatment, including drug or alcohol rehab treatment;
- j. Bereavement;
- k. Pregnancy, unless a serious complication from pregnancy that requires hospitalization for ten or more days;
- l. The birth of a child, which is considered normal regardless of the method of delivery and will not be considered for Catastrophic Leave;
- m. A catastrophic injury that occurred during the course of employment with another employer;
- n. Employees off work because of an on the job injury (Worker's Compensation) **if they are currently receiving workers comp benefits**;
- o. A disability under the Americans with Disabilities Act ("ADA") that would render the employee incapable of performing the essential functions of their job, even with a reasonable accommodation;
- p. A disability under the ADA that does not prevent the employee from performing the essential functions of their job, with reasonable accommodations, unless the disability is also a Catastrophic Illness or Injury and reasonable accommodation requires time off for more than ten continuous days in-patient treatment in a hospital, hospice, or residential medical care facility. All ADA disabilities qualifying for reasonable accommodations may not qualify as a Catastrophic Illness or Injury. The maximum amount of Catastrophic Leave an individual requiring such an ADA reasonable accommodation is allowed is thirty (30) days, depending on their length of service with the County as set forth in this policy.

3) Any vacation or travel (100 or more miles) resulting in an absence of 48 hours or more from the employee's primary residence registered with Dallas is not eligible for leave from the Catastrophic Leave Pool, unless the purpose of the trips is only for necessary medical treatment or care (dual purposes may not be covered). The employee should notify the Administrator immediately of any such planned trips/travel away from the employee's current primary residence during the period for catastrophic leave, for a determination as to whether the leave remains covered by this policy. The Administrator may require documentation from the primary care physician regarding the medical necessity for the trip/travel.

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- 4) If the employee, for any reason, terminates or ends employment with the County while on Catastrophic Leave, the employee is not entitled to payment for any Catastrophic Leave awarded that is unused.

(g) Coordination With Other Benefits (including exclusions)

- (1) *Worker's Compensation.* Employees off work because of an on the job worker's compensation injury are not eligible for catastrophic leave **if they are currently receiving workers comp benefits.**
- (2) *Family Medical Leave.* All eligible events that qualify for Family and Medical Leave (FML) may not qualify as a Catastrophic Illness or Injury; however, a Catastrophic Illness or Injury may qualify as FML. If the employee is eligible for Family and Medical Leave, all days away from work as a result of Catastrophic Illnesses or Injuries will be counted against the employee's Family and Medical Leave entitlement. The catastrophic leave will terminate at the same time as the FMLA leave, unless the employee has obtained a Leave of Absence which would allow the employee to continue to receive catastrophic leave.
- (3) *Short and Long Term Disability and Supplemental Benefits.* Catastrophic Leave will not be granted if an employee is receiving short term or long term disability benefits, including social security disability benefits or supplemental benefits.
- (4) *Grievance Policy.* Denial of catastrophic leave is not grounds for filing a grievance and is specifically excluded from the civil service grievance appeal process. Catastrophic leave is not a right and is awarded based on availability of catastrophic leave in the Catastrophic Sick and Vacation Pool and the eligibility of the employee as determined by the Administrator.

(h) Recordkeeping and Confidentiality

- (1) The Administrator must maintain a confidential record of all Catastrophic Sick and Vacation Pool records in accordance with the law.
- (2) Applications for Catastrophic Leave and all documents related to the application, including the notice of an award or denial, must be treated as confidential at all times. All notices to be sent to any person involved in the process (such as the Administrator) must be sent in envelopes clearly labeled "confidential" and directed to the attention of the intended receiver.
- (3) The applications for award for Catastrophic Leave and all supporting documentation must be kept in a separate file for confidential medical information. The employee must approve and sign a form to authorize the release of medical information and other documents before any information can be released. If the employee is medically unable to sign the required release form, the next of kin or person who is legally authorized to do so must sign the form before any documentation can be released.

(i) Annual Reporting

- (1) The Administrator must submit an annual fiscal year report obtained from the County Payroll to the Commissioners Court on the usage and status of the Catastrophic Sick and Vacation Pool. The annual reports will include:
 - a. the total number of hours contributed;
 - b. the total number of hours awarded;
 - c. the total number of awarded hours that were used;
 - d. the total number of applications for Catastrophic Leave received;
 - e. the total number of applications approved;
 - f. the total number of applications denied; and
 - g. the remaining hours in the pool.

(j) Miscellaneous

- (1) No advances on sick leave or vacation accruals will be granted to allow an employee to meet the minimum required to request catastrophic leave.
- (2) Catastrophic Leave granted from the Catastrophic Leave Pool Program will be counted only for approved workdays.
- (3) An employee may not provide or receive remuneration or any gift in exchange for a sick pool donation.
- (4) Dallas County will have a right of reimbursement from the proceeds of any full or partial recovery for lost wages, whether by settlement, judgment, or otherwise (supplemental disability, etc.), recovered by the employee for any days that were covered by Catastrophic Leave. This reimbursement provision includes, but is not limited to, any recovery from any individual or group automobile or liability insurance policy, including any uninsured/underinsured motorist coverage and any personal injury protection coverage you or a covered dependent may have.

