



EMPLOYEE HANDBOOK

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**TEXAS STATE SOIL AND WATER CONSERVATION BOARD
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A. GENERAL STATEMENT

The information in this guide was compiled to inform you of the laws, regulations and policies that directly impact you as an employee of the State Soil and Water Conservation Board. Some of the items covered are established by the Legislature while others are set at the discretion of the Executive Director and may be changed from time to time. When changes do occur, you will be provided with replacement pages to update your copy of the manual. All employees with the State Soil and Water Conservation Board are vital to the accomplishment of constitutional provisions and legislative mandates directed toward this agency. Your understanding and observation of the laws, regulations, and policies that affect everyone with this agency will help ensure a better work environment.

The Executive Director and all supervisors maintain an open-door policy to discuss your suggestions, concerns, or problems. Every effort will be made to provide you with those working conditions that will contribute to your job satisfaction and allow you to achieve your maximum performance level. Within the employee population, there is a vast diversity that, when integrated, offers the potential for successful program implementation and maintenance. The information and guidelines in this document, when understood and observed by all, will help combine diverse skills and interests to improve individual and group performance throughout our agency. You are encouraged to contribute to this effort. By working efficiently and working together, we can maintain a productive and pleasant workplace.

B. EMPLOYMENT LAWS

1. Equal Employment Opportunity

It is the intent of the Texas State Soil and Water Conservation Board (TSSWCB) to provide equal employment opportunity for all persons regardless of race, color, age, sex including pregnancy and sexual harassment, religion, national origin, or disability and to promote equal employment opportunity through a continuing affirmative action program.

Another circumstance that will not affect an employee's equal employment opportunity is bankruptcy.

An employer or employee commits unlawful employment practice if the employer or employee retaliates or discriminates against a person who:

- Opposes a discriminatory practice,
- Makes or files a complaint alleging employment discrimination,
- Testifies, assists, or participates in any manner in an investigation, proceeding, or hearing.

Any employee who retaliates or discriminates violates TSSWCB's policies and procedures and may be subject to disciplinary action, which may include termination.

Employees who have a sexual harassment complaint should use the procedures in the Sexual Harassment Policy.

An employee may report a complaint regarding discrimination without fear of retaliation. An employee who believes that he or she has been discriminated against should immediately report the incident(s) to one of the following individuals:

- Immediate Supervisor
- A Supervisor they feel comfortable with
- Human Resources Coordinator

The Executive Director or designee will be notified immediately of the complaint and will initiate an investigation of the complaint. The investigation should be completed within 30 days. Based on written findings, the Executive Director will take immediate and appropriate corrective action if such prohibited conduct occurred. The Executive Director will monitor the circumstances surrounding the complaint to ensure that the situation is remedied, without the employee having to file another complaint.

The Human Resources Coordinator will maintain a log of all formal discrimination complaints and the results of such complaints will be maintained.

The TSSWCB will continually try to maintain an environment in which all individuals feel comfortable coming forward with information concerning discrimination. No person will adversely be affected in employment with the Board as a result of bringing forward complaints of discrimination. The primary EEO authority of the TSSWCB is the Executive Director.

The agency's Affirmative Action Plan ensures that all areas of employment (recruitment, selection, assignment, training, promotion, and compensation) are based only on individual experience, education, qualifications, ability, and performance. A copy of our agency's Affirmative Action Plan is sent out to staff and is kept in the Human Resource's Office and on the bulletin boards in the regional offices. A review will be conducted annually of the Affirmative Action Plan.

All employees will receive training regarding the agency's policies and procedures relating to employment discrimination and sexual harassment within 30 days of employment and every two years thereafter (Sec. 21.010, Texas Labor Code).

Personnel policies and procedures will be periodically reviewed by the Executive Director and the Human Resource Coordinator to ensure compliance with EEO laws.

2. Americans with Disability Act of 1990 (ADA)

The Americans with Disabilities Act of 1990 (ADA) gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. This law applies to state agencies and institutions of higher education and prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment.

The Texas State Soil and Water Conservation Board does not discriminate in employment practices or in program accessibility on the basis of disability.

As defined by the ADA, a disability, with respect to an individual, is:

- A physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
- A record of such an impairment; or
- Being regarded as having such an impairment.

The agency is committed to ensuring non-discrimination in all terms, conditions, and privileges of employment. All employment practices and activities, whether conducted by the agency or another entity on our behalf, will be conducted on a non-discriminatory basis. This includes the following practices: recruitment, hiring, compensation, evaluation, promotion, training, discipline, and termination.

3. Bona-Fide Occupational Qualification (BFOQ)

No person must be subject to discriminatory employment practices based on race, color, disability, religion, sex, national origin, or age. However, there may be some exceptions based upon bona-fide occupational qualifications (BFOQ). A BFOQ is a requirement that is necessary and related to the performance of a job and that would otherwise be unlawful because of its discriminatory impact based on one's sex, religion, race, or other reasons. The concept of BFOQ is interpreted very narrowly by federal courts and the U.S. Equal Opportunity Employment Commission, and state agencies and institutions of higher education should consult with their legal counsel before choosing to use a BFOQ.

4. Age Discrimination in Employment Act of 1967 (ADEA)

The Age Discrimination in Employment Act of 1967 (ADEA) and the Texas Labor Code prohibit discrimination against a person (employee or job applicant) because of his or her age with respect to any term, condition, or privilege of employment including, but not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. Employees aged 40 and older are protected from such age-related discrimination.

5. The Civil Rights Act of 1964, Title VII

Title VII of the Civil Rights Act of 1964, as well as Texas Labor Code, Chapter 21, prohibits employment discrimination because of race, sex, color, national origin, religion, age, or disability. An employer commits an unlawful employment practice if, because of race, sex, color, national origin, religion, age, or disability, the employer:

- Fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment.
- Limits, segregates, or classifies an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII not only prohibits intentional discrimination, but it also prohibits neutral job policies that disproportionately impact minorities.

a. Racial Discrimination Based on Hair Texture or Protective Hairstyles

Texas Labor Code, Chapter 21, prohibits race discrimination because of, or on the basis of, an employee's hair texture or protective hairstyle commonly or historically associated with race. Protective hairstyle is defined as including braids, locks, and twists. Employers are also prohibited from adopting or enforcing a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race.

b. Religious Affiliation Discrimination

Texas Labor Code, Chapter 21, prohibits discrimination of an employee or applicant based on any aspect of religious observance, practice, or belief; unless an employer demonstrates that the employer is unable to reasonably accommodate the religious observance or practice of an employee or applicant without undue hardship to the conduct of the employer's business.

c. Sexual Harassment

Sexual harassment is a form of gender-based discrimination prohibited by Title VII of the Civil Rights Act of 1964. Sexual harassment is defined within the Code of Federal Regulations as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such

conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

A similar definition exists at the state level, and the Texas Labor Code provides that an employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors (1) know or should have known that the conduct constituting sexual harassment was occurring, and (2) fail to take immediate and appropriate corrective action.

6. Lilly Ledbetter Fair Pay Act of 2009

The Lilly Ledbetter Fair Pay Act of 2009 amends Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and it modifies the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. The Lilly Ledbetter Fair Pay Act of 2009 clarifies that a discriminatory compensation decision or other practice occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice. Also, it allows pay discrimination complaints to be filed 180 days (or 300 days in jurisdictions that have a local or state law prohibiting the same form of compensation discrimination) after any discriminatory paycheck.

7. Equal Pay Act of 1963 (EPA)

The Equal Pay Act (EPA) of 1963 requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort, and responsibility and that are performed under similar working conditions within the same establishment.

8. Federal Pregnancy Discrimination Act of 1978

The Federal Pregnancy Discrimination Act of 1978 and Texas Labor Code, Chapter 21, prohibit discrimination on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related conditions must be treated in the same manner as other employees or applicants who have medical conditions that place a similar limitation on their ability or inability to work.

9. Genetic Information Nondiscrimination Act of 2009 (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) is a federal law that prohibits discrimination in health coverage and employment based on genetic information. GINA prohibits group health plans and health insurers from denying health insurance coverage or charging higher premiums based solely on a genetic predisposition. GINA also prohibits employers from using an individual's genetic information when making hiring, firing, job placement, or promotion decisions.

10. Pregnant Workers Fairness Act (PWFA)

Under the federal PWFA, employers are required to provide reasonable accommodations to an applicant or employee with known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation would cause an undue hardship on the employer.

11. Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) and Right to Express Breast Milk

Under the federal PUMP Act, employers are required to provide employees with reasonable break time and a place to pump breast milk while at work. Covered employees must be provided with a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

Under the PUMP Act, a private bathroom is not a permissible location.

Additionally, when an employee uses break time at work to express breast milk, the employee must either be completely relieved from duty or must be paid for the break time. An employee who chooses to pump breast milk while using a break time that is provided as a paid break time must be compensated in the same way other employees are compensated for that paid break time.

Under Texas Government Code, Chapter 619, state agencies and higher education institutions are required to develop a written policy that supports the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk. Similar to the federal PUMP Act, state agencies and higher education institutions must provide an employee a reasonable amount of break time to express breast milk and a place (other than a multiple-user bathroom) where the employee can express breast milk shielded from view and free from intrusion from other employees and the public. A state agency or higher education institution may not discriminate against, suspend, or terminate the employment of an employee for asserting the employee's rights regarding the expression of breast milk.

12. Protections in Reporting Violations of Law

Employees are provided certain protections and relief against retaliation for reporting violations of laws, or "whistleblowing". This subsection summarizes some major state laws that are applicable to state agencies and institutions of higher education.

a. Reporting Discrimination

The same laws that prohibit discrimination also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding. An employer may not fire, demote, harass, or otherwise retaliate against individuals for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.

b. Reporting Child Abuse and Neglect

An employer may not take an adverse employment action against a professional who, in good faith, reports child abuse or neglect to the person's supervisor, administrator, a regulatory agency, or law enforcement. In this situation, "professional" means an employee of a facility licensed, certified, or operated by the State and who, in the normal

course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers. Persons initiating or cooperating with an investigation are also extended this protection. This protection does not apply to a person who discloses his or her own abuse or neglect of a child or who initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of the person's own abuse or neglect of a child.

c. Texas Whistleblower Act

A state agency or institution of higher education may not suspend, terminate, or take other adverse personnel action against an employee who, in good faith, reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority. A public employee who alleges a violation of this provision may file suit for injunctive relief, actual and punitive damages, court costs, and reasonable attorney's fees. In order to file a suit under the Whistleblower Act, an employee who is suspended, or separated from employment or who has received an adverse personnel action and who has reported such a violation of law to an appropriate law enforcement authority, must file a grievance after any alleged violation of the Whistleblower Act has occurred or was discovered by the employee through reasonable diligence within 90 days of the alleged violation.

C. STANDARDS OF CONDUCT

This policy prescribes the standards of conduct for all Texas State Soil and Water Conservation Board (TSSWCB) employees. All employees must familiarize themselves with this policy. All employees must abide by applicable federal and state laws, administrative rules, and this ethics policy. An employee who violates any provision of this conduct policy is subject to disciplinary actions up to and including termination. An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action.

1. Ethics

A Texas State Soil and Water Conservation Board employee shall not:

- Accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties, or that the employee knows or should know is being offered with the intent to influence the employee's official conduct;
- Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another;
- Disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act (Tex. Gov't Code Ann. ch. 552), or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position, or accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that the

employee might reasonably expect would require or induce the employee to disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position;

- Accept other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
- Make personal investments, or have a personal or financial interest, that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest;
- Utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the state or Texas State Soil and Water Conservation Board, interfere with the employee's official duties, and interfere with Texas State Soil and Water Conservation Board functions;
- Utilize his or her official position, or state issued items, such as a badge, indicating such position for financial gain, obtaining privileges, or avoiding consequences of illegal acts;
- Knowingly make misleading statements, either oral or written, or provide false information, in the course of official state business; or
- Engage in any political activity while on state time or utilize state resources for any political activity.

A Texas State Soil and Water Conservation Board employee shall:

- Perform their official duties in a lawful, professional, and ethical manner; practice responsible stewardship of organizational resources befitting the state and Texas State Soil and Water Conservation Board; and
- Report any conduct or activity that the employee believes to be in violation of this ethics policy to the Executive Director or designee.

2. Fraud

The potential for, or occurrence of, fraud and other illegal acts is a significant and sensitive management concern in any organization. In the TSSWCB this concern is heightened by the breadth and complexity of the responsibilities of this agency, as well as the public expectation of honesty and integrity in government, and particularly regarding environmental issues. Although the process and responsibilities for deterring, detecting, investigating, and reporting known, alleged or suspected fraud or other illegal acts at TSSWCB has been in place, this policy formalizes the process, and assigns the responsibility of coordinating all efforts of compliance with this policy to the agency designated fraud prevention and elimination contact person.

The purpose of this policy is:

- 1) to minimize the impact of all potential or actual fraudulent or illegal acts at TSSWCB by deterring such activity or detecting it as early as possible;
- 2) to alert all agency employees that there is a mechanism by which such activities can be reported and investigated; and
- 3) to ensure the fair, objective and thorough investigation and reporting of all such activities while safeguarding individual rights and maintaining confidentiality in accordance with applicable law.

This policy relates to all potential or actual fraudulent and other illegal activities:

- 1) within TSSWCB involving its employees in the conduct of their employment responsibilities, which includes, but is not limited to theft, malfeasance, abuse of power or authority, kickbacks, and embezzlement;
- 2) that involve the loss, misappropriation or theft of any property or assets belonging to TSSWCB or for which TSSWCB is responsible, including, but not limited to cash, checks, intellectual property, property and equipment, information, and other data.

This policy does not relate to such activities involving any individual, group, organization, government, or other entity, which is not a part of TSSWCB, unless such activity may have involved an employee of TSSWCB in the conduct of his or her employment responsibilities, or unless such activity involved the loss, embezzlement, misappropriation, or theft of any assets belonging to TSSWCB or for which TSSWCB is responsible.

The TSSWCB has a policy to clearly separate the respective responsibilities of the State Board and the staff of the State Board as required in §201.019 (i), Agriculture Code.

The Board shall establish and approve general policy for the agency. The Board shall make any necessary rules, guidelines, or directives to carry out its powers and duties under the provisions of the Agriculture Code and other laws of the State. The Board shall examine and approve budget recommendations for the Board that is to be transmitted to the Legislature. The Board shall appoint an Executive Director to serve at the will of the Board.

The Executive Director shall manage the administrative affairs of the Board including the execution of rules, guidelines, decisions, and directives of the Board. All other employees of the Board shall be responsible to the Executive Director.²

In keeping with this policy, the TSSWCB is hereby establishing clear and formal processes and procedures that adhere to state laws, regulations and general guidelines relating to the prevention, detection and elimination of fraud, waste, and abuse in state government.

The following process will be followed for reporting and investigating any known, alleged, or suspected fraud or other illegal activities at TSSWCB:

1. The Board-designated fraud prevention and elimination contact person will be the initial

contact for reporting such activities. Contact may be verbal or written and may be made by anyone having knowledge of the activity.

2. The agency designated contact person will make a preliminary determination as to the necessity for proceeding with an investigation of the reported fraud or illegal activity.
3. After determining to proceed with an investigation, the agency's designated contact person will advise the Executive Director and the Assistant Attorney General representing the agency of all facts known regarding the reported fraud or illegal activity.
4. All personnel, files, data, records, and equipment shall be made available to the agency designated contact person to conduct any investigative measures deemed necessary to determine the occurrence of, and extent of, any fraudulent or other illegal act.
5. The agency designated contact person will consult with the Assistant Attorney General representing the agency for advice and assistance.
6. Upon completion of all investigative measures, the agency contact person will prepare a report of its findings for review by the Executive Director. The Executive Director will discuss the report with the Assistant Attorney General representing the agency and TSSWCB staff, as appropriate.
7. If the Executive Director determines that: (a) the findings warrant referral to outside enforcement and/or prosecutorial agencies, or (b) money received from the state by TSSWCB may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operations of TSSWCB, then the agency designated contact person or the Executive Director, where appropriate, will contact such agencies, including the State Auditor's Office, and fully cooperate with them.

Throughout all of the above proceedings, every effort will be made to maintain the anonymity and protect the rights of all individuals who may be directly connected with the reported fraud or illegal activity.

This policy should not be perceived as a substitute for management's responsibility to be alert to and to deter fraud or other illegal acts in its daily activities.

² Policy adopted by the board in a meeting on July 18, 1985.

In an effort to maintain and culture a strong fraud prevention and detection program, the TSSWCB is determined to act appropriately and to clearly communicate their expectations for appropriate behavior to agency employees, contractors, and consultants. To create and promote a workplace environment that cultivates appropriate behavior, deters wrongdoing, and encourages and facilitates all agency employees to report any known or suspected wrongdoing, the agency has designated a contact person for its fraud prevention and elimination activities. The designated contact person will report directly to the Executive Director of the agency.

The designated contact is:
Kenny Zajicek, *Operating and Fiscal Officer*
kzajicek@tsswcb.texas.gov
1497 Country View Lane
Temple, Texas 76504
254-773-2250
254.773.3311 Fax

3. Sexual Harassment

It is the policy of the Texas State Soil & Water Conservation Board that there shall be no harassment of any individual on account of an individual's gender. Sexual harassment is a form of misconduct that is demeaning to another person and undermines the integrity of the employment relationship. The TSSWCB expressly prohibits and will not tolerate sexual harassment of any employee by another employee, supervisor, or other person with whom an employee must have contact with as a part of his/her duties. It is the policy of the TSSWCB that:

All employees will receive training regarding the agency's policies and procedures relating to employment discrimination and sexual harassment within 30 days of employment and every two years thereafter (Sec. 21.010, Texas Labor Code).

- All employees shall be provided with a work environment free from sexual harassment;
- Every complaint of sexual harassment shall be thoroughly investigated; and
- Appropriate sanctions shall be applied to persons who violate this policy.

Sexual harassment is defined by the Equal Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature if:

- Submission to such conduct is either an expressed or implied term or condition of employment;
- Submission to or rejection of such conduct is used as a basis for an employment decision affecting such individual; or

The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Confidentiality: The Texas State Soil & Water Conservation Board recognizes the sensitive nature of complaints concerning sexual harassment. Information disclosed in connection with a complaint of sexual harassment shall, to the greatest extent possible, remain confidential.

Complaint Procedures:

Employees may report a sexual harassment complaint without fear of retaliation. An employee who believes that he or she has been the subject of sexual harassment should immediately report the incident(s) to one of the following individuals:

- Immediate Supervisor
- Supervisor with whom they feel comfortable
- Human Resources Coordinator

The Executive Director or his or her designee will be notified immediately of the complaint and will initiate an investigation of the complaint. The investigation should be completed within 30 days.

Based on written findings, the Executive Director will take immediate and appropriate corrective action if such prohibited conduct occurred.

The Executive Director or his/her designee will monitor the circumstances surrounding the complaint to ensure that the situation is remedied, without the employee having to file another complaint.

The Human Resource Coordinator will maintain a log of all formal sexual harassment complaints and the results of such complaints will be maintained.

The Texas State Soil and Water Conservation Board will continually try to maintain an environment in which all individuals feel comfortable coming forward with information concerning sexual harassment. No person will adversely be affected in employment with the Board as a result of bringing forward complaints of sexual harassment.

4. Nepotism

As of the effective date of this policy, relatives may not be hired into the same department. No supervisor in the agency will employ a relative within his or her chain of command. In addition, no relative may be in a position to affect the work, assignment or compensation of the other relative or otherwise have any influence regarding the other relative.

For the purpose of this policy, a relative shall be defined as follows:

- parent (biological or adoptive parents);
- spouse;
- child (biological, adopted, foster, stepchild, legal ward);
- grandparent and grandchildren;
- brothers and sisters;
- aunts and uncles;
- nieces, nephews and first cousins;
- any relative living in the same household with the employee.

Also included are those that constitute an in-law relationship as a result of marriage. This policy will apply to in-law relationships that arise after employment.

All applicants are required to disclose any family relationship on the employment application. Failure to have disclosed any known relationship as described above may subject the employee to immediate dismissal from the agency.

5. Workplace Violence

The Texas State Soil and Water Conservation Board has no tolerance for violence or harassment in the workplace. Employees are encouraged to report any incident in the workplace that could possibly escalate into a violent situation.

In the event employees observe, have knowledge of, or are directly involved in a situation where physical, verbal, or written threats or actions are directed towards themselves or a co-worker, they are to report it immediately to their immediate supervisor, program director, or the human resources coordinator.

Employees should not make independent decisions on how to handle a possible violent situation. Employees should attempt to seek assistance from management before taking any

direct or indirect action to increase the level of safety for everyone involved. Violations of this policy will result in disciplinary action, up to and including dismissal.

6. Political Activity

No agency rules will affect employee's rights as private citizens to take part in the political process for local, state, or national candidates or issues. All TSSWCB employees are encouraged to vote and participate in the election process. However, state employees are expressly prohibited from engaging in political activities during regular working hours and may not use any state property, including telephones, equipment, and vehicles for political purposes.

D. REASONABLE WORKPLACE ACCOMMODATION

The Texas State Soil and Water Conservation Board shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Federal Pregnancy Discrimination Act of 1978, Title VII of the Civil Rights Act of 1964, to include religious affiliations and appropriate accommodations, or Chapter 21, Texas Labor Code, that do not constitute an undue hardship to the agency.

Definitions:

- *Disability:* Any employee having a physical or mental impairment that substantially limits at least one or more major life activity of the individual; a record of such an impairment; or being regarded as having such an impairment
- *Qualified individual with a disability:* An individual who meets all the skills, experience, knowledge, education, and other job requirements for the position. In addition, the individual must be qualified to perform the essential functions of the position, with or without reasonable accommodation.
- *Religious Beliefs:* Allows an employee to practice his or her religion. The agency will reasonably accommodate an employee's religious beliefs or practices.

An employee requesting a reasonable workplace accommodation shall comply with the following procedures:

- Any employee requiring an accommodation shall notify his/her immediate supervisor as soon as practical, informing the supervisor of the nature and expected duration of the disability.
- Any supervisor notified of a disability shall immediately report it, in writing, to the Executive Director. The confidential interoffice memorandum shall state the name of the employee, the disability, the expected duration, and the date it was reported, and a copy shall be provided to the employee.

The employee shall provide to the Executive Director the following within a reasonable time from the date of notification, not to exceed 14 days:

- A letter from an appropriate healthcare or rehabilitation professional. The letter shall contain a diagnosis; prognosis and an evaluation as to the effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position.

- A copy of all documentation relevant to making a decision about reasonable accommodation.
- A suggested method of accommodation, including the source and type of any special equipment that may be needed.

The Executive Director shall confer with the employee to ascertain the employee's requirements and input on a reasonable accommodation. If the conference is conducted by the Executive Director's designee, then such appointed individual shall prepare a written report to be submitted to the Executive Director no later than the fifth (5) working day following his/her conference, and a copy shall be provided to the employee. Based on the relevant information provided, the Executive Director shall determine what, if any, reasonable accommodation will be made and shall convey it to the employee. If accommodation would constitute undue hardship on the agency, supporting documentation will state the reasons. Undue hardship determination will conform to definitions provided by the courts, Americans with Disabilities Act, and the Chapter 21, Texas Labor Code. Factors that may affect an accommodation decision include, but are not limited to, the availability of funding, the amount of disruption of work of other employees, and the impact on the agency's ability to conduct business.

Reasonable workplace accommodations taken may include making existing facilities readily available; modifications or adjustments to the work environment or manner or circumstances under which the position's essential functions are customarily performed; modifications or adjustments that enable the individual with the disability to enjoy equal benefits and privileges as other similarly situated employees without disabilities; and other appropriate adjustment to the work environment of a qualified individual with a disability.

The Executive Director or his designee shall periodically confer with the employee with the disability to determine continuance of the workplace accommodation and shall notify the appropriate agency personnel regarding the continuation or discontinuation of the workplace accommodation.

In addition to ADA information, all medical information concerning the employee requesting accommodation shall remain confidential and separate from personnel files. This includes any doctor's statements, leave forms, or any other information that pertains to the medical condition or medical history of the employee. This pertains not only to all records kept by the Human Resource Department but extends to any records kept in the division and field offices.

The Executive Director or his or her designee will periodically review and update this policy and procedures to ensure compliance with EEO laws.

1. HIV/AIDS

The Texas State Soil and Water Conservation Board recognizes Acquired Immune Deficiency Syndrome (AIDS) and its related conditions as a medical disability. Based on current medical research and scientific opinion, there is little to no risk that the AIDS virus can be transmitted by casual contact in the normal workplace. Employees living with AIDS will be treated no differently than employees with other life-threatening illnesses.

Employees living with AIDS will be allowed to continue to work and will be provided reasonable accommodations as long as:

- They are able to perform their assigned duties;

- They do not pose a danger to their own health or safety and safety of others and;
- The request for accommodation does not impose an undue hardship on the agency.

Employees living with AIDS, or any other life-threatening illness will be treated with compassion and understanding and will be given support in dealing with their personal crisis. Employees have no basis upon which to refuse to work with employees living with AIDS for fear of contracting AIDS. Employees engaging in such refusals or who harass or otherwise participate in any discriminatory activity against an employee living with AIDS will be subject to disciplinary action, up to and including dismissal. Any employee who believes he or she has been discriminated against because of AIDS or an AIDS-related condition may contact the Human Resource Department.

Any correspondence regarding the medical condition of an employee living with AIDS or AIDS-related conditions, such as requests for Sick Leave Pool, Leave Without Pay, etc., will be treated confidentially as required by law.

HIV/AIDS educational pamphlets about methods of transmission and prevention developed by the Texas Department of Health are distributed to newly hired employees. The pamphlet is available to all employees.

E. GENERAL EMPLOYMENT INFORMATION

1. General Conduct

An employee is expected to exercise reason and judgment that reflects their role as a TSSWCB employee. You should be polite and professional in dealing with those you come into contact with while on the job. You should be cooperative and supportive in your dealings with supervisors and other employees. Honest differences or disagreements with fellow employees or supervisors need not go unexpressed, but should be handled properly, utilizing procedures available within the agency. Refer to the Employee Grievance Procedures.

2. Dress Code

Employees are expected to use good judgment at all times regarding their personal appearance. Employees are expected to dress appropriately, be neat, wear clean clothing, and be aware of personal hygiene.

Traditional business attire is appropriate for board meetings and when attending meetings or other special functions. Business casual dress is acceptable for the office environment. Business casual does not include shorts or revealing clothing. Business casual does include casual shirts (button-up, polo, or banded-collar), casual slacks, and flats. Employees may wear jeans that are neat and clean in appearance as appropriate with scheduled activities for the day. For additional clarification, employees should contact their supervisor.

3. Absence from Work

The Temple office must be informed promptly concerning unplanned and unexpected absence from work regardless of the length of time involved. Employees are required to notify the office and to request prior approval when they find it necessary to be absent from work for any reason.

If an employee has not obtained prior approval and cannot come to work because of illness or a personal emergency, call your supervisor (or the person in charge in your supervisor's absence) at the time you are scheduled to report to work. While the preference is for the employee to call personally, if you are unable to do so, ask someone to call for you. Repeat this procedure each day of your absence unless it is a long-term leave (such as maternity or extended leave). Upon your return to work, enter your leave in CAPPs. Absences of three or more days because of illness require a doctor's certificate unless the Executive Director waives this provision.

4. Dual Employment and Conflict of Interest

Employees must consider the interest of the state first when there is or may appear to be a conflict between their job and personal business. As an employee of the TSSWCB employees may hold a second job (except as a paid member of the governing board of a local governmental body), as long as there is no actual or apparent conflict of interest and as long as the hours of employment do not overlap.

An employee should notify their supervisor and the Human Resources Coordinator of their current or anticipated outside employment or business activity, whether paid or unpaid, in order to assure that it does not represent an actual or apparent conflict of interest.

5. Working Hours

Normal working hours for the Temple office and all regional offices are from 8:00am-5:00pm, Monday through Friday, with one hour for lunch from 12pm until 1:00pm. As required by the General Appropriations Act, all agency offices remain open during the noon hour every working day with at least one person on duty to accept calls, receive visitors, and transact business. This does not pertain to field representatives or other employees on special assignments that require different working hours.

a. Flexible Work Schedule

Employees are authorized to work flexible hours between the hours of 7:00am-6:00pm. Employees working flexible work hours are required to work eight (8) hours at their assigned duty location within the working day between authorized flexible hours. Employees are expected to coordinate and receive approval from their supervisors. Approval for flexible hours is at the discretion of the employee's supervisor based on job requirements and duties. Employees working flexible hours are not required to take lunch and may work any combination of time during the day as long as they meet the eight (8) hour daily work requirement.

b. Calendar Sharing

The TSSWCB employees will be using an online shared calendar. This calendar will allow staff to share the calendar to coordinate employee's daily activities. The calendar is used as a form of communicating between the employee and their supervisor along with other staff. Employees using a flexible schedule or those employees traveling will be required to input their schedule.

6. Hybrid Work Environment

This policy authorizes a hybrid work schedule of 1 set day per week in which the employee regularly performs work in the TSSWCB office and remotely at home or an authorized location. Employee participation is entirely voluntary.

a. Schedule Criteria

The specific day for the hybrid work schedule will be worked out between the employee and the supervisor and maintained on record by the supervisor. Supervisors must coordinate employees' set day to maintain an open office Monday-Friday 8 A.M.-5 P.M. One employee from each department must be in office at all times. The employee is expected to carry out normal work activities and must be available for contact during scheduled work time as if the employee were working in their designated headquarters. Contact may include telephone, email, or Zoom. The employee and supervisor will agree on how to handle communications and messages.

An employee must forego their hybrid work schedule if needed in the office on occasion, but the employee should be given as much notice as is reasonably possible. A supervisor may allow for flexibility in scheduling the specific day of the week used for the hybrid schedule in the event of holidays, extenuating circumstances, or emergencies.

b. Termination of Participation

The hybrid work arrangement may be terminated at any time for an employee/department.

7. Breaks

There are two informal 20-minute breaks: one in the morning and one in the afternoon. These breaks are to be taken midway through each four-hour period of work. Breaks are a privilege granted by the Executive Director and are not required by law. We ask our employees to assist us in continuing to allow this activity by helping to ensure that it is not abused and taken at the specified times only. Observe the 20-minute limit.

8. Wellness/Fitness Program

The TSSWCB Employee Wellness Program is a voluntary program designed to increase the general level of health and fitness of employees through programs that encourage participation in healthy activities and provide information about healthy behavior. It is expected that the availability of health and wellness activities will: contribute to a positive work environment; lead to health benefits; result in a reduction in absenteeism; and result in higher levels of work productivity.

a. Authorization

In accordance with the State Employees Health Fitness and Education Act of 1983, Texas Government Code Chapter 664, and 25 Texas Administrative Code §§ 1.61 and 1.62, the TSSWCB Employee Wellness Program is a voluntary program of formal and

informal activities designed to result in improvement in the overall health and fitness of all agency employees.

b. Program Eligibility Requirements

All agency employees are eligible for voluntary participation in the TSSWCB Employee Wellness Program. Anyone who intends to participate in an Employee Wellness Program activity involving physical exertion or exercise is encouraged to consult with a physician before beginning physical activity.

c. Program Scheduling

Program activities may be scheduled before, during, between, or after normal working hours as deemed appropriate and approved by the employee's supervisor. Scheduling must avoid interference with the normal work of the agency and with public access to services and facilities of the agency.

With approval and at the discretion of the supervisor, employees will be allowed:

- Thirty minutes during normal working hours for exercise up to three times each week. Employees are not required to make up this time or use leave. Exercise time will be taken as the entire 30 minutes. Exercise time is not cumulative and may not be carried forward or saved. Scheduling must be done in a way to avoid interference with the normal work of the agency and the provision of services to the public.
- To attend on-site wellness seminars or events when offered.
- Eight hours of additional leave time each year to an employee who receives a physical examination.

d. Program Content

The TSSWCB Employee Wellness Program may consist of, but not be limited to, the following activities:

- An awareness program designed to promote healthy behavior and wellness.
- Lifestyle change programs to encourage improvement in the healthy behaviors of employees.

e. Use of Facilities

Available facilities may be used for the Employee Wellness Program, including available conference or meeting rooms, and outdoor areas suitable for instruction or fitness activities. Activities must not interfere with official business. No new building or rooms may be built or altered to make them suitable solely for use in the agency's wellness program.

f. Program Costs

TSSWCB employees will pay 100% of their own costs associated with participation in wellness program activities.

g. Wellness Coordinator

Program coordinator will be the Human Resources Coordinator, with assistance from the additional duty safety officers (ADSO's). Questions, concerns, and suggestions may be submitted to the assigned coordinator.

9. Workplace Lactation Support Policy

In recognition of the well-documented health advantages of breastfeeding for infants and mothers, the TSSWCB provides a supportive environment to enable breastfeeding mothers to express their milk during work hours. Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

Milk Expression Breaks: Breastfeeding mothers are allowed to express milk during work hours using their normal break times and mealtimes. For the time that may be needed beyond their breaks, employees may use their accrued leave or make up the time as negotiated with their supervisor.

A Place to Express Milk: A private room will be available for employees to express milk in reasonable proximity to the employee's work area. This room will lock and have an electrical outlet. Employees who have private offices may use their office to express milk. Agency restrooms and kitchens may be used for cleaning equipment and supplies. Employees should contact the Human Resources Coordinator to coordinate the use of a designated private room to express milk.

Milk Expression Equipment: Employees must provide their own equipment and supplies for milk expression.

Employee Responsibilities: Employees who wish to express milk during the workday shall coordinate with their supervisors as needed so they can work together to satisfy the needs of both the employee and the agency. Breastfeeding mothers are responsible for keeping the designated milk expression room clean and sanitary. Expressed milk may be stored in the break room refrigerator available to employees. Each employee is responsible for proper storage of their milk using available agency refrigerators or personal storage coolers.

Questions or concerns about accommodating a flexible schedule request or conduct that violates this policy should be directed to the Human Resources Coordinator.

10. Employee Safety

Employees of the State of Texas are without question one of the state's most important assets. In recognition of this fact, the provision of a reasonably safe working environment for our employees is one of the primary responsibilities of the Texas State Soil and Water Conservation Board. We urge employees to practice safe work habits and to always be safety minded. This agency has developed a Safety and Health Program manual, which is included in this handbook (see appendix C). All employees are responsible for receipt and review of the Safety and Health Manual.

11. Smoking Policy

All office locations of the Texas State Soil and Water Conservation Board are designated as Smoke Free facilities. Employees and visitors who wish to smoke tobacco products at these locations may do so outside the buildings only.

12. Parking

Employees are to park their vehicles in the parking lots on either side of the building. The front parking lot is reserved for our state headquarters vehicles, visitors, and State Board Members. Exceptions would be if you have a handicapped permit, on overnight travel, or if you are in the building after hours or on the weekend; then you may park in front of the building.

13. Property

Employees must sign for any state owned equipment that they remove from a TSSWCB office. You are expected to properly care for any equipment you use or that is assigned to you. You are also asked to use supplies prudently and economically. Unauthorized removal of property from the premises or its conversion to personal use is a violation of state law. Should you have problems with equipment or supplies please notify the purchasing agent. All property is inventoried, and the property at your workstation or in your possession has been issued to you. Employees are therefore responsible for its care and whereabouts. Employees are financially liable for loss or damage to state property.

When an employee terminates employment, it is the responsibility of the Human Resource Coordinator to have the employee sign the Property Release Form on the employee's last official working day. This is to ensure that all property has been received, inspected, and there is no apparent damage from neglect or abuse.

14. Drug-Free Workplace

Employees are prohibited by law from using or consuming any alcoholic beverages or illegal drugs while on duty or in a time period that would affect the performance of a duty. The purchase of any alcoholic beverage is not reimbursable as a travel expense and cannot be claimed with the legitimate cost of a meal. Misuse of alcohol or illegal drugs may result in dismissal.

15. Inclement Weather

Temple Office inclement weather policy is to follow the TISD school closings and delays. An update would be when schools are closed during non-state holidays or for any other reason, employees should follow the local city inclement weather closure or delay of their offices. In Temple, the website to refer to is as follows: <http://www.templetx.gov>

For Regional Office inclement weather, use local school closings and delays or city offices, in lieu of schools. If you close or delay the opening of your office, please contact the Human Resources Coordinator or someone in the State Office as soon as possible so we can inform the field reps in your area.

If there are unique situations that would affect an employee's travel into the office, employees should contact their supervisor.

16. Possession of Firearms on State Property Policy

It is the policy of the Texas State Soil and Water Conservation Board (TSSWCB) to adhere to all state statutes and policies.

As of September 1, 2015 it is unlawful for state agencies and political subdivisions to exclude individuals with a Concealed Handgun License from entering or remaining on a premise or other place owned or leased by a governmental entity.

As of January 1, 2016 it is unlawful for state agencies and political subdivisions to exclude individuals with a License to carry a handgun (All references to "Concealed" are deleted from the law January 1, 2016) from openly carrying a handgun and entering or remaining on a premise or other place owned or leased by a governmental entity. All guests, including open carry individuals, should be given the opportunity to ask questions, receive requested available printed literature and the use of a water fountain and rest room facilities. But remaining on a premise does not give a right to loiter and/or continue to disrupt the work of the governmental entity and/or wander around offices unaccompanied and without purpose.

It is the policy of this agency that employees of the TSSWCB who have a Concealed Handgun License or License to Carry a handgun may possess or carry a firearm on his or her person while performing work for the TSSWCB provided that the firearm is possessed and being carried in accordance with applicable statutes and regulations and appropriate safety guidelines. TSSWCB employees with a License to Carry a handgun are NOT allowed to open carry while at work or while representing the agency.

TSSWCB employees with a License to Carry a handgun may conceal carry their handgun in agency vehicles and if necessary, conceal store their gun in the vehicle for short periods of time. Guns should not be stored in an agency vehicle overnight unless there are no other options. The employee storing a handgun in a vehicle is ultimately responsible for any loss and any misuse of a handgun due to a loss.

TSSWCB employees with a License to Carry a handgun may on occasion carry or store a handgun in a purse or briefcase. The employee storing a handgun in a purse or brief case is ultimately responsible for any loss and any misuse of a handgun due to a loss. Handguns should not be stored in any TSSWCB office overnight.