(k) Grandfathered Employees

Employees with a pre-existing Catastrophic Illness or Injury who: 1) are out on FMLA or a LOA before initial enrollment period start date; 2) are considered an “eligible employee/recipient,” by the sick leave pool donation requirements; and 3) do not have any sick or vacation time to donate or will not have at least 10 days (80 hours) of combined sick or vacation time remaining after his/her contribution, will be grandfathered in and will not have to donate leave to be eligible for contributions from the sick leave pool. All other eligibility requirements apply. This provision does not apply to an eligible FMLA family member with a catastrophic illness or injury. The grandfathered employee is eligible for a maximum of 30 days (240 hours) from the Catastrophic Sick and Vacation Pool.

(l) Modification/Termination of policy

Commissioners Court reserves the right to modify or terminate the Catastrophic Leave Pool Program/Policy at any time with or without notice (within the constraints of the law).

(m) Designation of Administrator

The Dallas County Commissioners Court designates the Director of Human Resources to act as the Administrator of the Catastrophic Sick and Vacation Pool program.

TABLE INSET:

SICK AND VACATION LEAVE CONTRIBUTION TABLE			
Donations	Required Years of Service	Maximum Awarded for Employee	Maximum Awarded for Dependent
8 hours of Sick/ Vacation time	1 year	48 hours of Sick (6 days)	24 hours of Sick (3 days)
16 hours of Sick/ Vacation time	1 year	96 hours of Sick (12 days)	48 hours of Sick (6 days)
24 hours of Sick/ Vacation time	1 year	144 hours of Sick (18 days)	72 hours of Sick (9 days)
32 hours of Sick/ Vacation time	1 year	192 hours of Sick (24 days)	96 hours of Sick (12 days)
40 hours of Sick/ Vacation time	1 year	240 hours of Sick (30 days)	120 hours of Sick (15 days)
48 hours of Sick/ Vacation time	5 years	288 hours of Sick (36 days)	144 hours of Sick (18 days)
56 hours of Sick/ Vacation time	5 years	336 hours of Sick (42 days)	168 hours of Sick (21 days)
64 hours of Sick/ Vacation time	5 years	384 hours of Sick (48 days)	192 hours of Sick (24 days)
72 hours of Sick/ Vacation time	5 years	432 hours of Sick (54 days)	216 hours of Sick (27 days)
80 hours of Sick/ Vacation time	5 years	480 hours of Sick (60 days)	240 hours of Sick (30 days)
Maximum Lifetime Leave Allowed	60 days (480 hours) is the lifetime maximum that may be withdrawn from the pool for the employee and eligible dependent combined; with the lifetime maximum for the dependent not to exceed 30 days or 240 hours.		

(Ord. No. 2017-0525, 4-18-17; Ord No. 2017-1270, 10-03-2017)

Secs. 82-523--82-550. Reserved.

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ARTICLE VIII. WORKERS' COMPENSATION* (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012.)

*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 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 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,

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within his 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; Ord. No. 2012-0237, 2-7-2012)

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 health care provider to his 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 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 appropriate 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

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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

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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 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 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

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- (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 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.

- (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 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 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 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;

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- 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 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.
- (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).

(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.

Secs. 82-565--82-600. Reserved.

ARTICLE IX. FAMILY AND MEDICAL LEAVE* (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012; Court Order #2014 0835 June 17, 2014; Court Order #2017-0771)

*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;

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- (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 fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act ("USERRA") service obligations; and

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- (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 (but for the USERRA service obligations) 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 service member if the employee is the spouse, son, daughter, parent, or next of kin of the service member;

“Covered service member” means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- (5) Eligible employees **may not take leave** under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and **members on the permanent disability retired list.**
- (6) 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) for reasons related to or because of the affect by the service member's call-up or service.

The qualifying exigency must be one of the following:

- (a) Short-notice deployment;
- (b) Military events and related activities;
- (c) Childcare and school activities (including arranging for alternative childcare for the military member's child; arranging to transfer/enroll a

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military member's child into a new school or daycare; attending certain meetings with school or daycare staff);

- (d) Financial and legal arrangements;
 - (e) Non-medical Counseling;
 - (f) Rest recuperation (including spending time with the military member who is on leave during deployment);
 - (g) Post-deployment activities (including attending post-deployment reintegration briefings or other military programs that occur within 90 days of the conclusion of the active duty status); and
 - (h) Additional activities not encompassed in the other categories, but agreed to by the Dallas County and employee, including on timing and duration of leave.
- (c) *Eligible family members.* Family members for whom the employee may take family and medical leave include:
- (1) Spouse: a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a State that recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.
 - (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 nearest blood relative for purposes of military caregiver leave.

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- (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.
 - (7) In the case of a member of the Armed Forces (including a member of the National Guard or Reserves) any treatment of an injury illness that was incurred by the service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the service member's active duty was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating; or
 - (8) In the case of a Veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period the person was a covered service member, (as defined by the Secretary of Labor) any treatment of a qualifying injury or illness incurred by a covered service member in the line of duty that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating; or
 - (9) Any period of outpatient services, with respect to a covered service member, whereby a member of the Armed Forces has been assigned to either a military medical treatment facility as an outpatient or a unit established for the purposes of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- (f) *Family leave.* Both the mother and father are entitled to family leave for the birth, adoption or foster care placement of a child. This leave may begin before the birth of the child, if medically necessary. In the event that spouses work for the same employer, the combined total of their leave taken because of birth, adoption or foster care placement may not exceed 12 weeks. However, each spouse may be eligible for additional leave for other reasons. For example, if both spouses individually took six weeks off in connection with the birth of their child, they could each take an additional six weeks in the same 12-month period for a serious personal health problem.