The TSSWCB allows employees to conceal carry in offices which are not federally owned or occupied by a federal entity. It is unlawful to possess any weapons at any facility, including parking areas and common employee break areas, owned, or leased by the US General Services Administration (GSA) for the use of a federal agency. Federal agencies may have totally different signs posted prohibiting weapons. Their statutes prevail over state law, and they are not required to post signs prescribed by state law. Their penalties for possessing prohibited weapons are also more severe than state laws. A governmental entity must post a 30.06 sign prohibiting concealed carry and a 30.07 sign prohibiting open carry [Tex. Penal Code § 46.035(c)] if they want to prohibit concealed and/or open carry during meetings of a governmental body conducting their meeting under the Texas Open Meetings Act (TOMA). A handgun may not be carried into a courtroom or offices used by a court. [Tex. Penal Code §

46.03(a) (3)]. The TSSWCB won't be able to post signs prohibiting the public from concealed or open carry in any of our offices not co-located with a federal entity, other than for public meetings posted under TOMA.

Employees are responsible for safely and securely carrying and storing their firearms at all times. Failure to safely and securely carry or store a firearm may subject an individual to disciplinary action, up to and including termination.

In addition, failure of a TSSWCB employee to comply with all applicable handgun statutes and regulations may subject that individual to disciplinary action, up to and including termination.

Soil and water conservation districts (SWCDs) that have an office separate from United States Department of Agriculture (USDA)-Natural Resources Conservation Service (NRCS) will not be able to post signs prohibiting concealed or open carry in their office. They may elect to post signs prohibiting concealed or open carry when they conduct their meetings posted under TOMA. SWCDs that conduct their posted meetings in other public locations (such as a restaurant) should abide by the posting(s) or lack of posting(s) that the independent establishment has adopted.

SWCDs that are co-located with USDA-NRCS and conduct their district meetings in federal facilities do not need to post signs. The federal facilities are already off limits to weapons and federal law prevails over state laws.

17. Public Employee Labor Unions

Texas is a "right-to-work" state. As such, no person can be denied public employment due to membership or non-membership in a labor union.

Public employees may not strike or engage in an organized work stoppage against the State. A public employee who violates this statute forfeits all civil service rights, re-employment rights, and any other rights, benefits, and privileges the employee enjoys as a result of public employment or former public employment. The right of an individual to cease work may not be abridged if the individual is not acting in concert with others in an organized work stoppage.

18. Professional Services and Consulting Contracts

When contracting for professional services and private consultants the TSSWCB will comply with chapter 2254, Texas Government Code, which governs professional and consulting services.

19. Personnel Files

Personnel files contain very confidential information. They are to be handled in a secure manner. Access to these files and the information contained within should only be on a strict need-to-know basis. Your personnel file (except for information obtainable under the Open Records Act) will be kept confidential except to the following:

- The Executive Director or his/her designated agent can have access to the personnel files of any agency employee.

- The Human Resource Coordinator can have access to the personnel files of any agency employee.
- The Supervisor responsible for an employee can have access to their personnel file.
- Employees or their designated representative can have access to their personnel files for viewing purposes but may not remove the files from the Human Resources Office.
- A representative of a public agency with statutory authority to examine personnel records.
- Any person with a court order authorizing inspection of any file or portions of it.

Any personnel file removed from the HR Office must be checked out by the individual authorized to have access to it.

Files removed from the HR office shall not be disassembled in any way; no copies shall be made of any document in the file without the expressed approval of the HR Specialist; no documents can be removed from the file and no documents can be added to the file while checked out. No file can be checked out overnight. The file(s) must be returned to the HR office by 5:00 p.m. for security purposes.

20. Public Information

The Open Records Law, Section 552.024, Government Code, provides that “each employee or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to the information in the custody of the governmental body that relates to the person’s home address, home telephone number, or social security number, or (information) that reveals whether a person has family members.”

All employees are required to state their choice on disclosure to the Human Resources Department in writing when they begin and terminate employment.

21. Updating Personal Data

It is the employee’s responsibility to promptly update any change of address, telephone number, or emergency contacts in CAPPs. If you have a name change, you must inform the Human Resources Department.

Any change in dependent status should be reported immediately to the Human Resources Department in order to adjust your insurance coverage, retirement account and payroll information.

22. Telephone Courtesy and Calls

Telephone courtesy is important. Often the telephone is the only contact the public has with us. Answer all calls promptly, identify yourself and the agency, make inquiries tactfully, give your undivided attention to the call, avoid unnecessarily long conversations, and treat the telephone as one of your most valuable business tools.

Much business is conducted on the telephone and lines should not be tied up with personal calls. If a personal call is necessary, please try to make the call as brief as possible. Excessive personal calls may be cause for disciplinary action.

All long distance calls must pertain to official business. Personal long distance calls on state phones are illegal and will not be allowed. This includes all lines. It is also illegal to receive personal calls on the state WATS line. Friends and relatives should not be provided with or encouraged to call the WATS number. Misuse may result in dismissal. Ask your supervisor about current telephone line use information.

23. FAX Use

The State office and each regional office have a fax machine for business requirements. Personal use of a state fax machine, to send or to receive requested information, is illegal and will not be allowed. Misuse may result in dismissal.

24. State Issued Cell Phone

State issued cell phones are provided to certain employees based on business travel requirements. Use of this cell phone is restricted to state business use only. Your immediate supervisor will brief you on its use. Upon separation from employment with TSSWCB, or upon demand by your supervisor, you will be required to surrender the cell phone.

25. State Issued Credit Card

State issued credit cards are provided to certain employees based on business travel requirements. These are to be used for state business travel purposes only, such as lodging, meals, automobile rentals, and other related business travel costs. If an employee is issued a card, their supervisor will brief them on its use. Employees are responsible for making payments in a timely manner to avoid delinquent accounts and interest charges. Each employee is responsible for any interest charges and such charges are not reimbursable. Any further questions related to this matter should be directed to your supervisor. Upon separation from employment with TSSWCB or upon demand by your supervisor, you will be required to surrender the State issued card.

26. State Postage

All letters, packages, and other items processed through the state postage machine must be state business only. Under no circumstances may state postage be used to mail personal letters or other items. Misuse is against the law and may result in disciplinary action or dismissal.

27. Resignation

To ensure continuity of agency activities, an employee's plans to terminate employment should be given in writing to the Executive Director, Supervisor, and the Human Resources Coordinator, preferably at least two weeks prior to the effective date of termination. Please contact the Human Resource Coordinator within your departure period to aid in the completion of your exit paperwork to include retirement/401(k), insurance, state property, and any accumulated leave.

28. Terminations

When an employee resigns, retires, or terminates employment, ERS will mail the Consolidated Omnibus Budget Reconciliation Act (COBRA) election form to the employee. A checklist is used to assist in conducting the exit procedures. A payroll status change is completed in the

Centralized Accounting and Payroll/Personnel System (CAPPS) for termination of employment. All signed forms are placed in the employee's permanent personnel folder.

29. Exit Interviews

The TSSWCB is required to conduct an exit interview with an employee who leaves employment with the agency. We will conduct the exit interview by having the employee access the questionnaire posted on the State Auditor's Internet site and electronically submit the completed questionnaire to the State Auditor. We will conduct the exit interview in a manner that allows the employee alone to describe the employee's reason for leaving employment. We may not alter the description stated by the employee. Not later than the 15th day following the end of the calendar quarter, the State Auditor shall submit a report to each state agency containing the responses to the exit interview questionnaire submitted by each former employee of the agency during the preceding quarter. The State Auditor's report may not contain the name of an employee or any other information identifying the employee. We may not share the responses to an exit interview questionnaire with another state agency. The responses to an exit interview questionnaire are confidential and not subject to disclosure under the Texas Public Information Act Chapter 552, Government Code. The responses may be disclosed only to a law enforcement agency in a criminal investigation or on order of a court. However, in a civil action, results could possibly be disclosed. The State Auditor may audit our records to determine whether the agency is complying with the requirements of this section. Not later than December 15 of each year before a regular session of the legislature, the State Auditor shall submit a report summarizing the findings of the exit interviews.

30. Information Resources Security

Each employee at the Temple location is either assigned a laptop computer, or a computer station that includes a monitor, a CPU, and in some cases, a printer and/or other hardware. Their access to the agency network is through a personal password designated by them. If information is required from their files during their absence, their supervisor will decide who has the need to gain access. The employee's password should be changed regularly in accordance with the IT policy and should not be a word or phrase that can be easily guessed by another person. All employees are required to file their password with the Information Officer each time it has changed. Employees will need to read the Internet Policy and sign the acknowledgement form. Those employees assigned to regional office locations should check with their manager for Information Resources Security procedures. If an employee has a computer-networking problem, they should contact the Information Officer as soon as possible.

F. EMPLOYEE RECRUITMENT AND SELECTION PROCESS

1. At-Will Employment

Unless explicitly exempted by written contract, statute, or policy, all state employees are employed "at-will" and there is no implied contract of employment. "At-will" employment defines an employment relationship in which either party can terminate the relationship with no liability if there was no express contract for a definite term governing the employment relationship. Under this legal doctrine:

- Any hiring is presumed to be “at-will.” That is, the employer is free to discharge individuals “for good cause, or bad cause, or no cause at all.”
- The employee is equally free to quit or otherwise cease work.

Some state agencies may have employees who are subject to federal and state statutory provisions and regulations that may affect the “at-will” relationship.

Dismissal from employment may not be based on refusal to perform an illegal act, filing a worker’s compensation claim or because of an employee’s political party affiliation.

Agency policies and procedures:

- are subject to change;
- do not in any manner constitute the terms of an employment agreement, expressed or implied;
- do not create a property right; and
- prohibit all employees from entering into a contractual agreement regarding employment with any other employee or individual.

Any TSSWCB employee involved in the hiring process are not authorized to make any statement providing any assurance of job security or continued employment to prospective or newly hired workers. Similarly, in their dealings with employees, supervisors are not authorized to make any promises or assurances of continued employment in the event of satisfactory performance.

Only the Executive Director or his/her designee is authorized to enter into an employment contract with any employee.

The use of progressive discipline, if any by the TSSWCB, does not in any way grant any entitlement or right to any employee of any such progressive disciplinary measures, nor does it in any way alter the at-will status of any employee of the TSSWCB.

2. Job Descriptions

Job descriptions are modified based on the job related requirements for the position being filled. Modified job descriptions shall define the functions of the position, minimum qualifications (knowledge, skills and abilities including factual understanding and practical skills) and preferred qualifications (desirable experience and education to accomplish the tasks and responsibilities of the position) that are quantified to remain secondary in focus and justified because of business necessity or legitimate business objectives. Excluding any other limiting factors, experience and education may be substituted for each other depending on the position and job requirements.

3. Job Announcements

The job announcement is based on the approved job description. The same qualifications on the job description are in the announcement. Preferred qualifications if applicable are also listed in the announcement. The application deadline and procedures to follow are also in the announcement. All applicants are required to submit the State of Texas Application for Employment. If resumes are submitted, they will be kept with the application. Resumes will not

be accepted in lieu of the application. All applicants for the vacant position will be listed on an applicant log.

When a vacancy occurs within the agency, the position is posted internally for a minimum of 24 hours. If the position is not filled from the internal posting, the job announcement is posted externally until any applicable deadlines.

Job announcements are:

- Posted within the headquarters office and all regional offices.
- Posted on our agency website.
- Recruitment methods may include but are not limited to: statewide minority, disability, and other associated organizations, educational institutions, and newspapers. Other methods include the Texas Workforce Commission at www.workintexas.com, and referrals from other governmental agencies.

4. Exempt Position

The State Board has adopted a policy to clearly separate the respective responsibilities of the State Board and the staff of the State Board as required in Section 201.019, Subsection (i) Agriculture Code. The policy states:

The Board shall establish and approve general policy for the agency. The Board shall make any necessary rules, guidelines, or directives to carry out its powers and duties under the provisions of the Agriculture Code and other laws of the State. The Board shall examine and approve budget recommendations for the Board that is to be transmitted to the Legislature. The Board shall appoint an Executive Director to serve at the will of the Board.

The Executive Director shall manage the administrative affairs of the Board including the execution of rules, guidelines, decisions, and directives of the Board. All other employees of the Board shall be responsible to the Executive Director.

5. Classified Positions

Every effort will be made to select the applicant who meets the qualifications of the Position Classification Plan of this state without regard to race, color, age, sex, religion, national origin, or disability. Objective selection consistent with agency EEO Plan will be used in filling all vacancies. Review of the entire process is conducted by the Human Resource Coordinator to ensure procedures are objective, job related, measurable, and consistently applied.

6. Employment Preference for Former Foster Children

An individual may qualify for a former foster child employment preference, which gives the individual a preference in employment over other applicants for the same position who do not have greater qualifications, if the individual meets the following conditions:

- The individual was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday, and
- The individual is under the age of 25.

These provisions apply to a department, commission, board, office, or other agency in the executive branch of state government, including an institution of higher education. It does not apply to the position of private secretary, deputy to an official or department, or a position that has a strictly confidential relation to the employing officer.

An individual entitled to the former foster child employment preference that is aggrieved by a state agency's hiring decision or a workforce reduction that affects the individual may appeal the agency's decision by filing a written complaint with the agency's governing board. The governing board is required to respond to a written complaint no later than 15 business days after the date the governing body received the complaint. The governing board may render a different hiring decision if the governing board determines that the former foster child employment preference was not properly applied.

7. Employment Preference for Veterans

TSSWCB strives to meet the State goal regarding veteran preference in employment opportunities. A veteran is defined as an individual who served in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard or in an auxiliary service of one of those branches of the U.S. Armed Forces. Veteran's preference also extends to a veteran with a disability, a veteran's surviving spouse who has not remarried and an orphan of a veteran if the veteran was killed while on active duty.

An individual who qualifies for a veterans' employment preference is entitled to a preference in employment over other applicants who do not have a greater qualification for the same position. Refer to Texas Government Code, Chapter 657, for additional details.

8. Rehires Recently Leaving Active Military Duty

The 2015 Texas legislature approved House Bill 437 that allows employees rehired by the state on or after September 1, 2015, within 90 days of leaving active military duty, to begin their health coverage on their first day of employment. Effective September 1, 2015, they are not subject to the 60-day health coverage waiting period.

9. Military Occupational Specialty Codes on Employment Openings

TSSWCB includes on all forms and notices related to a state agency employment opening the military occupational specialty codes for each branch of the U.S. armed forces that corresponds to the employment opening if the duties of the available position correlate with a military occupational specialty. Military Crosswalk information is available at:

- http://www.hr.sao.texas.gov/Compensation/MilitaryCrosswalk/MOSC_HumanResources.pdf

10. Multiple Employments with the State

An employee of the state may not be paid if that employee holds more than one civil office at one time.

Three exceptions to this rule exist:

- Payment may be made to members of the military reserves or retirees of military service.
- Payment may be made to employees serving without salary as members of school districts, cities, towns, or other local governments.
- Nonelected officers or employees may hold other nonelected offices or positions if the positions are of benefit to the State or are required by law and there is no conflict with the original office or position.

Before an employee may be employed by more than one agency, he or she must be informed of the following:

- Separate leave records must be maintained for each position.
- State service credit will accrue as if the employee had a single position.
- Leave balances do not transfer upon termination of one position.
- State contribution toward the employee's benefit replacement pay will be subject to the overall individual limits.
- State contribution toward the employee's group insurance is limited to the amount specified for a full-time active employee.
- The employee must notify his or her employer prior to accepting a second position.
- In the case of FLSA-nonexempt positions, both employers must coordinate with each other to ensure that the employee is appropriately paid for working more than 40 hours in a workweek.

An employee with two part-time jobs may quit both at the same time, transfer to a new full-time position with another employer, and take his or her existing leave balances to the new position.

11. Screening Applicants

The Human Resource Coordinator and the hiring supervisor of the vacant position will review applications and resumes for qualifications based on the job description. When appropriate, the Executive Director may review the applications and resumes. Applicants who meet the qualifications based on the job description are contacted for an interview.

12. Interview Questions

The Human Resources Coordinator will develop the interview questions in conjunction with the hiring supervisor. All interview questions will ensure the questions are objective, job-related, along with providing information on the applicants' knowledge and competencies to perform the job along with meeting current EEO laws.

13. Interviews

The applicants are interviewed by the Human Resource Coordinator, the immediate supervisor of the position, and any other employees determined to be involved. After the interviewing process, the interviewers discuss and score the applicants. The hiring supervisor ultimately makes the recommendation to the Executive Director. If a second interview is necessary, the hiring supervisor along with whomever the Executive Director designates will conduct the interview. After discussion among the interviewers, a recommendation is made by the hiring supervisor to the Executive Director. The ultimate responsibility of the final recommendation rests with the hiring supervisor. The supervisor or whomever the Executive Director designates makes a job offer to the applicant. The Executive Director should not approve hiring

recommendations from supervisors unless all required steps in the hiring procedures have been documented and verified by the Human Resource Coordinator.

14. Reference Checks

Up to three references are contacted for those applicants that will be recommended for hire to the Executive Director. A reference verification form is completed for each reference and filed.

15. Criminal Background Checks

The TSSWCB will conduct criminal background checks on all prospective new hires, interns, and volunteers, and any offers of employment including internal positions with the agency. New hires, interns, and volunteers, and any offer of employment including internal positions are contingent upon the results of the criminal background information maintained by the Texas Department of Public Safety (DPS). Evidence of a criminal conviction or other relevant information obtained from the DPS shall not automatically disqualify an individual from employment with the TSSWCB. TSSWCB shall exercise its discretion in accordance with all relevant federal and state statutes.

The Executive Director or his or her designee will periodically review and update this policy and procedure to ensure compliance with EEO laws.

16. Verification of Employment Eligibility

TSSWCB participates in E-Verify and will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.

G. PAY INFORMATION

The TSSWCB's policy is to comply with the salary administration requirements and pay rates of the Texas Classification Salary Schedule (Classification Plan). The current State of Texas Classification Plan and a detailed listing of all classified positions are available through the following link with the Office of the State Auditor.

<http://www.hr.sao.texas.gov/CompensationSystem/JobDescriptions>

The State of Texas has three salary schedules that cover all classified positions. Each job classification in the State's Position Classification Plan corresponds to a salary schedule and salary group that provides the minimum and maximum salary rate. These salary schedules are established by the Legislature during the biennial budget process. Schedules A, B, and C. Schedule A covers paraprofessional, administrative support, protective service, maintenance, service, and technical positions. Schedule B includes professional and managerial positions, while Schedule C covers specific law enforcement positions. Only executive directors and positions as specified by Article IX of the General Appropriations Act, remain exempt from the Classification Plan. Current salary schedule information is available through the following link with the Office of the State Auditor.

<http://www.hr.sao.texas.gov/CompensationSystem/SalarySchedules>

1. Fair Labor and Standards Act

The minimum wage in Texas is linked to the federal minimum wage under Section 6 of the Fair Labor Standards (FLSA) Act of 1938 (29 United State Code, Section 206).

Beginning July 24, 2009, the federal minimum wage was \$7.25 per hour.

Exceptions are made for certain employees if the person's earning or productive capacity is impaired by age, physical or mental deficiency, or injury. Specific rules and regulations can be found on the U.S. Dept. of Labor website at <http://dol.gov/compliance/guide/minwage.htm>

Fair Labor Standards Act (FLSA) - The federal law that governs minimum wage and overtime compensation.

Exempt - Employees whose jobs are exempt from FLSA overtime provisions. The Human Resources Coordinator determines which jobs are exempt or nonexempt from FLSA requirements through the review of Functional Job Descriptions.

Non-Exempt - Employees whose jobs are subject to FLSA overtime provisions.

FLSA Overtime - Compensation awarded for extra time worked at a rate of one and one half multiplied by the actual hours worked in excess of 40 hours in a workweek.

State Compensatory Time - Compensation awarded for extra time worked that exceeds 40 hours in a work week (counting both actual hours worked, and any paid leave used) at a rate of one times the amount of extra time worked. State compensatory time must be used within 12 months of the end of the work week in which the time was accrued, or the time will expire.

Work week - For the purpose of recording time worked, the agency has designated as its official work week the period beginning at 12:01 a.m. Sunday until midnight Saturday.

2. Compensatory Time and Overtime

Employees subject to the FLSA are required to maintain timesheets. These employees are entitled to compensation for any hours worked in excess of 40 hours in one workweek in one of the following ways:

- The agency can allow or require the employee to take compensatory time off at the rate of 1.5 hours for each hour over 40 hours worked during the workweek. State agencies can require nonexempt employees who have requested leave to exhaust their FLSA overtime balances before using annual leave.
- When granting compensatory time off is not practical, at the discretion of the employing agency, the employee can receive 1.5 times the regular rate of pay in effect at the time the work was performed for each hour worked over 40 during the workweek.

Paid leave and holidays are not counted as hours worked for determining FLSA overtime hours. However, if the total number of hours worked (if less than 40) plus paid leave or paid holidays exceeds 40, the nonexempt employee shall be allowed state compensatory time off equal to the number of hours in excess of 40 hours. Generally, non-exempt employees are those on

Schedule A, Classification Salary Schedule, General Appropriations Act. Any questions should be directed to the Human Resources Department.

Overtime compensation is only earned for hours actually worked over 40 in a week. Any time off with pay (sick, annual, holiday, etc.) is not considered part of the total of 40 hours worked a week for FLSA purposes. At the discretion of the supervisor or Executive Director, an employee's work schedule may be adjusted to ensure that the employee does not exceed 40 hours. Time worked is defined as time spent actually performing the duties of the assigned position. Time spent driving to and from work at the beginning and end of the workday is not considered time worked unless you have been assigned a duty away from your normal workstation.

Comp time must be used within 12 months, or it will be forfeited. Comp time is not transferable to another state agency and will not be paid when an employee separates from the agency.

3. Military Pay Differentials

The Executive Director of the agency must grant sufficient emergency leave to provide a pay differential if an employee's military pay is less than the employee's state gross pay. The combination of military pay, and emergency leave may not exceed the employee's actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay.

The state agency or institution of higher education should inform activated state employees of the agency's or institution's intent to use emergency leave to supplement their military pay to raise it to a rate comparable to the state pay received prior to activation. Only state employees called to active duty in support of a national emergency or Homeland Security mission (under United States Code, Title 10 or Title 32) and whose military pay is less than their gross state pay are eligible for differential pay. Service members involved in routine military training or who are attending military schools are not entitled to this differential pay.

If emergency leave is granted to state employees activated for military duty, those employees will accrue sick leave and vacation leave each month they receive pay from the state agency or institution of higher education. The sick and vacation leave will be accrued but not posted until the employee returns to full employment with the state agency.

4. Determining Eligibility

To determine eligibility, state agencies and institutions of higher education should request a copy of the employees' Military Leave and Earnings Statement each month that emergency leave is going to be granted to look at the total entitlement of military pay received by the service members. The service members' pay may change during the period of active duty because of a promotion or change in entitlements; any increase in pay may reduce or cease the need for state military differential pay.

5. Direct Deposit

Employees are paid by direct deposit to the bank or financial institution of the employee's choice. For the first pay period after employment, the employee will normally receive a warrant unless there has been at least three banking days to process with the bank prior to running payroll to ensure accuracy. The three banking day rule also applies to current employees making changes to

their direct deposit. An exception to this would be an employee coming from another state agency that was already set up on direct deposit and does not make any changes. In that case, direct deposit usually continues without delay. Employees complete direct deposit information in CAPPs for processing from the Comptroller's Office. Pay is deposited in their account the first working day each month. Any problems or delays should be reported immediately to the Human Resource Department.

6. Deductions

Automatic deductions for Federal Income Tax Withholding, Social Security, and State Retirement begin with your first salary pay period. You will be provided with a withholding statement that identifies your deductions and your net pay.

7. Federal Income Tax Withholding

The amount varies with salary and number of dependents. Employees must complete a W-4 form on CAPPs indicating the number of exemptions they wish to claim.

8. Employee Retirement

A state agency employee becomes a member of the ERS program starting on his/her first day of employment. Each employee who is a member of ERS is required to pay an annual membership fee. However, the Legislature has continued a long-standing tradition of appropriating funds to pay the membership fee.

The Legislature establishes the State and employee retirement contribution rates biennially for various retirement systems and funds; these rates are set in the General Appropriations Act. An employee's portion of the retirement contribution is deducted each month from the employee's pay and deposited into an employee savings account. The State deposits its portion of the retirement contribution into a State Accumulation Account.

The employing agency is responsible for deducting the amount of the employee's contribution from the employee's pay. The deduction process requires no employee consent because the employee consents to the automatic deduction when he or she becomes a member of the ERS program.

9. Charitable Contribution Deductions

A state employee may authorize a deduction each pay period from the employee's salary or wage payment for a charitable contribution as authorized by state law. In most cases, a state employee may authorize a deduction only during a state employee charitable campaign. However, a state employee who begins working for the State when a campaign is not being conducted may authorize a deduction according to the Comptroller's requirements.

A state agency other than an institution of higher education is not required to permit an employee to authorize a deduction until the first full payroll period after the agency converts to a system in which uniform statewide payroll procedures are followed. In such situations, a state employee who works for a state agency that does not allow deduction authorizations may authorize a deduction that is effective with the first full payroll period after the agency is converted to a system in which uniform statewide payroll procedures are followed.

A state employee who authorized a deduction while working for a state agency may continue the deduction after transferring to another state agency if the Comptroller's rules for continuing the deduction are followed.

An authorization must direct the Comptroller to distribute the deducted funds to a participating federation or fund or a local charitable organization selected by the State Policy Committee as prescribed by rule. Deductions must be in the form prescribed by the Comptroller. The Comptroller by rule may establish a reasonable minimum deduction for each pay period.

10. Credit Unions Deductions

An employee of a state agency may provide written authorization to make a deduction each pay period from the employee's salary to an account with a credit union.

11. Deductions for Membership Fees

An employee of a state agency may provide written authorization to make a deduction each pay period from the employee's salary or wage payment for payment of a membership fee of an eligible state employee organization. For information about eligible state employee organizations, state agencies should contact the Comptroller of Public Accounts.

12. Other Deductions

Optional deductions, which must be requested in writing, are group insurance, extra income tax withholding, deferred compensation, 401(k) or 457 Texasaver Plan, and certain charitable contributions. Employees should ask the Human Resource Coordinator for appropriate forms to be completed for participation in any of these optional programs. Documentation should be placed in personnel folders.

13. Benefit Replacement Pay* and Leveling

Employees hired before 9/1/95 receive benefit replacement pay up to a maximum of \$1,026.96 per year to help replace employee funds deducted for FICA purposes.

Benefit Replacement Pay leveling enables employees to spread the portion the state pays throughout the year. It is available for employees whose annual salary on January 1 exceeds \$16,500. If an employee chooses to level their Benefit Replacement Pay, the maximum amount is equally distributed throughout the calendar year. If an employee terminates state employment before the end of the year, they will not be repaid for the portion of the state's contribution they would have received had they continued employment. However, if an employee chooses to not level, the State Comptroller's System calculates a percentage of the employee's salary for each month until the maximum amount is reached.

*Employees hired after August 31, 1995 are not eligible for this benefit. Please check with the Human Resource Coordinator if additional information is required.

14. Longevity Pay

All full-time employees who qualify receive longevity pay according to the following table:

| LONGEVITY PAY | |
|--|-----------------------|
| Years of Service | Monthly Longevity Pay |
| Less than 2 years | \$0 |
| Greater than 2 and less than 4 years | \$20 |
| Greater than 4 and less than 6 years | \$40 |
| Greater than 6 and less than 8 years | \$60 |
| Greater than 8 and less than 10 years | \$80 |
| Greater than 10 and less than 12 years | \$100 |
| Greater than 12 and less than 14 years | \$120 |
| Greater than 14 and less than 16 years | \$140 |
| Greater than 16 and less than 18 years | \$160 |
| Greater than 18 and less than 20 years | \$180 |
| Greater than 20 and less than 22 years | \$200 |
| Greater than 22 and less than 24 years | \$220 |
| Greater than 24 and less than 26 years | \$240 |
| Greater than 26 and less than 28 years | \$260 |
| Greater than 28 and less than 30 years | \$280 |
| Greater than 30 and less than 32 years | \$300 |
| Greater than 32 and less than 34 years | \$320 |
| Greater than 34 and less than 36 years | \$340 |
| Greater than 36 and less than 38 years | \$360 |
| Greater than 38 and less than 40 years | \$380 |
| Greater than 40 and less than 42 years | \$400 |
| Greater than 42 years | \$420 |

The rate is determined by the employee's status on the first day of each month. Longevity pay is for total state service. The system calculates the number of years of service and the monthly amount of longevity for each employee.

15. Longevity Pay for Return-to-Work Retirees

A state employee who retired from state employment before June 1, 2005, and who returned to state employment before September 1, 2005, is entitled to receive longevity pay. The monthly amount of longevity pay the employee is entitled to receive equals the amount of longevity pay that the employee was entitled to receive immediately before September 1, 2005. A state employee who retired from state employment before June 1, 2005, and who returned to state employment on or after September 1, 2005, is not entitled to receive longevity pay.

16. Longevity Pay When Employee's Status Changes

If an employee changes from a full-time state employee after the first workday of a month to another status (for example, a part-time employee), but otherwise qualifies for longevity pay, the employee's compensation for the month includes full longevity pay.

H. YOUR CAREER WITH TSSWCB

1. New Employee Orientation

The Human Resources Coordinator and the immediate supervisor conduct new employee orientation. A checklist is used to assist the H.R. Department with new employee orientation. All personnel forms are signed, and the ERS Group Benefits Program explained to the employee during this time. Access to the Human Resources Handbook is given to the employee. All forms are filed in the personnel folder. The immediate supervisor provides a more detailed explanation of job duties and responsibilities.

2. Probationary Period

The first six months of employment are considered a probationary period. It is the responsibility of the supervisor to keep the new employee apprised of their work performance. This can be communicated through oral and/or written statements and discussions. The probationary period is to be used by the supervisor to determine if the employee's job performance merits continued employment with the agency. The employee remains an "at-will" employee during and after successful completion of the probationary period.

3. Probationary Status

Employees on probation receive the same benefits as other employees and leave credit does accrue during that period. However, employees may not be granted vacation leave until they have been employed with the state for six consecutive months. The six-month eligibility requirement may be waived if an employee completed six months or more of continuous state employment, leaves state employment, and then is re-employed with the state.

4. Career Ladder

Agency-wide, our workforce consists of dedicated and knowledgeable employees. When a position becomes available, it is posted internally for 24 hours, to allow any TSSWCB employee to apply for a position they may be interested in, or may possess the required knowledge, skills and abilities noted for the position. The position is next posted externally. Our agency seeks to allow current employees the opportunity for career advancement yet allows for external applications in the event the position could not be filled internally.

5. Disciplinary Actions

The Executive Director or his or her designee as appropriate will be responsible for overseeing the disciplinary action process for designated positions and ensuring compliance with the disciplinary actions procedures including EEO Policies.

The TSSWCB is committed to dealing with its employees fairly and ethically while keeping the agency operating efficiently and productively.

Disciplinary actions are to be based on job performance and job related conduct. Job performance is defined as the employee's ability to effectively perform the functions of

the job as determined by demonstrated knowledge, skills, and abilities as documented by personal evaluation and job related conduct is defined as the employee's demonstrated compliance or noncompliance with the agency's policies, procedures, and work rules.

Before any disciplinary action is taken, supervisors will evaluate disciplinary actions used for other employees in similar circumstances. Because disciplinary matters often arise in unique circumstances, the agency retains the discretion to evaluate each disciplinary action on a case-by-case basis.

The TSSWCB adheres to the common-law doctrine of at-will employment. No disciplinary action is a prerequisite for other disciplinary action, including termination.

The following is a list of steps that supervisors **may use** when it is necessary to correct or change an employee's behavior or work performance.

- Discussion- Discuss the behavior with the employee and why it is a problem, explain what the correct behavior should be and discuss what could happen if the behavior is not changed.
- Oral Warning- Discuss the problem behavior with the employee and explain that immediate change must take place or further disciplinary action will take place.
- Written Warning- Discuss the problem behavior with the employee and give him/her a written document stating that the behavior is a problem and must cease immediately or further disciplinary actions will be taken.
- Probation- Give the employee a written document that says (1) his/her problem behavior must be corrected and (2) the corrected behavior must continue to be positive and productive. If the employee's performance does not meet both criteria, usually within a certain time frame, he/she may be terminated from employment. This termination can happen at any time during the probation period.

The above-identified process may be varied or eliminated depending upon the severity and/or recurring nature of the employee's behavior. If the employee has a complaint against his/her supervisor(s), the employee should provide a written statement of such complaint as early as possible in the process. Committing a criminal or unethical offense may be grounds for immediate termination.

Before an employee can be placed on probation or terminated, the situation must be discussed with the supervisor, Human Resource Coordinator, and Executive Director.

Every part of the process of attempting to have employees correct their problem behavior should be documented. This is to include documentation of the problem behavior as well as all discussions held with the employee. Any performance evaluations that contain pertinent information are to be included as part of the documentation. If probation and/or termination are to take place, all the documentation is to be part of the employee's human resources file. This documentation may not be removed from that file and a letter explaining the conclusion of the disciplinary process must be attached to the documentation.

The Executive Director or his/her designee will revise the disciplinary action process to comply with current EEO law and to improve efficiency.

6. Performance Evaluation Policy

The Executive Director shall coordinate the development and utilization of standardized performance evaluation forms. The format of this form shall be tailored to reflect job related performance standards and production expectations for each position by classification of employees, including clerical, technical, professional, and administrative/management positions. A space will be reserved on the performance evaluation form for employee comments. If the employee has a complaint against his/her supervisor(s), the employee should provide a written statement of such complaint in this space.

The Executive Director and where appropriate the supervisor will be responsible for overseeing the evaluation process for the designated position and ensuring compliance with evaluation procedures.

The evaluation rates the employee's compliance with policies, procedures, and work rules of the agency. This policy provides procedures and guidelines for supervisors, managers, and employees to evaluate the employee's job performance. The appraisal form documents employee performance at the end of a rating period. The process should be open communication between the employee and the supervisor concerning all aspects of the work environment. Evaluation levels can be supported by comments. The classification of each employee will be reviewed during this evaluation process to determine if the classification is appropriate or should be changed. This classification review is documented on the form.

The employee's performance expectations will be linked to the agency's strategic plan when appropriate.

Each employee is to be reviewed by his/her supervisor after the first six continuous months of employment in a particular position. This review should cover the work he/she performed from the hire date through the end of the sixth month of employment in a particular position. The next review should be on an annual basis at any time during the fiscal year as deemed appropriate by the supervisor unless job performance is below standards and interim evaluations are deemed appropriate. Completed evaluations should be forwarded to the Human Resources Office. Performance appraisals are conducted using the following evaluation criteria:

- *Exceeds Standards*- Work quality, productivity, and commitment exceed job expectations. Total job expectations are exceeded in most respects and when problems arise, good judgment is displayed. Anticipates future tasks and/or job-related events, and plans procedures to address them.
- *Meets Standards*- Work quality, productivity, and commitment consistently meet job expectations with normal supervision. Key job responsibilities are met on a day-to-day basis.
- *Needs Improvement* – Performance meets some of the expectations but does not fully meet the remaining standards.
- *Below Standards*- Performance is below expectations of the position and requires improvement in one or more significant aspects of the job. A specific improvement program and timeline is agreed upon between supervisor and employee. Prescribed period for immediate improvement is agreed upon between supervisor and employee;

(not to exceed 90 days from date of appraisal session). Performance is monitored on a monthly basis until improvement is noted. Failure to display noticeable improvement in performance during this time, as documented by supervisor, may result in termination of employment.

The appraisal needs to be as thorough, useful, and constructive as possible for both the employee and the supervisor. The supervisor should complete the appraisal form and then review the form with the employee during the period of evaluation as established by policy. The supervisor and Executive Director should sign the form certifying review and consistency of application. If an employee refuses to sign the appraisal form, the supervisor should note the refusal on the appraisal form. Employees may appeal their performance evaluation to their supervisor and then to the Executive Director whose decision is final. The original form is placed in the employee's personnel file. A copy is given to the employee.

The Executive Director or his/her designee will revise the evaluation process to comply with current EEO law and to improve efficiency.

7. Professional Fees and Dues

TSSWCB may pay an employee's membership fee in a professional organization if approved by the Executive Director. Appropriated funds may also be used to pay an employee's notary license fee if such a license is required to carry out his or her duties. Tuition and fees for approved training and conferences may be reimbursed.

8. Training and Development

Training information is available to employees from internal sources, other state agencies, and private sector seminars and workshops.

In compliance with Legislative intent, we will use Internet-based training to the extent available and appropriate.

Employees must seek prior approval from their immediate supervisor to attend employee developmental training outside the agency. Agency training consists of safety and health related topics during staff meetings for all employees. Employees are encouraged to attend any training available that will be beneficial to them in their current positions.

All training should be documented with the Human Resource Department and filed in a training folder. Total training hours are provided to Board Members during regularly scheduled Board Meetings.

Training from other state agencies is coordinated by the Human Resource Coordinator and forwarded to appropriate supervisors. (See Appendix, Employee Training Rules)

9. Job Classification

The General Appropriations Act established the Position Classification Plan and Salary Schedule to assure that salaries are commensurate with work performed. There is a state job description for each classified position in the agency that describes, among other things, knowledge, skill and

ability required; duties performed, and the level of responsibility for each position. Each classified position has been evaluated by the State Auditor's office and assigned to a salary schedule.

Classified positions are full-time, part-time, or temporary. The salaries and benefits of part-time classified employees are proportionate to the rates authorized for full-time classified employees.

10. Merit Increases

For classified employees in Salary Schedules A and B, a merit increase consists of an increase within the range of the same salary group. The agency may award merit salary increases to employees whose job performance and productivity is consistently above that normally expected and required.

Employees may receive a one-time merit payment following the same criteria used to award merit salary increases. The Employees Retirement System has indicated that such a payment is not considered compensation or wages for purposes of determining the amount of the State's contribution for retirement for employees of state agencies. Employees at the maximum of their salary groups are eligible to receive one-time merit payments.

To be eligible to receive a merit increase or a one-time merit, funds must be available, and the employee must have been employed with the agency for at least 6 months. The last merit, promotion, demotion, or re-classification increase must have been at least 6 months prior to the granting of a merit increase. Even if an employee has done a good job and has a good work history with the agency, a merit increase is not guaranteed.

Annual job performance evaluations are the primary factor in awarding merit salary increases. These evaluations are typically conducted in conjunction with the end of each fiscal year but may be conducted at any time at the discretion of management.