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.
- (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:

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- (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.
- (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; Ord. No. 2014-0835, 06-17-2014; Ord. No. 2017-0771, 06-06-2017)

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 request recertification of a medical condition:
- (1) Every 30 days in connection with an absence by the employee unless the employee's medical certification indicates that the minimum duration of the condition is more than thirty days. If so, the county must wait until that minimum duration expires before requesting a recertification unless paragraph

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(2) of this section applies. In all cases, the county may request a recertification every six months in connection with an absence by the employee;

- (2) In less than 30 days if:
 - (a) When the employee requests an extension of leave;
 - (b) 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);
 - (c) When the department receives information that casts doubt upon the continuing validity of the first certification; or
 - (d) 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. In respect to certification for covered service members, certification of the qualifying exigency and/or for the serious injury or illness of the covered service member shall be required from the employee, and the employee shall be responsible for providing a complete and sufficient certification to the manager/supervisor. 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 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

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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

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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

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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 82-471 through 82-478. 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 82-487 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 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; Ord. No. 2014-0835, 6-17-2014; Ord. No. 2017-0771, 06-06-2017)

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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 HR/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 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 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 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

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the supervisor of his 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--82-639. 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)); (Ord. No. 2012-0237; 02-07-2012)

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 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 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; Ord. No. 2008-0041, 01-08-2008; Ord. No. 2012-0237, 02-07-2012)

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Sec. 82-642. Minimum requirements for retirement benefits.

A. 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.

B. The retiree must be vested in one of the five cooperative retirement plans that coordinate with Dallas County's Retirement Plan for eligibility vesting purposes. However, the county will not subsidize the cost until the employee has vested through service in Dallas County's Retirement Plan.

(Admin. Policy Manual, § B(6.01); Ord. No. 2008-0041, 01-08-2008)

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 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 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 within five years, 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

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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 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.

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- (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.

Subdivision X.

Sec. 82-647. Temporary Isolation Leave Policy.

With COVID-19 continuing to spread at an alarming rate throughout Dallas County, Dallas County will provide up to 48 hours of Temporary Isolation Leave to those employees who are fully vaccinated and required to isolate with a confirmed COVID-19 test result.

A person is considered fully vaccinated against the virus that causes COVID-19 as follows:

- (1) two weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines;
- (2) two weeks after a single-dose vaccine, such as the Johnson & Johnson's Janssen vaccine; or
- (3) as may be defined by the CDC. It should be noted that although not in the current definition for "fully vaccinated," Dallas County also recommends that persons receive a booster dose in accordance with the latest CDC guidance. On December 16, 2021, CDC also endorsed updated recommendations made by the Advisory Committee on Immunization Practices (ACIP) for the prevention of COVID-19, expressing a clinical preference for individuals to receive an mRNA COVID-19 vaccine over Johnson & Johnson's COVID-19 vaccine.

Employees covered by Sec. 82-796 Quarantine Leave for Peace Officers and Detention Officers are not eligible for this benefit.

This Temporary Isolation Leave is in effect from the pay period beginning January 28, 2022 through February 25, 2022.

If it is determined that an employee should isolate, the individual shall receive:

- All employment benefits, including leave accrual, pension benefits, and health benefit plan benefits, for the duration of the leave;
- No reduction in the individual's sick leave balance, vacation leave balance, compensatory time, or other paid leave balance until the 48 hours of Temporary Isolation Leave provided by this policy is exhausted.

An employee's designated supervisor shall be notified by the employee if the employee must isolate with confirmed COVID-19, in accordance with recommendations provided by the Centers for Disease Control and Prevention.

The Temporary Isolation Leave is subject to the following procedures and conditions:

- An employee shall notify the employee's supervisor of a qualifying event in accordance with departmental sick leave policies.
- An employee must provide evidence of a COVID-19 test result obtained at a testing site (drive-through, hospital, pharmacy, etc.) that offers PCR or antigen testing and cannot be an at-home test.
- **The Temporary Isolation Leave shall be coded in the payroll system as Sick Leave-CARES.**

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- The payroll section shall maintain a record of payments made in connection with the Temporary Isolation Leave.
- Temporary Isolation Leave hours are not accruals and expire at the end of the authorized time period.

(Ord. No. 2022-0102, 01-25-2022)

Secs. 82-648--82-680. Reserved.

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ARTICLE XI. GROUP HEALTH AND LIFE INSURANCE (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012.)

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.
- (d) Employees who resign or terminate from the county, medical coverage will cease on the last day of the month the employee was employed. All eligible employees will be notified of their rights under COBRA by the county's cobra administrator. COBRA is a continuation of the medical coverage that was in effect at the time of the employee's termination. The employee may convert their life insurance coverage by contacting human resources/civil service department for the appropriate paperwork.

(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; Ord. No. 2010-0212, 4-2-2010)

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, AWARDS, AND PROGRAMS (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012.)

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 result 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))

Secs. 82-722—82-740. Reserved.

DIVISION 2. HOLIDAYS*

***Cross references:** Holidays re law enforcement and detention officers salary plan, § 82-903.

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)

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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.

DIVISION 3. PERSONAL DAY

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 4. 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.

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- (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 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 5. SPECIAL DUTY PAY

(This section reflects recent court approved policy language: Court Order# 2011 559 March 22, 2011; Court Order #2011 1463, August 30, 2011; Court Order #2012 0235, February 7, 2012; Court Order 2017-1271, October 3, 2017).