11. Promotions

A promotion is a change in class title that provides a higher minimum salary rate, requires higher qualifications, and involves a higher level of responsibility. An employee promoted to a position in Salary Schedule A will receive at least a \$30 per month increase to the base salary for a full-time employee or the minimum salary rate of the new salary group, whichever is higher. An employee promoted to a position in Salary Schedule B will receive at least a 3.4 percent increase or the minimum salary rate of the new salary group, whichever is higher. In addition, agency supervisors have the discretion to recommend a promoted employee a salary amount up to and including the maximum rate of the new salary group.

12. Demotions

A demotion is a change in job classification that provides a lower minimum salary rate. The salary of a demoted employee in Salary Schedule A will be reduced at least \$30.00 a month for full-time employees. The salary of a demoted employee in Salary Schedule B will be reduced by at least 3.4 percent to a level below the employee's current salary. An employee who is demoted because he or she applied for and accepted a lower-level position may not receive a salary that exceeds the maximum rate of the new salary group. An employee who accepts a demotion in lieu of employment termination due to a reduction in force may not receive a new salary that exceeds his or her salary before the demotion.

TSSWCB is not required to reduce a demoted employee's salary if the demotion was accepted in lieu of a layoff or if the employee applied for and accepted a position in a lower salary group.

13. Lateral Transfer

A lateral transfer is a change in duty assignment of an agency employee that moves the employee to another job class in the same salary group. When a lateral transfer occurs, the salary can be increased, it can remain the same, or it can decrease within the salary group. If an increase is provided, it can be no more than 3.4 percent above the pre-transfer salary. A state employee's annual salary rate immediately after a transfer may not exceed the maximum for the salary group.

14. Equity Adjustments

A state agency can increase the salary of a classified employee to any rate within the employee's salary group as necessary to maintain desirable salary relationships between and among employees of the agency or between employees of the agency and employees who hold similar positions in relevant labor markets.

A classified employee may receive an equity adjustment if the employee has worked in his or her current position for at least six months while maintaining a satisfactory level of job performance. An employee may not receive more than one equity adjustment during a fiscal year. State agencies must establish written rules regarding equity adjustments and must consider the education, skills, related work experience, length of service, and job performance of agency employees and similar employees in the relevant labor market. These rules must include procedures under which the agency will review and analyze the salary relationships between agency employees who receive salaries under the same job classification and perform the same type and level of work to determine if inequities exist. Equity adjustments must be justified by comparing salaries within the agency to similar jobs in the market area. The Human Resources Coordinator reviews job openings for similar positions with other state agencies and job openings posted on job search web sites.

In providing an equity adjustment, the salary must increase but remain within the same salary group without a change to the job classification or salary group.

15. Temporary Reassignments

To facilitate the work of state agencies during emergencies or special circumstances, an employee may be temporarily assigned to other duties for a period not to exceed six months. During that time, the employee will receive at least the same amount of pay he or she received prior to the reassignment. An employee may not be temporarily assigned to a position with a lower minimum salary rate. Such assignments will not exceed 6 months in a 12-month period. An employee temporarily designated to act as the administrative head of a state agency may continue to receive a salary for a classified position in an amount not to exceed the amount established by the General Appropriations Act for the administrative head of the agency. During the temporary assignment, an agency cannot award a merit increase to, promote, or demote the employee.

16. Salary Group Reallocation

Classified employees whose positions are reallocated to higher salary groups will receive the minimum rates in the higher salary groups or the salaries they would receive without the reallocation, whichever are higher. Salaries of employees may not be increased more than 6.8 percent for the purpose of maintaining desirable salary relationships among employees in the affected positions.

Employees whose positions are reallocated to a lower salary group will receive the salaries they would have received had the positions not been reallocated. However, the employees' salaries should not exceed the maximum rates for the lower salary groups.

17. Reclassification

Reclassification is defined as a change in the classification of a position based on the actual duties performed by an employee. It does not refer to a change in an employee's duty assignment. Individual job assignments will be reviewed on an annual basis to ensure that each employee is classified properly. A position may be reclassified at any time to correct a discrepancy. The salary administration provisions for reclassifications are the same as for reallocations.

18. Reduction-In-Force

Reduction-in-Force Guidelines. It may be necessary, at times, to effect a formal reduction-in-force. The elimination of a single, several or particular organization unit is not necessarily a reduction-in-force. Should an actual reduction-in-force be necessary, it will be carried out as described in the following paragraphs.

Each program area should be reviewed to determine its value to the basic provision of services to the State of Texas. A list of programs and/or individual position classifications identified for deletion, consolidation or reduction should be submitted to the Executive Director.

The Executive Director may name an internal committee, chaired by the Human Resource Coordinator; to establish criteria determining which positions will be abolished including criteria to retain employees who are entitled to be retained under the Veteran's Employment Preference Act. After recommendations have been received and decisions made as to positions to be deleted or consolidated, the concerned employees will be notified, in writing, of the decisions.

The agency will attempt to provide affected employees with as much notice as possible of their positions' deletion or consolidation (at least 30 days is recommended).

All applicable job postings will be circulated for the benefit of the affected employees in order that they may apply for any vacancy for which they are qualified.

19. Travel and Per Diem

Employees whose duties include travel will be reimbursed for certain expenses at rates authorized by the Legislature.

Employees who are required to travel overnight out of the city of their assigned headquarters or out of state on official business will receive appropriate reimbursement for travel, meals, and lodging expenses as authorized. The Executive Director must authorize all out of state travel in advance.

Employees whose duties require travel for periods of six or more consecutive hours but do not require them to remain away from their designated headquarters overnight may receive partial per diem.

Personal automobile mileage incurred while traveling on official business will be reimbursed as authorized. The mileage rate for reimbursement is set by the legislature. Commercial airline tickets for business travel will also be reimbursed as authorized.

The Internal Revenue Service has determined that certain airline incentives and partial per diem allowances paid traveling state employees may be considered taxable income under certain circumstances. Further information or details may be obtained by contacting the Accounting Department or calling the Internal Revenue Service.

More specific and detailed information on completing travel vouchers may be obtained from the Accounting Department.

For more information, please refer to: <https://fmx.cpa.texas.gov/fmx/travel/texttravel/>

20. Use of State Vehicles for Travel

Vehicles will be located at each regional office for use by all agency staff.

Mileage logs are located in all vehicles and must be filled out on return to their assigned office. Employees should inspect the vehicle prior to travel and upon return. Any maintenance concerns should be written up and reported to the Site Fleet Manager (SFM).

The maintenance of the vehicle, oil changes, brake inspections, fluid changes, and tire replacement, will be the responsibility of the Site Fleet Manager (SFM).

Vehicles are to be used on an efficiency basis where the vehicle is utilized to its fullest potential for reducing travel costs to the agency. Check with the supervisor at the office if you have questions concerning this matter. Resolution of conflicts over usage will be based on achieving maximum travel cost reduction.

The following is applicable to all employees of the Texas State Soil and Water Conservation Board who drive a state, personal or rental vehicle while conducting official state business.

- all employees must have a current Texas driver's license;
- all occupants shall use safety belts while the vehicle is in motion;
- all speed limits shall be observed, and speed should be reduced to a safe driving speed during inclement weather;
- drivers shall use good defensive driving techniques;
- employees should never drive while under the influence of medication, alcohol, or drugs, which cause drowsiness, or while in poor health which could endanger their lives or the lives of others;
- drivers are representatives of the TSSWCB and are expected to drive courteously;

- while on travel status, employees shall not use the TSSWCB state vehicle for personal reasons;
- any traffic violations involving a TSSWCB state vehicle must be reported immediately to the TSSWCB headquarters. It is the responsibility of the employee to pay traffic violations including parking tickets. Failure to resolve such traffic violations will result in disciplinary action, up to and including dismissal;
- drivers of TSSWCB state vehicles are responsible for removal of all debris from the vehicle before it is returned to headquarters;
- drivers of TSSWCB state vehicles are expected to accurately reflect trip records and mileage;
- use of tobacco products are not allowed in state vehicles.
- TSSWCB employees with a License to Carry a handgun may conceal carry their handgun in agency vehicles and if necessary, conceal store their gun in the vehicle for short periods of time. Guns should not be stored in an agency vehicle overnight unless there are no other options. The employee storing the handgun in a vehicle is ultimately responsible for any loss and any misuse of a handgun due to a loss.

Traffic Accidents. In the event of a traffic accident:

- employees have a duty to provide reasonable aid and assistance to an injured person if it will not put the employee's personal safety at risk;
- employees should make no comment or statement other than that required by law enforcement officers;
- any traffic accident involving a TSSWCB state vehicle must be reported immediately to the local police or highway patrol, and as soon as possible to the Fleet Manager; and
- employee's injuries occurring during work, including travel must be reported within 24 hours to the Worker's Compensation Claims Coordinator in the Human Resource Department.

Emergency Situations. In the event of an emergency:

- The Fleet Manager should be notified immediately for instructions on emergency breakdown/repairs needed while driving an agency vehicle. The contact number is (254) 773-2250 ext.221 between the hours of 8:00 am and 5:00 pm, Monday through Friday.
- If the Fleet Manager cannot be reached during business or non-business hours, make only the minimum repairs necessary to restore the vehicle to a safe driving status (ie. purchase of belts, battery, tires, etc.). Such repairs or purchases should be paid for by using the agency Voyager card. In instances where agency credit cards are not accepted the user may pay for services with personal funds and will be reimbursed for such charges.

21. Tort Claims Act--State Employees Involved in Accidents

The Texas Tort Claims Act makes the State responsible for death, personal injuries, and property damage incurred through the negligence of state employees or state agencies in operating a motor vehicle or motor-driven equipment while on duty.

Under the Texas Tort Claims Act (TEX. REV. CIV. STAT. ANN. art 6525-19), if an accident occurs in which there is personal injury or property damage, even if the employee doubts whether he or she has been at fault, he or she should observe the following procedures:

- All state employees present have the primary duty of providing all aid and assistance possible to any and all injured persons.
- If a motor vehicle is involved, either the State Highway Patrol or the appropriate city police should be called immediately.
- If the state employee or employees are able to do so, an immediate call should be placed to the employee's supervisor, and as many details as possible should be related.
- The involved state employee or employees should make no comment or statement other than that required by law enforcement officers.
- The name, address, license number, and insurance carrier, if any, of the other party to the accident should be obtained.
- The employee's own insurance carrier should also be contacted immediately.

I. EMPLOYEE BENEFITS

The state's contribution to your retirement and insurance, in addition to vacation and other leave benefits, offer a substantial benefit package. The State Auditor's Office has calculated that the total fringe benefits amount to over 30% of actual salary for state employees.

1. Insurance Benefits

The Texas Employees Group Benefits Program is intended to provide health, life, and accident insurance benefits to all employees of the State and their eligible dependents. Except for the conditions discussed in the Texas Insurance Code, no employee of a state agency or institution of higher education may be denied coverage unless the employee waives this coverage.

As a State of Texas employee, you will automatically be enrolled in HealthSelect of Texas health insurance, basic term life, retirement, and 401(k). If you don't want to enroll in the health insurance, you may select another health plan or opt out. You can also enroll in the following optional benefits; dental, vision, additional life insurance, AD&D, short-term and/or long-term disability, and TexFlex.

There are 2 types of medical plans in the Texas Employees Group Benefits Program: HealthSelect of Texas and a Consumer-Directed health plan with an HSA.

New employee's eligibility begins on the first day of the calendar month that begins after sixty days after the date the employee performs services for a state agency. The minimum age for retiree insurance is 65 years of age if the employee has not met the Rule of 80.

The Texas Legislature enacted legislation making certain state employees who are reemployed after military service eligible for health insurance on the first date of reemployment on which the employee performs services for a state agency or institution of higher education.

The benefits coordinator will provide and explain all forms necessary for employee coverage. When all forms are completed, they are mailed to the Employee Retirement System for processing. All copies are placed in the employee's personnel folder.

2. Enrollment

Employees should complete a Benefit Election form and provide any other documents needed during initial enrollment. Copies are to be kept in a separate employee personnel file, and the information is entered into ERS Online. Contact the Human Resource Coordinator for benefit forms and address any questions regarding documents needed.

3. Changes

During an employee's first 31 days of employment, they may make any changes to their coverage. After that time, the employee must wait until summer enrollment unless you have a qualifying life event (QLE) such as; marriage, birth of a child, adoption, or any other life exceptions that occur. Promptly notify the Human Resources Coordinator because you must make benefit changes within 31 days of the QLE.

4. While on Leave Without Pay

If an employee is on leave without pay for a full calendar month, they are responsible to pay the total amount of the health insurance premium. *Prior to going on leave without pay, they must make arrangements for payment by contacting the Human Resources Department.

**If the employee is going on Family Medical Leave, this does not apply within the 12-week period allowed.*

5. Assistance with Insurance Coverages

The Human Resource Coordinator can assist employees in applying for insurance, making changes (such as adding a spouse or new dependent), filing claims, and with any questions about coverage.

6. Workers' Compensation

Workers' compensation is a form of insurance that provides income benefits, medical treatment, and other benefits to workers who are injured on the job or acquire an occupational disease on the job.

a. Employee Responsibilities

An employee or person representing the employee should notify the employer as soon as possible but not later than 30 days after an injury occurred, or if the injury is an occupational disease, the employee should notify the employer as soon as the employee knows that the injury or injurious exposure might be related to the employment. Failure to notify the employer may relieve that employer of any liability in the matter unless the employer has actual knowledge of the injury, the Division determines that good cause exists for failure to provide notice in a timely manner, or the employer or its insurance carrier does not contest the claim. Claims for compensation must be filed within one year from the date of injury, or if the injury is an occupational disease, a claim must be filed within one year from the date the employee knew or should have known that the disease was related to the employee's employment. Failure to file a claim for compensation with the Division as required by statute relieves the employer and the employer's insurance

carrier of liability unless good cause exists for failure to file a claim in a timely manner or the employer or the employer's insurance carrier does not contest the claim. Claims for death benefits must be filed within one year of the employee's death. Failure to file within the required time period bars the claim unless the person is a minor or incompetent, or if good cause exists for the failure to file. Separate claims must be filed for each beneficiary unless the claim expressly includes other parties.

b. Claim Procedures

Whenever an injury occurs while an employee is performing their duty, they should immediately report it to the agency Safety Officer. An "Employee's First Report of Injury" (DWC-1S) form will need to be completed by the Safety Officer and a copy of the Employee's Rights & Responsibilities sheet given to the employee. A worker's compensation claim will be filed with the State Office of Risk Management (SORM) for all accidents and injuries involving employees performing their job duties. An employee has 30 days to report an injury to the agency Safety Officer. The claim should then be filed the day after an employee notifies the Safety Officer. Employees should also inform the agency if they seek (1) medical treatment, (2) incur any medical expenses, (3) miss any time from work due to injury or accident, and/or (4) have a return-to-work date if an employee has missed any work time.

The Safety Officer will follow all procedures as set forth by the State Office of Risk Management outlined in the Claims Coordinator Handbook. State employees are covered by Workers' Compensation for injuries sustained on their jobs or in the performance of their duties. Employees should immediately report any accident of this kind to their supervisor. Employees do not file a claim on their personal insurance if the accident/injury is work related.

7. Return-to-Work Program

The Texas State Soil and Water Conservation Board (TSSWCB) Return-to-Work Program provides the mechanism for the employee who is not physically capable of returning to unrestricted duty assignment after an injury or illness to return to the workplace as soon as possible. This program provides opportunities, when available, for the employee to participate in a temporary duty assignment based upon restrictions imposed by the treating physician. The Return-to-Work Program may also be utilized for those employees returning to work from an off-the-job injury or illness. These program efforts have been proven to enhance productivity, reduce employee turnover, and reduce overall employment-related costs.

The Return-to-Work Program is intended to be a temporary solution. Therefore, a temporary duty assignment is limited to three months for a specific injury or illness. If the treating physician's certification does not indicate that it is reasonably probable that an employee will be able to return to full and unrestricted duty within three months, the employee will not be eligible to participate in this program.

Employees in temporary positions are not covered by the Return-to-Work Policy.

a. Goals

The primary goal of the agency's return-to-work program are as follows:

- Assist employees who sustain an injury or illness to safely return to work at either full duty or in a modified (or alternate duty) assignment.
- Reduce the monetary burden and emotional strain and return the employee to work level as close as possible to pre-injury earnings and productivity.
- Demonstrate the agency's concern and fulfill obligations to the employee.
- Provide reasonable accommodation whenever necessary to enable the employee to perform the essential functions of the job.
- Ensure the employee's return to work is in compliance with all requirements of the Americans with Disabilities Act, Family Medical Leave Act, and the Texas Worker's Compensation Act, as appropriate and necessary.

b. Definitions

Serious Health Condition: same as defined under the policy as described in the personnel manual for FMLA purposes pertaining to a physical injury or illness.

Lost Time: Time spent away from work at the recommendation of the treating physician. This does not include time worked in a temporary duty assignment as defined below.

Full Duty: Performance of all duties and tasks of the position for which the employee is employed.

Temporary Duty Assignment: An assignment that is intended to return an injured employee to work at less than his/her full duties for a period not to exceed three months. Temporary duty assignments must take into consideration restrictions imposed by the treating physician.

c. Employee Participation

An employee who is under work-related restrictions imposed by the treating physician for a physical injury or illness may request participation in the Return-to-Work Program. Participation in this program is voluntary, and the Soil and Water Conservation Board will not force any employee to participate. In accordance with Texas Workers' Compensation statutes, however, if an individual is receiving workers compensation benefits, such benefits may be affected should he/she be offered and refused to take a temporary duty assignment.

The Return-to-Work Program shall not be construed as recognition by the TSSWCB, its' management, or its' employees that an individual who participates in this program has a disability as defined by the Americans with Disabilities Act (ADA).

d. Prohibited Actions

No adverse personnel action may be taken:

- For discriminatory reasons (i.e., based upon race, color, creed, age, national origin, sex, disability, etc.).
- Because an employee in good faith files a workers' compensation claim; or
- Because an employee pursues his/her rights under the Texas Workers' Compensation Act, the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), or any other law protecting employee rights.

Adverse personnel actions include an involuntary demotion, salary reduction for disciplinary reasons, suspension without pay and dismissal.

e. Temporary Duty

The supervisor and employee should work together to develop reasonable and necessary temporary duty assignments to meet TSSWCB business needs. A temporary duty assignment can include adjustments to the job itself of the work environment (i.e., temporary change in work hours, location of duty station, or position tasks). Temporary Duty assignments are subject to availability and may vary on a daily basis. No assignments will be created as a means to satisfy the terms of this program.

While performing temporary duty assignments the employee will continue to receive his/her usual salary compensation and benefits.

If the supervisor has any questions regarding an employee's ability to perform certain job tasks or functions without injury to his/her physical well-being, he/she must ask the employee to obtain clarification from the physician before reporting to work. An employee is not to be placed on a temporary assignment, which could result in additional liability to the agency, or a direct threat to the safety of other agency employees or other individuals. Form TSSWCB 010, Request for Employee Medical Status, or a similar form may be used to obtain this information.

f. Temporary Duty Review

Since temporary duty assignments do not exceed three months, it is expected that the employee will be able to achieve full recovery within that period. The supervisor and the employee must review the temporary duty assignment on a regular basis (preferably after each doctor's visit or at least once a month) to decide upon the need for continuing the assignment and to determine if further adjustments are needed to the tasks/functions.