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, operating by an immediate connection, instead of operating through a medium.
- *Regular* means on a consistent, normal and/or routine basis at least four (4) or more hours (50%) per eight (8) hour workday.
- *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 **behind a secure, key-locked door requiring access authorization by security not self-access by entering a code or key and normally where inmates and juveniles have frequent access to or is detained.**
- *Service* means the act or function of providing essential services to inmates or juveniles.
- *Special Duty Pay may be awarded* when an employee has regular (**defined above**) **direct (not incidental)** 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 (**defined above**); and
 - (2) The position must require the employee to have regular direct contact (**defined above**) 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.

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- (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; Ord. No. 2017-1271, 10-03-2017)

Sec. 82-796. Quarantine Leave for Peace Officers and Detention Officers

In accordance with Texas Local Government Code Section 180.008, Dallas County will provide for its peace officers and detention officers who are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. If it is determined that a peace officer or detention officer should quarantine or isolate, the individual shall receive:

- All employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave;
- Reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation; and
- No reduction in the individual's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance.

An employee's designated supervisor or the county's health authority shall determine if the employee is required to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty, in accordance with recommendations provided by the Centers for Disease Control and Prevention.

(Ord. No. 2021-0820, 08-17-2021)

Sec. 82-797. Mental Health Leave for Peace Officers

- (a) This section has been adopted In accordance with Texas Government Code Section 614.015. Dallas County will provide mental health leave for its peace officers who experience traumatic events while in the scope of employment.
- (b) The elected official/department director or a designee shall determine if a peace officer is eligible for mental health leave due to a traumatic event while on duty.
- (c) A peace officer is granted and may use mental health leave when the peace officer:
1. Responds directly to a major disaster, which may include weather-related events involving multiple casualties, explosions with multiple casualties, or search and recovery missions involving multiple casualties;

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2. Responds directly to an incident involving multiple casualties (such as a shooting or traffic accident);
3. Experiences the line of duty death or suicide of a department member;
4. Responds directly to an incident involving the death of a child resulting from violence or neglect; or
5. Witnesses an officer-involved shooting.

(d) An eligible employee may take up to 40 hours (five days) mental health leave per event, not to exceed 80 hours (ten days) during a twelve-month period. An eligible employee may take mental health leave without a deduction in salary or other compensation.

(e) The information regarding mental health leave will be kept confidential as required by applicable federal and state laws.

(Ord. No. 2021-1023, 10-05-2021)

Secs. 82-798—82-810. Reserved.

DIVISION 6. 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 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)

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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. Court approved leave such as workers compensation and leave of absence shall be counted as continuous service for the purpose of calculating time for service awards. Military duty as described in section 82-511, 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; Ord. No. 2009-0467; 3-10-2009)

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--82-840. Reserved.

DIVISION 7. 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; Ord. No. 2012-0237, 2-7-12)

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

DIVISION 8. 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, division 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;

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- (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.
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- (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 exempt 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. 2. Five years' criminal law experience.

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		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. 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. 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.

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		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. 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

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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

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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 82-980.
- (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; Ord. No. 2015-0556)

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; and Court Order #2012 0237 - February 7, 2012).

(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.
- (14) Communications Technician.
- (15) Communications Supervisor.

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, deputies and communications technicians 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, captains and communications supervisors 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; Ord No. 2019-0986, 09-17-2019)

DIVISION 4. BILINGUAL INCENTIVE PAY PROGRAM

Sec. 82-982. Purpose.

The purpose of this policy is to provide guidelines for the bilingual incentive pay policy; hereinafter referred to as "Language Pay" for employees who will be required to use their additional language skills to perform their job; thus, adding value to County related business by providing assistance to customers on **a regular basis** while ensuring that speak, reading, and/or written communication to non-English speaking citizens and employees is accurate and clear. This policy applies to Eligible Employees Only (See Table 1 Eligibility Criteria's for Bilingual and Sign Language Pay Incentive).

Sec. 82-983. Definition.

Bilingual Employee -- the ability of a person to communicate through language proficiency (speak and or read, and write) in another language other than English.

- a) **Eligible Employees** – See Table 1 Eligibility Criteria's for Bilingual Pay Incentive Pilot Program.
- b) **Excluded Employees** – See Table 1 Eligibility Criteria's for Bilingual Pay Incentive Pilot Program.
- c) **Language Skill Assignment Pay** -- the pay rate to compensate employees for language proficiency. Language Skill Assignment Pay will only be allowed for one language skill.
- d) **Language Skills Assignment Pay Questionnaire HR 2016-02** -- form to be completed by the department that is used to describe, support, and justify the need for a language skills position for a particular area/department.
- e) **Language Skills Position** -- Number of eligible positions requested by the Elected Official /Department Head, recommended by HR, approved by Commissioners Court and designated by the Auditors' Office for a department requiring the use of these language skills (other than English) on a regular basis for which by the employee will be compensated.
- f) **Language Skills Proficiency Test Request Form HR 2016-01** -- form to be completed by the HR representative and submitted to HR Employment Division for Scheduling of proficiency testing.
- g) **Language Skills Testing** – proficiency testing administered by a Dallas County approved vendor.
- h) **Proficiency** -- the ability of a person to speak and or read, and write in a language (other than English) effectively and appropriately in a business/office environment.
- i) **Regular Basis** -- Frequently and continuously throughout the day, estimated on average to be at least 20% (8 hours) or more of the employee's work week. The frequency of use must be due to necessity for service to the public, (i.e., not selecting to in another language when the resident or customer can speak English.)