Prior to the conclusion of the third month, the following options are available:

- The employee returns to work on regular, unrestricted duty with a full release form from the physician or health care professional.
- The employee transfers to a position they applied for and were selected.
- The employee takes appropriate leave.
- The employee has approved ADA accommodation.
- The employee resigns for medical reasons.

g. Assignment of Duties to Other Staff

If another employee is asked to temporarily assume some of the tasks of an employee placed on a temporary duty assignment, the supervisor is responsible for ensuring that the additional duties do not impact the salary group or classification of that employee.

h. Notification to Human Resources

The supervisor is responsible for ensuring that the Workers' Compensation Coordinator in Human Resources is notified if an employee accepts or rejects a temporary duty assignment.

i. Documentation

The employee's supervisor is responsible for ensuring:

- That proper medical certification is obtained, when necessary (from TSSWCB 010 can be used for this purpose); and
- That a copy of all documentation is retained for one year in accordance with procedures established within the Associateship/Region/Hospital.

All medically related documentation must be maintained in a separate confidential file.

8. Retirement Benefits

Membership in the retirement system for employees begins on their first day of employment. The State's retirement plan is a defined benefit plan and offers defined contribution retirement plans to employees. Employees are covered under a defined benefit plan (or traditional pension plan) through the Employees Retirement System (ERS).

These employees also have the opportunity to contribute to deferred compensation plans such as 401(k) or 457 accounts. These accounts can supplement the current state retirement plan and offer employees the option of choosing how they will invest their money.

Due to the complex nature of retirement benefits, employees should refer to ERS for complete information. An employee may request information about their retirement account or seek guidance about retirement from the Employees Retirement System of Texas. Employees need to submit a Retirement Beneficiary Form during their initial enrollment. Employees can also submit a renewal at any time during the year. All originals are sent to ERS. Copies are kept in a separate employee's personnel file.

Employees receive an annual statement showing monthly contributions, accrued interest and total retirement credit at the end of the fiscal year from the Employees Retirement System of Texas.

Further details regarding retirement benefits can be found online through the ERS website at www.ers.texas.gov.

9. Death Benefits

The estate of a deceased employee will receive, based on the employee's salary at the time of death:

- Salary due computed through the date of death (less Federal Withholding and Social Security Taxes);
- Pay for accrued vacation time;
- Pay for one-half of the employee's accrued sick leave (or 336 hours, whichever is less);

- Applicable state retirement benefits;
- \$5,000 death benefit; and
- Any outstanding travel and Per Diem due the deceased

The Human Resources Department should be notified immediately in order to process the necessary documents to the Employees Retirement System of Texas and the State Comptroller's Office.

10. Deferred Compensation and Texa\$aver

The Deferred Compensation, Texa\$aver, and Texflex Programs enable employees to defer federal income tax liability on part of their gross salaries until termination of employment or retirement. The plan's administrator will provide forms necessary to process the 401K or 457 accounts. Forms are processed and originals placed in personnel folders. The Human Resources Department can advise employees concerning participation in this plan.

Deferrals must not exceed the yearly maximum set by the IRS. Detailed information concerning the deferred compensations plans can be obtained from the internet by accessing <https://texassaver.gwrs.com>

11. 401(k) Plan Automatic Enrollment

An employee who begins state employment on or after January 1, 2008, automatically participates in a 401(k) plan unless the employee elects not to participate in the plan. The contribution is made by automatic payroll deduction and represents 1 percent of an employee's pay. Unless otherwise directed by the employee, this contribution is placed in a default investment product selected by the board of trustees for ERS. An employee participating in a 401(k) plan under this legislation may elect to end participation in the 401(k) plan, to contribute to a different investment product, or to contribute a different amount to the plan.

J. LEAVE BENEFITS

1. Leave Reporting

State agencies and higher education institutions subject to Texas Government Code, Section 2101.036(d), must use the uniform system adopted by the Office of the Comptroller of Public Accounts (Comptroller's Office) to report leave taken by agency employees.

Employees will submit all leave in CAPPs prior to requested time off, with the exception of unforeseen circumstances, which will be submitted upon the employee's return date. Employees will submit all leave in 30-minute increments.

NOTE: An employee who is on leave on the first day of the month is not eligible to use leave accrued for that month until the employee returns to duty.

2. Annual Leave

Employees begin to accrue vacation leave on their first day of employment and on the first calendar day of each succeeding month of state employment. However, vacation leave may not be taken until the employee has had six continuous months of employment with the State. Employees

accrual of annual leave ends on employee's last physical day of duty. Credit for annual leave is given for each month or fraction of a month of state employment. Part-time and hourly employees accrue time at a rate in proportion to that of regular full-time employees.

The following table is based on full-time employment and shows rates of vacation accrual based on length of service. It also shows the maximum number of hours employees may carry from one fiscal year to the next as set in the Appropriations Bill. The state's fiscal year begins September 1 and ends August 31. The table shows new vacation accruals and allowable carryover.

Schedule of Vacation Leave Accruals for Full-Time Employees

| Length of Service | Hours Accrued per Month | Days Accrued per Year | Allowable Carryover (Hours) |
|------------------------------------|-------------------------|-----------------------|-----------------------------|
| Less than 2 years | 8 | 12.0 | 180 |
| At least 2 but less than 5 years | 9 | 13.5 | 244 |
| At least 5 but less than 10 years | 10 | 15.0 | 268 |
| At least 10 but less than 15 years | 11 | 16.5 | 292 |
| At least 15 but less than 20 years | 13 | 19.5 | 340 |
| At least 20 but less than 25 years | 15 | 22.5 | 388 |
| At least 25 but less than 30 years | 17 | 25.5 | 436 |
| At least 30 but less than 35 years | 19 | 28.5 | 484 |
| At least 35 years or more | 21 | 31.5 | 532 |

All annual leave hours in excess of the maximum allowable carryover left at the end of a fiscal year shall be credited to the employee's sick leave balance. In computing annual leave taken by an employee, absences due to holidays are not charged. The amount of annual leave accrued by an employee is based on his or her employment status on the first day of the month. Credit for the higher rate of accrual will be given on the first calendar day of the month only if the employee's anniversary falls on that day. Otherwise, the increase in annual leave accrual will be given on the first calendar day of the following month.

Employees must obtain approval of their vacation schedule with their supervisor to ensure the continued effectiveness of the office; therefore, individual plans may need to be changed to suit agency and departmental needs. Taking leave prior to approval is considered an unauthorized absence. However, if it becomes necessary for an employee to take annual leave on such short notice, approval may be obtained by telephone from your supervisor or other appropriate management representative.

If an employee has been employed with the state for six months or longer and leaves state employment, they are entitled to all vacation time accrued. The employee may elect a lump sum payment for vacation accruals or if approved by the Executive Director, the employee may remain on the payroll for the duration of time accrued. Approval of either option is based on convenience and effectiveness of the agency. Employees who transfer directly from one state agency to another will have their annual leave balances transferred. If an employee separates from employment and is re-employed within 30 calendar days by a state agency to a position that accrues annual leave,

his or her annual leave balance will transfer to the new agency. State agency employees are entitled to be paid for the accrued balance of their annual leave as of the date of separation, if they are not re-employed by the State in a position that accrues annual leave during the 30-day period immediately following the date of separation from state employment.

3. Vacation Leave Accruals for Return-to-Work Retirees

Vacation leave accruals for return-to-work retirees are based on retirement and rehire dates. An employee returning to state employment who retired from state employment on or after June 1, 2005, and who receives a state retirement annuity, accrues vacation leave based only on the employee's length of service earned after the employee's retirement date. Otherwise, the return-to-work retiree accrues vacation leave based on total state service.

4. Sick Leave

Sick leave is a benefit to state employees that allows for a paid absence from work under certain conditions. A full-time employee accrues eight hours of sick leave each month, beginning on their first day of employment. Part-time employees accumulate sick leave in proportion to the number of hours worked. An employee who is on leave the first day of the month may not use that month's sick leave accrual until he or she returns to duty. There is **no limit** to the amount of sick leave an employee may accrue or carry forward from one fiscal year to the next.

Sick leave may be taken whenever illness, injury, pregnancy, birth/adoption of an infant, or illness of an employee's immediate family member prevents the employee's performance of duty. Doctor's appointments for any medical reason are considered legitimate claims for sick leave.

Immediate family is defined as individuals related to the employee by kinship, adoption or marriage who reside in the same household; foster children who reside in the same household as the employee; and minor children of the employee regardless of whether they live in the same household. as a direct result of a documented medical condition. It also includes family members not living in the same household, but strictly limited to time to provide care as assistance to a spouse, child, or parent of the employee as a direct result of a documented medical condition.

If an employee becomes ill and must miss work, they should notify their supervisor at the earliest practical time. Employees are entitled to use any of their leave accruals for sick absences and are required to enter the leave taken in CAPPs immediately upon returning to work. For absences of more than three consecutive workdays and using sick leave, a written statement from the attending physician is required upon return to work. If no physician is contacted during that time, a detail explanation is required.

If an employee becomes ill while on annual leave and can document the illness, they may charge the time they were ill to sick leave rather than annual leave.

In cases of extenuating circumstances, exceptions to the amount of sick leave taken may be approved on an individual basis upon review by the Executive Director.

5. Family Medical Leave Act

The Family and Medical Leave Act (FMLA) allows eligible employees to take unpaid, job-protected leave, or to substitute appropriate paid leave, for an FMLA-qualifying event without

fear of being terminated from their jobs, being forced into a lower job upon their return, or losing group health insurance coverage. Eligible employees are entitled to up to 12 weeks (480 hours) of unpaid leave in a rolling 12-month period, measured forward from the first day of FMLA leave, for:

- the birth and subsequent care of a newborn child.
- the placement of a child for adoption or foster care into the home of an employee, or with the employee, to bond with the child.
- the need to care for a spouse, child, or parent with a serious health condition.
- a serious health condition that renders the employee unable to work.
- 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 covered active duty) or is in support of a contingency operation for covered members of a reserve component.
Example: A *qualifying exigency* may include short notice deployment; military events and related activities; childcare duties and school activities, care of the military member's parent who is incapable of self-care; financial and legal arrangements; counseling; rest and recuperation; and post-deployment activities.

The FMLA also allows eligible employees to take up to 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member. This type of family and medical leave is referred to as military caregiver leave.

Leave for birth or adoption (including foster care placement) must conclude within 12 months of the birth or placement.

Sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted, regardless of whether the child is ill at the time of adoption. However, an employee on FMLA who is the father of the child, may use his sick leave only if the child is ill due to childbirth or to care for his spouse while she is recovering from labor and delivery.

Employees may take FMLA leave intermittently (in blocks of time or by reducing their normal work schedule) if required by a physician for a serious illness or to care for a newborn child, during adoption, or during foster care. The intermittent use of FMLA leave must be approved by the Executive Director if the purpose is to care for a newborn or adopted child or a child placed in foster care.

In cases in which eligible spouses are both employed by the same employer, the married employees are limited to a combined total of 12 workweeks of FMLA for the following:

- the birth of a child and care of a child after birth.
- the placement of a child with the employee for adoption or foster care and to care for a newly placed child.
- to care for a parent who has a serious health condition.

In addition, eligible spouses who work for the same employer are limited to a combined total of 26 workweeks to care for a covered service member with a serious injury or illness.

The agency will determine whether an event qualifies as FMLA leave and will notify the employee of the designation.

State employees must exhaust all applicable paid leave when taking leave under the FMLA. Applicable paid leave includes all annual leave, sick leave, state compensatory time, holiday time, administrative leave, extended sick leave, and sick leave pool if eligible. FLSA compensatory time (overtime) is not a form of accrued paid leave that an employee may use concurrently with FMLA leave. Employees may elect to use FLSA compensatory time (overtime) while out on FMLA leave; however, that time may not be counted against the employee's FMLA leave entitlement. An employee who is receiving temporary disability benefits or workers' compensation income benefits is not required to use annual or sick leave but may elect to do so.

During the time an employee is on family and medical leave, the employer must continue the employee's health benefits. An employee who takes family and medical leave is still responsible for paying his or her portion of health insurance premiums. Appropriate arrangements must be made with Human Resources for the employee to pay the employee's share of health insurance premiums and any other optional benefits coverage while on leave. If the employee fails to return to work after the FMLA leave expires, under certain circumstances the employee may be required to reimburse the State of Texas for the state-paid portion of the health insurance premiums.

For purposes of calculating the amount of leave used by an employee, the fact that a holiday may occur within a week taken as family and medical leave has no effect; the week is counted as a week of family and medical leave. If the employee is using family and medical leave in increments of less than one week, the holiday does not count against the employee's family and medical leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

An employee who takes family and medical leave must return to the same job or a job with equivalent status and pay, benefits, and other employment terms and conditions.

Employers cannot use the taking of family and medical leave as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions, nor can be counted against the employee under a no-fault attendance policy.

In cases of medical leave taken for the employee's own serious health condition, the employee must obtain a Return-to-Work Certification from the health care provider stating that he or she is able to resume work. The employee should provide the Return-to-Work Certification to Human Resources upon returning from leave. An employee will not be permitted to return to work until a satisfactory Return to Work Certificate release from the attending health care provider is submitted to Human Resources.

When FMLA leave is for care of a family member, the employee must notify Human Resources of the employee's return from leave.

An employee should provide reasonable notice (i.e., two working days) if returning from leave earlier than originally scheduled.

Extensions beyond FMLA's 12-week entitlement must be approved in writing by the Executive Director.

a. Family and Medical Leave Eligibility

Employees who have been employed by the State of Texas for at least 12 months and have worked at least 1,250 hours (based on FLSA hours-worked principles) during the preceding 12-month period, are eligible for FMLA leave.

b. FMLA Definitions

A Serious Health Condition means an illness, injury, impairment, or physical or mental condition that involves the following:

- any period of incapacity or treatment connected with inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility; or
- continuing treatment by a health care provider that involves any one or more of the following:
 - any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves:
 - treatment two or more times by a health care provider; or
 - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment.
- any period of incapacity due to a chronic or long-term health condition.
- any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective.
- any period of incapacity to receive multiple treatments (including any period of recovery there from) either for restorative surgery or for a condition that, if not treated, would likely result in a period of incapacity of more than three calendar days.
- any period of incapacity due to pregnancy or prenatal care.

A Healthcare Provider is a licensed practitioner who is practicing within the scope of a license.

Immediate Family Member is defined as follows:

- A spouse is a husband or wife as recognized under State Law for purposes of marriage, including common law marriage. Unmarried domestic partners are not intended to qualify for FMLA leave to care for each other.
- Son or Daughter includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* (in the place of the parent). The child must be under 18 years of age, or 18 years of age or older and incapable of self-care because of mental or physical disability (as defined by the Americans with Disabilities Act).
- Parent is the employee's own parents or an individual who stood *in loco parentis* (in place of the parents) when the employee was a child. Stepparents are considered an employee's parents under this definition. This term does not include parents "in law".

c. Family and Medical Leave Notices and Certifications

Employees requesting to use FMLA leave are required to provide the following:

- 30 days in advance notice to supervisor and Human Resources Coordinator of the need to take FMLA leave, if possible.
- medical certification supporting the need for the leave due to a serious health condition affecting the employee or an immediate family member; or documentation of the event for adoption and foster care placement of a child.
- any additional medical opinions or periodic recertification at the TSSWCB's discretion.
- periodic reports during the FMLA leave regarding the employee's status and their intent to return to work.

Note: *The failure of an employee to return to work from FMLA leave will be considered a voluntary resignation. When an employee advises in writing that he or she does not intend to return to work, the employee's employment may be terminated on the approval of the Executive Director. The employee's entitlement to reinstatement, continued leave, and health benefits will cease when their separation is effective.*

When an employee needs FMLA leave to care for an immediate family member or the employee's own illness for a pre-planned medical treatment, the employee must schedule the treatment so that it will not unduly affect TSSWCB operations.

When an employee's leave is foreseeable and he or she fails to provide timely certification within 15 calendar days of being requested to furnish such certification, he or she may be denied the leave until the required certification is provided.

If the need for leave is unforeseeable, the employee must provide certification within 15 calendar days of receiving the TSSWCB request to provide such certification or as soon as practicable based on the situation.

6. Extended Sick Leave

Extended sick leave may be granted to an employee who has depleted all accrued leave and requests to remain on paid sick leave because of a serious, extended illness or an accident. Approval may be granted only at the discretion of the Executive Director. (This policy does not apply to injuries sustained on the job as these are covered by Worker's Compensation.)

7. Sick Leave Pool

TSSWCB employees may voluntarily contribute one or more days of accrued Sick Leave to a pool for wider use any time during the fiscal year. There is no limit to the amount of sick leave time that eligible employees may donate. Requests to use sick leave hours from the pool are completed and forwarded through the appropriate supervisory channels to the Pool Administrator. Requests will be considered and approved or denied by the Executive Director, on a first come, first serve basis. The pool is to be used only in the case of catastrophic illness affecting the employee or his/her immediate family and may only be requested when all other leave is exhausted.

8. Family Leave Pool

TSSWCB employees can voluntarily transfer accrued sick leave or vacation leave to the family leave pool. The family leave pool is intended to provide eligible state employees the flexibility to bond with and care for children during a child's first year following birth, adoption, or foster placement; or to care for a seriously ill family member of the employee, including illnesses or complications resulting from a pandemic.

An employee is eligible to use time contributed to the family leave pool if the employee has exhausted his or her eligible compensatory, discretionary, sick, and vacation leave because of:

- The birth of a child;
- The placement of a foster child or adoption of a child under 18 years of age;
- The placement of any person 18 years of age or older requiring guardianship;
- The serious illness of an immediate family member of the employee; including a pandemic-related illness;
- An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
- A previous donation of time to the pool.

An employee who applies to use time to care for another person must submit and be listed on that other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requires guardianship.

a. Donating to Family Leave Pool

Contributions to the family leave pool must be in increments of one or more days of an employee's accrued sick leave or vacation leave, with the exception of a retiring employee, who may designate the number of sick leave or vacation leave hours to be donated.

b. Using the Family Leave Pool

An employee may draw from the family leave pool only with the approval of the Executive Director and pool administrator. If an employee is seeking permission to withdraw time from the pool because of a serious illness, including a pandemic-related illness, of an immediate family member or of the employee, and the employee does not qualify for or has exhausted time available in the sick leave pool, the employee must provide the pool administrator with a written statement from a licensed practitioner who is treating the employee or the employee's immediate family member.

If an employee is seeking permission to withdraw time from the family leave pool because of an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member, the employee must provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.

An employee may not withdraw from the family leave pool an amount that exceeds one-third of the total time in the pool or 90 days, whichever is less.

An employee may use the time withdrawn from the family leave pool as sick leave earned by the employee. The employee must be treated for all purposes as if the employee is out on earned sick leave. The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the family leave pool.

9. Donation of Sick Leave to Another Employee

An employee may donate any amount of the employee's accrued sick leave to another employee who:

- is employed in the same state agency as the donor employee; and
- has no current balance of sick leave, extended sick leave, or leave from the sick leave pool. **Note:** To be eligible to receive donated sick leave, the recipient employee does not have to apply for or be awarded extended sick leave or leave from the sick leave pool.
- Employees can donate sick leave to more than one recipient.
- Donations of sick leave are strictly voluntary.
- Any attempt to coerce an employee to donate sick leave is prohibited.
- Employees must not provide or receive any compensation, gift, or other benefit in exchange for a sick leave donation.
- Management may not solicit sick leave donations on behalf of staff or disclose an employee's confidential health information.
- Employees lose ownership of and access to sick leave hours they choose to donate. This means an employee may no longer utilize the sick leave or have decision-making authority over that leave.
- Employees may not request that donated sick leave be restored by TSSWCB.
- Donated sick leave is no longer available for use toward retirement service credit.
- Employees who wish to donate sick leave to another employee must complete a Request to Donate Sick Leave to Another Employee Form. Form must be submitted to HR.
- Requests to donate sick leave must be reviewed and approved by HR.