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Sec. 82-984. General Administration.

Applicability.

Eligible employees in language skill positions who demonstrate through proficiency language skills testing the necessary proficiency in a second language other than English will receive additional compensation (See Table 1 Eligibility Criteria's for Bilingual Pay Incentive Pilot Program). The language for which additional pay is requested must be one that is commonly spoken in the Dallas County area and which is necessary for Dallas County to provide services essential to its successful performance of official functions.

A. Eligibility Requirement.

1. Recommendation of a position as a Language Skills Position, by the Department after assessing the organizational/business bilingual needs of the Department in performing its official functions, the Department must determine that there is a need for bilingual skills in a particular language, for the position and submit the Language Skills Proficiency Test Request Form. The recommendation must include a **Good Faith Compliance, Certification and Recertification Form** (hereafter called the "Certification Form"), by the supervisor/manager of the department, affirming that the employee provides proficient bilingual skills services to constituents on a Regular Basis in compliance with the requirements outlined in the Language Skills policy;
2. Human Resources approval of the department's recommendation of the position as a language skills pay position based on policy criterion; and,
3. Satisfaction of the following criterion by the employee:
 - a. Position whose job responsibilities are such that proficiency of a language other than English is necessary on a regular basis and beneficial for the department in order for the department to meet their public service responsibility and perform their essential functions resulting in a positive impact on the department's delivery of service. The Department must provide the "Certification Form" affirming that the employee provides proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy.
 - b. Has direct public contact on a regular basis with residents or customers who do not speak English. Fifty percent of the job duties must require working with the public;
 - c. Use the language skill on a Regular Basis during daily work week. Language Skills Pay is not available for positions that may use language skills on an **incidental or occasional basis**. The employee must use the language skill on a Regular Basis during his/her work week;
 - d. Is reasonably available to residents/customers needing assistance to translate from English to another language or from another language to English when called upon to do so; and

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- e. Demonstrate proficiency (speaking only or speaking, reading, and writing) in a foreign language other than English. The employee must take and pass a proficiency test with a minimum score of 70% in on or more areas (speaking only or speaking, reading, and writing). Passing the bilingual proficiency test does not guarantee that an employee will receive Language Pay, rather they must pass the test in order to be eligible. A department may seek a waiver of the requirement that the employee pass each area (oral/communication, read, and write) of the bilingual proficiency test, from the Commissioners Court, for good cause shown.
4. The maximum number of county-wide bilingual positions authorized under this program will be determined by Commissioners Court as a pilot or non-pilot project and will be based on the number of authorized active positions within the department. For example: County has 6000 authorized active position with the HR department having 20 of these positions. With a maximum allocation of 300 positions county-wide, the HR department would be authorized .99 positions or 1 position rounded to the nearest whole number.
5. The department may exceed the number of positions they were allocated as long as the maximum number of positions (300 for example) is not exceeded and a business need has been established based on the language skills policy. For example, HR is allocated one position; however, based on the language skills policy is not authorized a position; therefore, one position is still available to be used by another department with a definitive need based on policy; however, does not have any allocations left.

b. Responsibilities.

1. The Elected Official/Department Heads (or designated representatives) are responsible for determining a definitive need for and identifying the number of language skills positions needed within their department based on the number of positions allocated by submitting the Language Skills Assignment Pay Questionnaire 2016-02 to HR with description and justification for the departments' need. The supervisor/manager will confirm via the "Certification Form" that the employee provides proficient bilingual skills services to constituents on a Regular Basis in compliance with the requirements outlined in the language skills policy. The Department's language skills position selection must be based on a good faith assessment of the bilingual business and organizational needs of the Department without preference or favoritism given to any employee and in compliance state and federal law, including non-discrimination laws."
2. The Human Resources Department will evaluate and validate the number of positions requested based on the number of positions allocated and make a recommendation to approve/deny, using the eligibility criteria as outlined in the policy and on the questionnaire, which is based on the function/duties of the Department (i.e. provides services directly to clients/constituents), frequency which the position requires the use of a bilingual skills on a Regular Basis; the amount of public contact the position requires (50% or more, direct or call in combined) and whether any other employees (exempt from language pay) are

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able to provide the language services. The HR Department will, audit and monitor the program, and employees to ensure compliance to policy.

3. If Human Resources validate more than one request for a section, since the availability of Language Pay for eligible positions in each Department is limited, the eligible employee who scores the highest overall score in that section will qualify for the first available Language Pay position. The next highest scoring Eligible Employee, in the section, will qualify for the next available Language Pay position. If there is a tie between eligible employees for Language Pay, in a section, consideration is given to: the position the Department considers the most pressing, the frequency which the position requires bilingual skills, and the amount of public contact the position requires. If after the above there is still a tie preference is given on seniority basis. Language Pay is tied to the position, not to the employee.
4. If approved by Commissioners Court, the Auditors' Department will designate skills pay positions based on the number of approved positions per department.

Sec. 82-985. Compensation – Language Skills Assignment Pay.

1. Eligible employees meeting the eligibility requirement in this policy will receive **\$1,200 annually** for passing the speaking, reading, and writing proficiency tests administered by Dallas County's approved vendor for a foreign language other than English.
2. Eligible employees meeting the eligibility requirement in this policy will receive **\$800.00 annually** for passing the speaking proficiency tests administered by Dallas County's approved vendor, if the Department indicates that it only needs the employee to pass the speaking proficiency test when it submits the Language Skills Assignment Pay Questionnaire with a description of its needs.