10. Using Donated Sick Leave

The recipient employee must complete a Request to Receive Donate Sick Leave Form which includes certification of eligibility to receive donated sick leave. Form must be submitted to HR.

- Donated sick leave will be treated and utilized as sick leave for all purposes.
- If the donated sick leave is unused when the employee returns to work from absence, the employee will retain any balance remaining and can use donated sick after exhausting their accrued sick leave.
- Employees using donated sick leave hours intermittently must exhaust accrued sick leave before using donated sick leave hours.
- Employees cannot re-designate donated sick leave hours to another employee.
- Employees cannot use donated sick leave hours for service credit towards retirement.

Donated sick leave hours cannot be reinstated upon reemployment.

Note: Donated sick leave can have tax consequences for both parties.

11. Paid Parental Leave

Employees of state agencies, as defined by Texas Government Code, Section 661.9125(1), are entitled to paid parental leave if they qualify and take leave under the Family and Medical Leave Act for the:

- Birth of a child;
- Birth of a child by the employee's spouse;
- Birth of a child by a gestational surrogate; or
- Adoption of a child.

For the birth of a child, a state employee who takes family and medical leave is entitled to 40 days of paid leave.

For the birth of a child by the employee's spouse, birth of a child by a gestational surrogate, or adoption of a child, a state employee who takes family and medical leave is entitled to 20 days of paid leave.

Employees are not required to use all available paid vacation and sick leave before the employee is entitled to take paid parental leave.

12. Parental Leave

Employees who do not qualify for family and medical leave (and thus do not qualify for paid parental leave) are eligible for an unpaid parental leave of absence not to exceed 12 weeks for the birth of a child or the adoption or foster care placement of a child under the age of 3.

While taking unpaid parental leave, the employee must first use all available and applicable paid vacation and sick leave; the remainder of the leave is unpaid. Unpaid parental leave is limited to, and begins on the date of, the birth of the employee's natural child or the adoption by or foster care placement with the employee of a child younger than three years of age.

13. Holidays

Holidays observed by the TSSWCB are specified by the Legislature. All state employees, including part-time and hourly workers, are entitled to these holidays.

Non-national holidays require that our offices be staffed with a skeleton crew. The Executive Director may require the office to be staffed at any level deemed necessary on any holiday. If you are required to work on a holiday or if you get approval in advance from your supervisor or the Executive Director to work on a holiday, you will receive holiday time. You must enter the hours worked on holiday in CAPPS to receive proper credit.

An employee is entitled to take off one of the optional holidays (Rosh Hashanah, Yom Kippur, or Good Friday) if they agree to relinquish a state holiday (skeleton crew day) during that same year. If the employee fails to work a skeleton crew day in the year following the optional holiday off, either their pay will be docked for the amount owed the state, or a day of annual leave will be charged instead. Employees should contact their supervisor for approval and scheduling.

Holidays falling on Saturdays or Sundays are not observed unless the Legislature has specifically designated the preceding Friday or following Monday as a holiday.

The following holidays are currently specified (*Skeleton Crew Holidays):

| | |
|----------------------------------|---|
| Labor Day..... | 1st Monday in September |
| Veterans' Day..... | November 11 |
| Thanksgiving Day..... | 4th Thursday in November (and the Friday after) |
| Christmas Day..... | December 25 (and the 24th and 26th) |
| New Year's Day..... | January 1 |
| Martin Luther King, Jr. Day..... | 2nd Monday of January |
| *Confederate Heroes' Day..... | January 19 |
| Presidents' Day..... | 3rd Monday in February |
| *Texas Independence Day..... | March 2 |
| *San Jacinto Day..... | April 21 |
| Memorial Day..... | Last Monday in May |
| *Emancipation Day..... | June 19 |
| Independence Day..... | July 4 |
| *LBJ's Birthday..... | August 27 |

14. Compensatory Time

It is the responsibility of the employee to seek prior approval from their supervisor before working outside normal work hours.

Supervisors must ensure that employees work extra time only as needed to conduct essential agency business. Employees must not work extra time unless supervisors request or approve such work.

Comp time must be used within 12 months, or it will be forfeited. Comp time is not transferable to another state agency and will not be paid when an employee separates from the agency.

If travel exceeds an 8-hour workday, the employee should request prior approval from their supervisor, and request an overnight stay at a State contracted hotel if available for employee safety. If travel or work is required on the weekend, prior approval from their supervisor is required. Employees will receive comp time on an hour for hour basis.

15. Leave without Pay

State agencies or higher education institutions may grant leave without pay (LWOP), including a leave of absence without pay, subject to the following provisions:

- The leave may not exceed 12 months.
- All accumulated paid leave must be exhausted except in instances of disciplinary suspension, leave covered by workers' compensation benefits, or active military duty situations. Sick leave must first be used only if the employee is eligible to use sick leave under Texas Government Code, Chapter 661, Subchapter G.
- Subject to fiscal constraints, approval of LWOP constitutes a guarantee of employment at the conclusion of the specified leave period.

A full-calendar month in which an employee is in LWOP status does not constitute a break in state employment. However, except for employees who return to state employment from military leave under Texas Government Code, Section 661.904, a full calendar month in which an employee is in LWOP status is not counted in the calculation of:

- The employee's total state service for the purpose of determining the amount of longevity pay or the accrual rates for vacation leave, or
- The number of months of continuous state service for the purposes of the merit salary provisions or for the eligibility to use vacation leave.

In addition, an employee who is in LWOP status for the entire month will not accrue vacation or sick leave for that month.

An employee who is on LWOP will have his or her compensation reduced for the pay period by an amount in accordance with the General Appropriations Act and rules adopted by the Office of the Comptroller of Public Accounts.

The administrative head of an agency or higher education institution may allow for exceptions to these limitations in certain situations.

** It should be noted here that time taken as leave without pay does not count toward accrual of state service.*

16. The Uniformed Services Employment and Reemployment Rights Act

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is the federal law intended to ensure that persons are not disadvantaged in their civilian careers because of their current or past service in the U.S. Armed Forces, the U.S. Armed Forces' Reserves (Reserves), the National Guard, or other uniformed services. USERRA prohibits an employer from denying initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

TSSWCB that has qualifying service members must provide the service members the following: Prompt job reinstatement, accumulation of seniority, including pension plan benefits, reinstatement of health insurance, training/retraining of job skills, including accommodations for the disabled and protection against discrimination.

In addition, USERRA provides protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability.

17. Military Leave Entitlements and Eligibility

State employees who are members of the State's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team are entitled to 15 workdays in each fiscal year without loss of pay or benefits to accommodate authorized training or duty for the State's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team.

The 15 days of paid leave need not be consecutive. These days are considered business days, not calendar days. In addition, if the employee does not use the 15 days of military leave in a fiscal year, the employee is entitled to carry forward from one fiscal year to the next fiscal year the net balance of the unused accumulated leave not to exceed 45 workdays.

State agencies and institutions of higher education are required to adjust the work schedule of an employee who is a member of the Texas National Guard or a reserve branch of the U.S. Armed Forces so that two of the employee's days off each month coincide with two days of military duty.

An employee called to active duty during a national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or Title 32 of the United States Code is entitled to an unpaid leave of absence. The employee may choose (but is not required) to use all or some portion of another form of paid leave before he or she chooses to go on leave without pay while on military leave.

A state employee called to state active duty as a member of the state military forces by the governor because of an emergency is entitled to receive emergency leave without loss of military or vacation leave. This leave will be provided without a deduction in salary. This time is not limited and does not count against the 15 days maximum military leave per fiscal year.

A state employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave.

A member of the state military forces who is ordered to active state duty by the governor or by another proper authority under Texas law is entitled to the same benefits and protections provided:

- To persons performing service in the uniformed services in accordance with Title 38, United States Code, Sections 4301–4313 and Sections 4316–4319, as that law existed on April 1, 2003; and
- To persons in the military service of the United States in accordance with Title 50, United States Code, Appendix Sections 501–536, 560, and 580–594, as that law existed on April 1, 2003.

18. Veteran's Health Administration Leave

A state employee who is a veteran and who is eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs is entitled to leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time in order to obtain medical, mental health or physical rehabilitation care administered by the Veterans Health Administration of the United States Department of Veterans Affairs.

A Veteran is a person who has:

1. Served in a) the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States or the United States Public Health Service under 42 U.S.C. Section 201, b) the

Texas Military forces as defined by Section 437.001, or c) an auxiliary service of one of those branches of the armed forces; and

2. Been honorably discharged from the branch of the service in which the person served.

The leave granted may not exceed 15 days, or 120 hours, each fiscal year. The Deputy Comptroller may grant additional leave as deemed appropriate for the employee.

Employees requesting veteran's leave must provide supporting documentation about their appointments to the Special Leave Coordinator in Human Resources. Evidence of the veteran's service (DD214) must be provided, if not already on file with the agency.

19. Other Leave

a. Administrative Leave for Outstanding Performance

Administrative leave with pay may be granted by the executive director of the agency as a reward for outstanding performance. This performance will be documented by the agency. The total amount of leave granted may not exceed 32 hours during a fiscal year.

b. Bereavement Leave

Leave because of bereavement will be granted to an employee when there is a death in the employee's immediate family. For the purposes of this leave, your immediate family is defined as your spouse, children, parents, siblings, grandparents, and grandchildren as well as those of your spouse's.

The length of time allowable depends on the needs of each situation, but normally amounts to three days. This time is only to cover the immediate emergency needs of the situation, not long-term resolution of any related problem. The Executive Director must approve any exceptions to this policy.

Employees taking bereavement leave must notify their immediate supervisor and the Human Resources Coordinator. Employee notifications under emergency conditions may be made and approved via email/telephone.

c. Donation of Blood

Each employee will be allowed sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee may not receive time off unless the employee obtains approval from his or her supervisor before taking time off. On returning to work after taking time off, an employee shall provide his or her supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, the agency shall deduct the period for which the employee was granted time off from the employee's salary or accrued leave, whichever the employee chooses. An employee may receive time off not more than four times in a fiscal year.

d. Sick Leave for Educational Activities

An employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through 12th grade. The employee must give reasonable notice of his or her intention to use this leave. Educational activities are school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs.

e. Voting

Employees are entitled to time off without loss of salary, vacation time or sick leave for the purpose of going to and voting at a polling place in all local, state, and national elections.

f. Leave for Organ or Bone Marrow Donation

A state employee is entitled to leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed:

- Five working days in a fiscal year to serve as a bone marrow donor.
- 30 working days in a fiscal year to serve as an organ donor.

g. Voluntary Firefighters/Emergency Medical Services Training Leave

Voluntary firefighters and emergency medical services volunteers will be granted a paid leave of absence not to exceed five working days each fiscal year for attending training schools conducted by state agencies.

h. Certified Red Cross Activities Leave

Employees who are certified disaster service volunteers of the American Red Cross or are in training to become such a volunteer are entitled to a leave of absence not to exceed ten days each fiscal year. The employee must have the approval of his or her supervisor and a formal request from the Red Cross. In addition, the approval of the Governor's Office is required.

i. Assistance Dog Training

An employee with a disability as defined by the Human Resources Code, Sect. 121.002, will be granted paid leave of absence not to exceed 10 days each fiscal year to attend training necessary to provide the employee with an assistance dog.

j. Jury Duty and Court Appearances

If an employee is called for jury duty, the time they miss from work is not charged against their accumulated leave. Any compensation or reimbursement of expenses they receive for jury duty will not affect their salary. A statement from the court is required before they may be credited with jury leave. If, because of their position with the State Board, they are called to appear as a witness in a trial, the time they miss from work is not charged against their accumulated leave;

however, fee acceptance is conditional and is regulated by the Appropriations bill. Employees should consult their supervisor, as some state employees may accept fees, and some may not.

NOTE: If an employee is subpoenaed to appear in court in connection with their job, they should notify their supervisor immediately.

If an employee is subpoenaed to appear in court and it's not in connection with their job, but their responsibility as a law-abiding citizen, the time they miss from work is not charged against their accumulated leave. A copy of the subpoena is required to be attached to their leave request form. Their supervisor and the Executive Director must approve of this type of situation.

If testifying in a non-official capacity (i.e., testifying in a personal matter), the employee must use available leave balances under applicable policies. If subpoenaed in a private matter by a third party, an employee may request and be granted Emergency Leave, at the discretion of the Executive Director. The subpoenaed must be presented to the Executive Director and the appearance must be of short duration.

20. Leave Forms

All leave request forms and any documentation supporting leave requests must be submitted to Human Resources in a timely manner as described within this section.

21. Transfer of Leave Time

If an employee transfers from one state agency to another they are entitled to transfer credit for accumulated sick and annual leave to the new state agency, as long as state employment is continuous. Even if their employment has not been continuous, their rate of leave accrual (See Annual Leave), which depends upon length of state employment, is transferable.

To transfer either the amount of accrued leave or the rate of leave accrual, they should ask each state agency with which they have been employed to send a statement of their length of employment with the appropriate information to the Human Resources Department. An employee who was terminated through a reduction in force may have his or her earned sick leave entitlement reinstated upon returning to state service within six months of termination.

K. SPECIAL PROVISIONS RELATING TO FIELD PERSONNEL

1. Policy on Compensatory Leave for Field Representatives

If it is necessary for a field representative to work on a State Holiday, they should inform their supervisor and should be noted in the appropriate daily report. Should it be necessary for a Field Representative to work or travel for work on a Saturday or Sunday, they should inform their supervisor/administrative coordinator.

2. Reports To Be Filed by Field Personnel

The following are policies regarding the reports to be filed by field staff with the Temple Office. These reports are required to be filed electronically within the time period specified.

a. Monthly Schedules

A tentative schedule of the activities and contacts they expect to make for each calendar month should be submitted electronically to Temple by the morning of the 1st working day of the month of the schedule.

Generic monthly schedules are kept updated and can be located on the "S" drive.

b. Weekly Itineraries

A definite schedule of their weekly activities is to be filed electronically in the Temple Office no later than Monday morning of the week of the schedule. Should it become necessary to change their schedule after the itinerary has been filed; the change is to be submitted electronically to the Office in Temple immediately following the determination for change.

The Temple Office will compile all weekly schedules and provide electronic copies to staff as needed.

c. Daily Reports

Reports of their activities for each working day must be recorded daily in an electronic report format. Reports for a week's activity are to be received electronically in the Temple Office no later than Friday of the following week.

Any attachments, such as sign-in sheets may be faxed to Temple with clear directions for attaching to the report or may be scanned into an electronic format and attached to the report.

Significant events still need to be reported immediately and may be done electronically, by fax or by phone.

d. Travel Expense

Requests for reimbursement of travel expenses will be filed electronically by the field staff and should be filed by the 10th of the month following the month in which the expense was incurred.

Coded and finalized copies of the travel expense request can be sent electronically back to field staff for their records and field staff for their records. Field staff can check the Comptroller's website for payment status of travel vouchers.

L. SPECIAL PROVISIONS FOR OFFICE PERSONNEL

1. Publications

It is the policy of the Texas State Soil and Water Conservation Board that all news articles, technical manuals, reports, and other agency produced literature reflect the voluntary nature of programs and provide positive encouragement to those who might participate in the program. All material should be reviewed and approved by appropriate agency personnel and other

appropriate parties to ensure the document or documents contain no negative or misleading information that might discourage program participation and that it reflects technical accuracy, relevant editorial content, and adherence to overall TSSWCB policy, mission, and philosophy of promoting a voluntary conservation program.

2. Cost-Share Funds

It is the policy of the Texas State Soil and Water Conservation Board that persons employed by the State Board or members of the State Board cannot enter into a cost-share agreement while employed or serving on the State Soil and Water Conservation Board.

3. Building and Grounds

The purchasing agent is responsible for building operation and maintenance. If an employee encounters any problems with the building or janitorial service, they should report them to the purchasing agent promptly. Anyone requesting that someone sign for repair work done on the building or grounds should be directed to the purchasing agent.

4. Building Security

During normal working hours, the Temple office and each regional office is required to have the main entrance unlocked for conducting business with the public. Employees should greet any visitor they encounter and ask if they may be of assistance. Visitors should be escorted to their destination in the building. Those receiving or assisting visitors should escort them to the entrance as they leave. Before and after normal working hours, all entrances should be locked. As employees leave for the day, they should check to ensure that outside lights are turned on and that all entrances are secure.

5. Leaving the Building

When an employee finds it necessary to leave the building during working hours, they should notify their supervisor and those currently answering the phone.

6. Use of Break Room

For the benefit and use of all employees and any visitors that may be in the building, an area has been set aside for taking a break from work or to eat lunch. This area is for common use and each employee is responsible for maintaining a clean environment for the next person. All employees are encouraged to abide by the informal rules that allow the privilege of our break room to continue.

M. **APPENDICES**

APPENDIX A

PART-TIME EMPLOYEES

Regular, full-time positions may be filled by part-time and hourly employees. The rates of pay for part-time and hourly employees are to be proportionate to those of their full-time counterparts. Part-time employees must be appropriately classified with titles from the Plan or appropriate exempt titles. All provisions of Texas Government Code, Chapter 659 Subchapter K (Promotions, Reclassifications, and Other Adjustments to Salaries) and the provisions of Texas Government Code, Section 659.085 (Leave without Pay), are applicable to these part-time employees.

1. Entitlements

a. Leave Accruals

All part-time employees accrue all leave (annual, sick, comp, holiday, etc.) proportionate to full-time employees. For example, a part-time employee who works 20 hours per week would accrue vacation leave at half the rate of a full-time employee. The maximum number of vacation leave hours they may carry over to the next fiscal year is also proportionate. An employee who is on leave on the first day of the month is not eligible to use leave accrued for that month until the employee returns to duty.

b. Compensatory Time

Part-time FLSA exempt employees may accrue comp time when the number of work hours exceeds the number of hours the employee was designated to work.

If a part-time employee consistently works more hours than normally required, the supervisor should request approval through management channels to formally change the work schedule to more accurately reflect the hours worked.

If a part-time employee works extra hours (but fewer than 40 in the work week), the supervisor may reduce the employee's work hours in a subsequent work week during the same pay period (calendar month) by the number of excess hours worked.

Working at a remote location doesn't qualify for compensatory time. For example, working from an employee's home.

c. Longevity

Part-time employees and those hired on a seasonal or temporary basis are not eligible for longevity.

d. Benefits

For benefits purposes, a part-time employee is an employee who works fewer than 40 hours per week.

e. State Contributions for Health Insurance

For the purpose of determining state contributions for health insurance, an employee is considered full-time if he or she is designated to work 30 or more hours in a work week. A part-time employee is defined as a person designated to work less than 30 hours in a work week.

For full-time employees, the State pays all the health care and basic life premiums and 50 percent of dependents' health premium. The State pays half of the health care and basic life premiums for part-time employees and 25 percent of the dependents' health premium.

f. Waiting Period for Coverage

Employees are subject to a waiting period that will delay their health insurance. Eligibility begins on the first day of the calendar month that begins sixty days after the date the employee performs services for a state agency. The minimum age for retiree insurance is 65 years of age if the employee has not met the Rule of 80.

g. State Retirement Contributions

Employees participating in ERS must contribute to the system. The employing agency is responsible for deducting the amount of this contribution from the employee's pay. The deduction process requires no employee consent.