Sec. 82-986. Testing Procedure.

- a. The Human Resources Department will coordinate, schedule, and/or proctor all Language Skills Testing for all County employees, including tests results and follow-up.
- b. For testing to determine eligibility for language pay and based on the number of authorized language skill position, the Elected Official/Department Head will submit the names of employees to be tested to the HR department on the Language Skills Proficiency Test Request Form (HR 2016-01).
- c. The selected employee eligible for bilingual incentive pay will complete the "Bilingual Testing Request Form" provided by Universe Technical Translation Inc. (UTT). The form will then be sent to UTT by the employee for processing and the vendor will provide the employee a link with instructions for online payment. The employee has 24 hours to cancel prior to schedule start date and time to cancel testing. Time and date will be determined by the employee and vendor. Payment instructions and cancelation instruction are on the form.

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- d. All language skills testing cost will be paid by the employee. Employees who fail to pass the initial testing will be provided one additional opportunity to test within 30 days **OR** the Elected Official/Department Head may elect to submit an alternate for initial testing. All subsequent testing will be at the employee's expense. Employees who do not pass after a second test must wait one year before being eligible to re-test. For the initial testing (1st test), the Elected Official/Department Head may elect to approve the reimbursement to the employee for the cost of the testing with funds from the Departments Discretionary Account (DDA) or other funding source identified provided the reimbursement meets the guidelines of the DDA, other funding source and the Auditor's department requirements.
- e. Employees will not be required to retest/requalify to continue to receive the language skills proficiency pay. The department will verify via an updated "Certification Form" that the employee continues to provide proficient bilingual skills services to constituents on a Regular Basis in accordance with the requirements outlined in the language skills policy. The "Certification Form" should be sent to the HR department no later than September 1st prior to the beginning of the next Fiscal Year (October).
- f. Testing will be scheduled during the employees normal work hours whenever possible. When operational needs necessitate scheduling the initial test time outside the employees regular work schedule, the test time will be counted as time worked.
- g. Each County department will have a point of contact to act as a representative with Human Resources to identify and communicate to Human Resources which employee(s) are designated to be tested, preferably their HR Representative.
- h. Tests may be conducted by telephone for speaking and reading tests and via fax and email for written tests. Tests conducted via telephone, fax, or email must be conducted at Dallas County Human Resources office and will be proctored by Human Resources in accordance with Paragraph a of this subsection. Tests will be recorded for quality purposes.
- i. Employees who fail to take a test at the scheduled date and time (i.e. late arrival, no show, etc.) will be required to pay cost of the missed test. Cancelation and contact information is indicated on the payment form.
- j. New tests will not be required when an employee transfers to a position requiring the same use of a skilled language based on policy guidelines, if the re-evaluation of the position was performed within the time period mentioned in this policy (i.e. September 1st prior to the next Fiscal Year). That employee will continue to receive the incentive pay provided the employee meets the test requirement for the position. If, however, there is a break in an employee holding a Language Skills Assignment Pay position with the County for two years or more, that employee must retake the Language Skills Testing for language skills pay (cost will be paid by the employee as outlined in this policy).

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Sec. 82-987. Employee Performance Responsibilities.

1. All employees accepting Language Pay will be required to utilize their bilingual and/or communication skills when requested and as needed during the course and scope of their duties.
2. Employees who fail to utilize their bilingual skills when required will be deemed ineligible to receive incentive pay.
3. Employees are required to maintain acceptable proficiency in bilingual communication skills (speak and/or read, and write) as long as they are receiving Language Pay for such skills.
4. Any employee receiving Language Pay is expected to assist other non-bilingual employees in the translation of documents and assistance with the public. Assistance may be required for other departments or areas that extend beyond the employee's normal scope of responsibilities.
5. An employee receiving Language Pay may be asked to retake the proficiency test, if issues arise with the employee's proficiency performance or other good cause shown.

Sec. 82-988. Modification/Termination.

1. An eligible employee who qualified for Language Pay will no longer receive Language Pay if: a) the employee no longer uses the language skills on a Regular Basis in the scope of employment; b) the employee is demoted, transferred, or promoted to a position that has not been designated as a skills pay position by the auditor; c) the employee is not available to interpret and/or translate when needed; or d) the Department requests that the bilingual skills pay position designation be removed from the employee's position or e) the Commissioners Court decides to discontinue Language Pay for the position
2. The Commissioners Court reserves the right to modify or terminate the bilingual incentive pay policy with or without notice.

Sec. 82-989. Non-Language Pay Employees.

Bilingual employees that work for Dallas County departments, not receiving Language Pay will not be subject to discipline for declining to use bilingual skills in the course of employment (excludes employees of elected officials). Requests can be made for their bilingual assistance in a language other than English, but the request may be declined. This provision does not apply to exempt salaried employees who are ineligible for Language Pay.

Sec. 82-990. Audit.

1. The employees in positions designated as bilingual will be reviewed annually by the Department to determine if the policy criteria for the position are still being met and to ensure that there is a continued business need for the

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position for the employee to continue receiving Language Pay. The HR department will accept the supervisor/manager confirmation via “Certification Form” that the employee continues to provide proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy, unless it has a good cause basis not to accept the Certification Form. The Department must notify Human Resources within thirty (30) days if the position no longer qualifies for Language Pay. The Department can also survey clients/constituents to obtain feedback regarding services provided as a result of having a bilingual skill position for that area/section being served, to include with its updated Certification Form.

2. The Human Resources Department may periodically conduct a random sample of the Language pay positions throughout the year and screen incumbents to ensure the continued need for bilingual skills and those employees remain proficient in those skills.

Sec. 82-991. Administration.

The Human Resources Department will administer adjudication and/or clarification of this policy, including approval of the bilingual skills pay positions.

TABLE I

Eligibility Criteria’s for Bilingual Incentive Pay Program

Eligible	Not Eligible
1) Full time and Part time employees eligible for benefits.	P/T employees not eligible for benefits.
2) Employees who pass speaking only or speaking, reading and writing of bilingual proficiency testing (70% or better)(speak and or write and read) as administered by our approved vendor.	Not able to pass the bilingual proficiency testing by a vendor not authorized by Dallas County Commissioners Court.
3) Employees who occupies a designated bilingual skills position as identified by the Elected Official/Department Head, recommended by the HR Department and designated by the Auditors’ Office.	Employees who do not occupy a designated bilingual skills positions.
4) Employee in designated position whose job responsibilities are such that proficiency of a language other than English is necessary on a regular basis and beneficial for the department in order for the department to meet their public service	The position doesn’t add value to the department; it’s not needed, beneficial or necessary. Passing the bilingual proficiency test does not guarantee that an employee will receive Language Pay, rather they must pass the

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responsibility and perform their essential functions resulting in a positive impact on the department's delivery of service.	test in order to be eligible.
5) Employees, whose use of their bilingual skills are required on a regular and continuous basis in the scope of their employment and which skills are necessary to provide services and essential to successful performance of official functions. "Customer Contact."	It is not available for positions that may use bilingual skills on an incidental or occasional basis in the scope of their employment ("Customer Contact") and/or employee refuses to utilize their bilingual skills when requested and as needed or when required to do so.
6) Bilingual Incentive pay will only be for one (1) foreign language.	Bilingual Incentive pay will not be offered for two or more foreign language.
7) Testing and incentive pay will depend on availability of funds.	Budget constraints do not allow incentive pay.
8) Employee who will be able to test and pass (with a score of 70% each tested area) with a 30 day waiting (study) period if approved for retesting by the Elected Official /Department Head or his/her representative. The cost for bilingual skills testing will be covered by the employee or by the department if approved by Commissioners Court.	Not approved for testing by the Elected Official/Department Head or his/her representative.
9) Non-exempt employees only, unless the majority of functions performed by this section/area are exempt in nature.	Exempt Employees, unless the majority of functions performed by this section/area are of an exempt nature (psychologist for example) and requires privacy or the constituents/clients serviced require regular use of bi-lingual skills throughout the day.
10) Employee in Non-supervisory positions only.	Supervisor, Managers and above.
11) Employee who can take and past skills test at the scheduled date and time.	Employees who fail to take a test at the scheduled date and time.
12) Positions that are needed, beneficial and/or necessary with skills demonstrated on a regular basis throughout the day.	Has been determined the position is no longer needed, beneficial or necessary. If skills are not demonstrated throughout the week (ex: 2-3 times per hour, not 2-3 times a day).
13) Employee who is designated in a bilingual skills position.	If employee is transferred or promoted to another area, not designated as a bi-lingual skills position.
14) Language Pay for eligible positions in each Department is limited to positions designated as such by the Elected Official/Department Head and recommended by the HR Department	The positions which are not listed as "high priority" will not be tested, until such time as all the "high priority" positions have either qualified or been disqualified for Language Pay and the Department is

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and designated by the Auditors' Office as "high priority" will be tested first.	eligible for another Language Pay position.
15) To continue to receive the language skills proficiency pay the department will verify via memo for filing that the employee continues to provide proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy.	A department who does not provide the verification via memo for filing that the employee continues to provide proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy the employee will lose the incentive pay.
16) Employees whose job duties require them to work with the public at least Fifty percent of the time.	Employees who do not have job duties that require them to work Fifty percent of the time with the public.
17) Employees are required to maintain acceptable proficiency in bilingual communication skills for which the employee is currently receiving incentive pay for as long as they are receiving Language Pay.	Employees who are receiving bilingual pay and are not required to maintain acceptable proficiency in bilingual communication skills for which the employee is currently receiving incentive pay for as long as they are receiving Language Pay.
18) Employees who are receiving Language Pay are expected to assist other non-bilingual employees in the translation of documents and assistance with the public. Assistance may be required for other departments or areas that extend beyond the employee's normal scope of responsibilities.	Employees who are not receiving Language Pay will not be expected to assist other non-bilingual employees in the translation of documents and assistance with the public. Those employees who do not receive bilingual pay will not be required to offer assistance to other departments or areas that extend beyond the employee's normal scope of responsibilities (excludes employees of elected officials).
19) An employee receiving Language Pay may be asked to retake the proficiency test, if issues arise with the employee's proficiency performance or other good cause shown.	

Bilingual incentive pay is a customer/constituent service driven incentive plan.

(Ord. No. 2017-0094, 01-17-2017)

DIVISION 5. SALARY EQUITY ADJUSTMENT PAY PLAN

82-992. Definition.

Salary Equity Adjustments are salary changes up to maximum-in-hire (based on the employee's qualification and tenured experience at Dallas County) that is outside the other normal salary programs such as promotions, reclassifications, lateral transfers, etc. Salary Equity Adjustments are used to correct inappropriate salary differences between employees. Salary Equity Adjustment increases are not meant to replace or supplement merit and structure increases, nor are they given solely on the basis of performance or increased workload. **Salary Equity Adjustments reviews and increases are not an entitlement of the employee nor are they a requirement by the County.**

82-993. Purpose.

The purpose of this policy is:

- (1) To correct internal salary disparities between employees in the same department, job title and job grade with equivalent experience.

For example: The minimum requirement for a Clerk I, job grade 05 is a High School Diploma and zero (0) years' of experience for minimum-in-hire salary and three (3) years' experience for maximum-in-hire salary.

Jane Doe was hired three (3) years ago as a Clerk I, job grade 05. She has a High School Diploma and no experience. She qualified for the minimum of the salary range, in compliance with the Compensation policy. Currently Jane Doe has three years' experience.

John Doe was recently hired as a Clerk I, job grade 05. He has a High School Diploma and three (3) years of work experience. John Doe qualifies for maximum-in-hire salary.

Under this policy, the HR Department will re-review Jane Doe's qualifications and will award her three (3) years of work experience and any additional education obtained while employed at Dallas County to bring her to the maximum in hire salary matching John Doe's salary.

- (2) To correct an unacceptable salary inequity between an employee's salary and the average salary of similar positions in the market when it has been determined that the position(s) is/are not able to be filled at the current pay rate (hard-to-fill positions). Salary Equity Adjustment for these "hard-to-fill" positions can be administered at any time with approval from Commissioners Court.

82-994. Eligibility Requirements.

To be eligible for an equity increase, an employee must meet the following criteria:

- (1) Be a full-time employee.

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- (2) Be on active pay status.
- (3) Have been employed a minimum of two (2) years with Dallas County in their current position.
- (4) Salary does not exceed maximum-in-hire.
- (5) Experience accepted must be obtained as an employee with Dallas County.
- (6) Education must be obtained from an accredited institution (College, University, Trade School, Technical Certification, etc.).
- (7) Granted only every even year if approved by Commissioner Court beginning FY2020.

Exclusions for the equity increase:

- (8) Salary exceeds maximum-in-hire.
- (9) Must not have been given a disciplinary action within the last 12 months that resulted in a loss of pay (i.e. suspension, demotion, etc.).

82-995. Salary Administration/Determination.

- (1) During the budget process for FY2020 or before and every two years thereafter (FY2022, 2024, etc.) and if approved by Commissioner Court, the HR/Civil Service Department will review employees who are below maximum-in-hire for additional experience and education obtained while employed with Dallas County to determine their salary equity adjustment eligibility.
- (2) Documentation (i.e. college transcript, licensing, etc.) for eligible employees must be submitted by the department and received in HR on/before September 30th prior to the upcoming Fiscal Year.
- (3) HR will determine the salary equity pay amount based on the employee's qualifications earned on/before September 30th.
- (4) Salary Equity Adjustment payout will occur in January of the Fiscal Year, allowing ample time for review and processing.
- (5) Materials received after September 30th will not be reviewed or considered.

Article XIII. – SALARY AND INCENTIVE PLANS

DIVISION 5. - Continuing Education/Self-Education Policy

Sec. 82-996. Policy Statement and program overview

Dallas County values the professional and personal development of its employees, so it has adopted the following policy pertaining to continuing education.

Dallas County offers a Continuing Education/Self-Education Program that is designed to provide qualified employees the opportunity to enhance their skills. All eligible Dallas County employees working in departments that report to the Commissioners

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Court are allowed to spend up to five hours each workweek engaging in education and development as an employee benefit. An elected official may opt into the Continuing Education/Self-Education policy by notifying the Director of Human Resources.

The specific program must be approved in advance and in accordance with the program guidelines.

Sec. 82-997. Program Requirements.

An employee may utilize the program for the following purposes:

1. Professional Development

To participate in conferences, workshops, seminars, webinars, and courses to update job skills, learn about office technology, and study ways to improve workplace communication and efficiency.

2. Occupational Certification and Licensure

To comply with the laws, standards, and certifications that allow an employee to remain licensed and work within a profession.

3. College Credit and Degrees

To earn college credits an employee can apply towards a degree or continuing education classes to start a career in a field of interest that is job related.

Sec. 82-998. Eligibility

To participate in the Dallas County Continuing Education/Self-Education Program, an employee must:

- Work full-time;
- Have been employed for at least six months without interruption before enrolling in a course as part of a degree program;
- Maintain quality performance and conduct standards; and
- Work in a department reporting to the Dallas County Commissioners Court or in a department reporting to an elected official who has opted into the program.

Sec. 82-999. Requirements

An employee must submit a request in accordance with program guidelines prior to starting any coursework or learning activity.

The department director or elected official will determine how the benefit will be taken so it does not disrupt the routine operations of the department.

Continued participation in this program is contingent upon the successful completion of previously approved courses/learning activities.

The employee must promptly inform the department director or elected official and Human Resources if the employee no longer wishes to participate in the Dallas County Continuing Education/Self-Education Program. All professional training will be recorded on each employee's learning history transcript.

Secs. 82-1000. Reserved

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 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

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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

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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)

The Dallas County Administrative Code contains the employment policies and procedures for Dallas County. It is not to be construed as a contract of employment or to contain any provision guaranteeing a specific term or tenure or employment. The Dallas County Commissioners Court and/or Civil Service Commission may, at any time, unilaterally implement changes in employment conditions, rescind or add to any of the policies, benefits or practices contained within the Dallas County Administrative Code.