The State of Texas contributes a percentage of the employee's salary.

All other policies and procedures in the Employee Handbook apply.

APPENDIX B

FLEET SAFETY

1. Exposure Identification

Employees of the Texas State Soil and Water Conservation Board use vehicles extensively in carrying out its mission and programs. The vehicles utilized are state-owned vehicles or privately owned vehicles used for official purposes. Due to the need to travel throughout the state, employees are continually exposed to roadway hazards that could result in them being involved in an accident.

2. Driver Record Review

The Texas State Soil and Water Conservation Board will conduct a three-year driving record verification on all newly hired employees. The agency will also verify the validity of motor vehicles operators' licenses of employees who drive agency or privately owned vehicles for official state business on an as needed basis.

3. Training

Employees required to operate a vehicle during the official performance of their duties are given the opportunity to attend a Safety Driving Course at least once every three years.

4. Vehicle Operation and Maintenance

Employees of the Texas State Soil and Water Conservation Board are expected to operate vehicles in a safe and efficient manner. They are to obey all the traffic laws of the State of Texas and of any city or town in which they are driving. Employees are to see that vehicles have been adequately serviced (tire pressure, battery, radiator, brakes, lights, horn, windshield wipers, etc.) in accordance with the manufacturer's recommendations. Employees are to report to their Site Fleet Manager any needed repairs for state-owned vehicles and see that no vehicle is operated in an unsafe condition. All state-owned vehicles are to be kept neat and clean and are to be washed when needed.

An employee operating state-owned vehicles is responsible for safeguarding the state credit card issued for use with the vehicle. The credit card is to be secured in a safe place when the vehicle is not in use. All vehicles are to be locked when unattended. Employees will be held responsible for damages and/or theft occurring from vehicles not securely locked while unattended.

Employees using state-owned vehicles are responsible for assuring that vehicles are used only for official purposes. Employees will exercise discretion to avoid, whenever possible, any situation which may convey an impression to the public that a state-owned vehicle is being used for other than official purposes.

All drivers and passengers are to use seat belts when the vehicle is in motion. The driver should recognize hazards to vehicles and operate them carefully to avoid personal injury or damage to the vehicle or other property. Faulty mechanical items are to be repaired promptly.

Motor vehicles are to be inspected in accordance with state laws. The inspection will be performed at a state inspection station. Vehicle operators on vehicles with heavy or severe usage will perform safety inspections at least every 12,000 miles.

Employees driving state-owned vehicles are to maintain the State of Texas Vehicle Use Report provided for each vehicle. Entries should be recorded at the time purchases are made and at the end of each day. At the end of each month, the Vehicle Use Report for the month should be completed and mailed along with copies of credit card purchases and repair orders to the Fleet Manager.

5. Accident Reporting

All accidents involving state-owned or privately owned vehicles being used for official business should be reported immediately to the employee's supervisor and to the Fleet Manager.

6. Program Supervision

Supervisors in the State Office of the Texas State Soil and Water Conservation Board, Regional Managers and Field Representatives are to make certain that they and employees under their supervision are knowledgeable with the contents of this section. They are also responsible for ensuring that each employee under their supervision has had the training listed in this section and operates vehicles in a safe and efficient manner.

Regional Managers are responsible for the proper maintenance of vehicles assigned to them. They are to ensure that Vehicle Use Reports are properly completed and distributed as directed.

The following employee has been appointed Fleet Manager in addition to other duties assigned:

Amy Devereaux

The cooperation and support of each of you is requested in assisting Amy Devereaux in the accomplishment of her duties.

APPENDIX C

SAFETY AND HEALTH PROGRAM MANUAL

SAFETY AND HEALTH POLICY STATEMENT

As an employee of the Texas State Soil & Water Conservation Board, you are the most valuable and important resource of this agency. The Texas State Soil & Water Conservation Board cannot perform its vital public mission for the citizens of Texas without the enthusiastic, energetic, professional, and dedicated work performed by every one of our employees.

The safety and health of all employees is a major concern; and I intend to make every effort possible to provide all employees with a safe and healthy workplace. Each year accidents, injuries, and illnesses cause suffering and financial loss to employees of this agency and their families. In addition, accidents, injuries, and illnesses can affect our ability to provide quality service to the citizens of Texas. A safe and healthy workplace is important for everyone and does not happen by chance. Safety is everyone's responsibility, and everyone, without exception, is personally accountable to help and support the employee safety and health program of this agency. Everyone is asked to cooperate with the appointed safety staff in the implementation and continued success of the Texas State Soil & Water Conservation Board Employee Safety and Health Program.

I personally am committed to safety and health and will do everything I can to support, promote, and participate in a safe and healthy workplace. This commitment is also expected of every supervisor in our agency. It is my intent that this agency, at a minimum, comply with all applicable safety and health laws, rules, regulations, and standards; take no shortcuts when it comes to safety and health; and give safety and health priority consideration when it comes to making decisions. If everyone does their part, we can develop an organizational culture that integrates safety and individual concern in our work practices and behavior whether at work or at home.

The Texas State Soil & Water Conservation Board adopts by reference all applicable and appropriate safety-related provisions of the Risk Management for Texas State Agencies (RMTSA) guidelines, (Volume III, Workers' Compensation Exposures) as a comprehensive source for safety and health programs. In addition, agency-specific safety and health program elements and procedures are contained in the attached manual.

Rex Isom (Electronically Signed)

Signature

1/3/17

Date

1. Assignment of Responsibility

Executive Director: The executive director is responsible for the implementation of the Texas State Soil & Water Conservation Board Employee Safety and Health Program. To accomplish this, the executive director shall:

- Appoint a staff member as the Texas State Soil & Water Conservation Board safety officer, who shall report directly to the Fiscal Officer on safety related issues.
- Promote safety and health considerations as integral components in the planning and decision-making process at all levels of the organization.
- Hold supervisors/employees accountable for acts and conditions within their areas of responsibility and control.

Agency Safety Officer: The safety officer is responsible for establishing and administering the Texas State Soil & Water Conservation Board Employee Safety and Health Program. Specifically, the safety officer is to assist, advise, and guide the operation of the agency safety program. To accomplish this, he/she will:

- Prepare information to be presented to all new employees concerning the employee safety and health program.
- Keep the Executive Director informed by providing performance feedback on attaining established goals and objectives in the form of an annual summary report.
- Annually review and update as necessary, the Texas State Soil & Water Conservation Board Safety and Health Program.
- Promote safety awareness through the distribution of educational materials such as posters, flyers, brochures, and safety articles.
- Present and discuss safety and health related issues and topics during staff meetings.
- Encourage regional managers to conduct and document annual safety inspections of regional office locations.
- Personally conduct and document an annual safety inspection of the entire agency.
- Assist supervision with accident/incident investigation to ensure that all mishaps are timely/thoroughly investigated and appropriate corrective action taken.
- Maintain a record of all job-related injuries or illnesses.

Supervisors: Supervisors are responsible for the effectiveness of the Texas State Soil & Water Conservation Board Employee Safety and Health Program in eliminating or minimizing job-related injuries and illnesses. To do this, they shall:

- Accept responsibility for the agency safety and health program.
- Observe employees' work practices and take immediate action whether to reinforce safe behavior or correct unsafe behavior or work conditions.
- Regional managers may support discussions and training on safety and health related issues and topics on a regular basis during monthly meetings.
- Ensure procedures are in place to timely investigate and report accidents/incidents in the assigned work area.

Employees: Each employee is responsible and accountable for his/her own safety to the maximum extent possible. Each employee shall:

- Attend and participate in training and discussions concerning safety and health related issues and concerns.
- Perform assigned tasks and operate equipment in a safe manner.
- Report to supervisor any safety hazard that cannot be immediately corrected.
- Report to work in a physical condition that will allow safe accomplishment of the job.
- Attempt to correct, if possible, any observed condition or practice that has caused, or has the potential to cause, an injury or damage to property. The circumstances and as many facts as possible should be reported to the supervisor immediately.
- Seek training opportunities regarding safe work practices and safe operating procedures.

Additional Duty Safety Officer: The ADO is responsible for the following:

- Conduct and document annual safety walk-through inspection of regional office locations. A copy will need to be sent to the Safety Officer as part of the agency annual safety report.
- Present and discuss safety and health-related issues and topics once a month. Document and send a copy to the Safety Officer so that employee training records may be updated.
- Assist regional manager with accident/incident investigation to ensure that all mishaps are timely/thoroughly investigated and appropriate corrective action taken.
- Maintain a record of all job-related injuries to be reported to the Agency Safety Officer.
- Develop and plan an evacuation route diagram for each regional office location. A copy will need to be sent to the Safety Officer to be filed in the Safety and Health Program Manual.

2. Safety and Health Training

Employee training is probably our most valuable accident prevention tool in developing employee awareness of safety. Everyone needs training at one time or another. New employees need training to start off on the right foot. Existing employees who are changing jobs require training to perform their new jobs more efficiently and safely. Training is extremely important for employees assigned to an activity requiring reaching, material handling, and repetitive motion.

The safety and health training component can be divided into two major categories:

a. New Employee Orientation

This is the first opportunity to establish the expectations for the agency's safety and health program. This orientation training will normally be conducted within the first week of employment. As a minimum the following topics should be covered with new employees:

- a. Agency Safety and Health Policy
- b. Employee's Safety Responsibilities
- c. Emergency Response/Availability of First Aid
- d. Reporting Unsafe Working Conditions
- e. Accident/Incident Reporting Procedures
- f. Review of Fire and Emergency Evacuation Plan
- g. Workers' Compensation Programs/Benefits
- h. Agency Drug & Alcohol-Free Workplace Policy/EAP
- i. Texas Hazard Communication Act (Applicable portions)

b. Specific Subject Matter and/or Specialized Training

Most general safety training can be presented in 10-15 minutes during regularly scheduled staff meetings, where staff attendance is normally at a maximum. General safety training normally includes topics such as office safety, hazard recognition, hazard avoidance, and may cover hazards encountered off the job. For example, seasonal concerns such as water hazards, excessive exposure to the sun, and winter hazards may not be directly work-related; however, regardless of where injured, an injured employee is still not available for work.

Specialized training normally requires more time and in some cases is conducted by professional sources outside the agency. Examples of specific specialized training which may be appropriate for staff include but are not limited to:

- a. First-aid Training
- b. CPR
- c. Back Injury Prevention Training
- d. Defensive Driving
- e. Fire Extinguisher
- f. Workplace Violence

c. Records and Documentation

It is essential that all training be adequately documented. As a minimum the following information should be obtained and maintained on file.

- a. Date of training
- b. Name of instructor (affiliation, if not an agency employee)
- c. Lesson plan or brief outline of subject matter covered
- d. Name and signature of all in attendance

3. Hazard Identification and Reporting Program

An inspection program can be viewed as fact-finding with emphasis on locating potential hazards that can adversely affect the safety and health of agency employees. Its primary purpose is to detect potential hazards so they can be corrected before an accident occurs. An Inspection can determine conditions that need to be corrected or improved to bring operations up to acceptable standards, both from safety and operational standpoints. The secondary purposes are to improve operations and thus to increase efficiency, effectiveness, and productivity. While management ultimately has the responsibility for inspecting the workplace, authority for carrying out the actual inspection process extends throughout the organization.

Responsibilities:

1. Supervisors will continually observe their employees and work areas for unsafe work practices or conditions in assigned work areas; identify any observable safety hazard or unsafe work practice which may be present; and to personally correct or implement immediate corrective action and follow-up.
2. Individual employees will be alert to note and personally correct, if possible, any observable safety hazard or unsafe work practice, within their individual work area. In the event the hazard or unsafe work practice cannot be immediately corrected, each employee is further responsible to immediately report the situation to his/her immediate supervisor.

3. The agency safety officer will conduct annual formal safety walk-through inspections.

Documentation:

1. The agency safety officer will use a checklist to serve as a guide and to document annual inspections. Additions or modifications to customize the subjects' checklist will be necessary and encouraged.
2. The agency safety officer will provide a copy of the inspection results to the Executive Director.

Hazard Reporting:

Because of the agency size and central location, employees may be tempted to verbally report hazards to a supervisor, who in turn may inadvertently forget to take the proper action, especially if there appears to be no imminent danger to life or limb. To preclude this, employees will use the following simple formal reporting process:

1. In the event an employee notes a safety or health hazard and is unable to correct the hazard (i.e., a faulty wall socket), the hazard should be reported to a supervisor.
2. In the event the supervisor is also unable to personally correct the hazard immediately, the supervisor will complete the **Employee Safety Information Form**, which will be forwarded to the agency safety officer.
3. The safety officer will investigate the reported hazard and take whatever corrective action is necessary to ensure that the hazard is corrected. This may mean taking immediate action to prevent further employee exposure such as restricting use of a defective wall plug until the hazard is corrected.
4. Once the corrective action has been taken and documented on the **Employee Safety Information Form**, the originator of the report will be notified and provided a copy of the completed report.
5. Any employee may anonymously submit the report to the agency safety officer. All such reports will be handled in the same expeditious manner and appropriate feedback provided to all employees when corrective action has been taken.

Safety Suggestions:

Employees do not have to wait until a hazard is clearly identified. In fact, all employees are encouraged to submit safety and health suggestions on how to improve work practices and/or the work environment. To ensure the suggestion is adequately communicated and appropriately handled, the **Employee Information Form**, specifically part 2 will be used for this purpose. Supervisors will honor the disclaimer at the bottom of the **Employee Information Form**.

4. Accident/Incident Investigation, Reporting, and Analysis

One of the best ways to prevent accidents is to investigate the causes of the accidents/incidents that do occur. A prompt, thorough investigation of any incident, regardless of severity, including "near-misses", is an important part of any good safety program. Safety investigations should be fact-finding and not fault-finding. The intent is not to determine whether a crime has been committed or to blame someone for the accident/incident. Rather the focus should be on finding out what happened, why it happened, and how we can prevent another similar accident from happening. What is learned from the investigation helps identify and correct problems, contributing to a safe and healthy workplace. Investigations should be conducted involving the following circumstances:

- An accident which results in an employee injury.
- An incident which results in a "near-miss" - one which "almost" or "could have" resulted in an injury-producing accident.
- An incident, which results in damage to state property.
- A vehicle accident involving a state vehicle driven by an employee.
- An occupational illness or disease, including but limited to: any form of cumulative trauma disorder (i.e., Carpal Tunnel Disorder, back/neck pain, etc.).

Responsibilities:

1. The supervisor will normally be the first person notified of an accident or incident. As soon as possible after an accident, which results in injury to an employee or damage to property, the supervisor will take immediate action as appropriate to prevent any further injury to an employee or damage to property and will see that first aid is rendered as appropriate, and/or emergency assistance requested. As soon as practical, the supervisor will notify the agency safety officer who will assist the supervisor in conducting an investigation to include preparation of an accident report form.
2. The agency safety officer will ensure the proper and timely notification of agency accidents/incidents. The safety officer will also guide and advise supervisors in the investigation and reporting process.
3. All accidents which result in employee injury will also be reported to the agency claims coordinator who will complete the Employer's First Report of Injury or Illness (TWCC-1S) according to applicable rules and instructions contained in the Claims Coordinator Handbook, published by the State Office of Risk Management.

Documentation and procedures:

1. Supervisors with the assistance of the safety officer will complete the accident/incident investigation form. It is acceptable for the agency to modify the TWCC-121 or use a reasonable facsimile; however, in either case, the modification or substitute form must be coordinated with the State Risk Management Division.
2. The investigation report form should be signed by the appropriate parties and submitted to the Executive Director for review and approval of appropriate action(s), if necessary.

3. The investigation report form and any other documentation prepared during the investigation will be filed in the agency's permanent file and disposed of according to the agency's approved records retention schedule.

5. Drug & Alcohol-Free Workplace Program

Today substance abuse is an issue of major importance and concern to all citizens of this country. Substance abuse crosses all boundaries of age, occupation, social and economic situation and every other characteristic of people. The Texas State Soil and Water Conservation Board does not believe or suspect that any employee is or may abuse any substance, however, due to the monumental importance of this issue, the agency establishes the following Drug Free Workplace Policy and Program, which applies to all employees without exception.

Procedures:

New employees will be provided with a copy of the policy on the first day of employment, each employee shall be provided a written copy of the Drug Free Workplace Policy, and the agency will provide a copy of the Drug Free Policy and Program to the State Risk Management Division.

Policy:

The purpose of this policy is to help ensure a safe and productive work environment by establishing a drug-free workplace and to educate our employees about the dangers of drug and alcohol abuse. This policy applies to all employees of Texas State Soil & Water Conservation Board without exception.

This policy includes controlled substances, alcoholic beverages, illegal drugs, inhalants, and prescription drugs. Unlawful drug related conduct is prohibited in the workplace. Unlawful conduct includes the manufacturing, distribution, dispensing, possession, or use of a controlled substance on the premises of Headquarters and Regional Office locations of the Texas State Soil & Water Conservation Board and any other establishment where agency business is conducted.

It is a violation of this policy to consume alcohol at any time on agency property or any establishment where agency business is conducted, to be intoxicated on the job, to intentionally misuse or inhale a substance of any kind, or to take prescription drugs not prescribed for the employee. Employees who must take prescribed medicine on the job must inform their supervisor if the drug may inhibit or impair work performance in any manner.

As a condition of employment, all employees must abide by this policy. Disciplinary action up to and including discharge will be taken against any employee who violates this policy.

Assistance Program:

1. As a part of this policy, employees are required to notify their supervisor of any drug conviction no later than five days after the conviction.
2. Both in-patient and out-patient care for substance abuse treatment is available to the employees of the Texas State Soil and Water Conservation Board. These programs are available through primary health insurance carriers, such as HealthSelect.

6. Emergency Evacuation Plan (*include reference to Contingency/Disaster Manual*)

The Texas State Soil and Water Conservation Board safety officer is responsible to develop and coordinate the agency's contingency plans for fire evacuation or other short notice responses involving the safety and health of all employees. The safety officer will be responsible for training employees on various plans and in some cases, such as fire evacuation, the plan is regularly exercised. In the absence of the safety officer during an emergency, the following order of responsibility will be followed:

1. Fiscal Officer:
2. Administrative Coordinator
3. Special Project Coordinator

Procedures:

Upon hearing an alarm, immediately:

1. Walk, **DO NOT RUN**, to the nearest exit.
2. Close all doors behind you.
3. Evacuate according to the assigned evacuation route as posted in hallways.
4. Proceed to a predetermined assembly area, stay with other employees, and be sure you report to (or are accounted for) by the safety officer.

Evacuation-Route Diagram:

The agency's evacuation diagram is attached. The diagram is also posted near each exit. Please be sure you are familiar with the route you will take in the event of an emergency. Remember, in an actual fire, you may have to find the exit in conditions of darkness, smoke, noise, confusion, etc. What may appear easy during normal conditions can be difficult during emergency conditions.

Fire Evacuation Route Office Identification

Zone A (Yellow)

**3 Nonpoint Source Project Managers
Nonpoint Source Grant Coordinator
On the Ground Project Manager
One the Ground Program Administrator
Accountant
Grant Specialist
Government Relations Specialist
Engineer
Purchaser
Human Resources Coordinator
2 Association Office**

Zone B (Green)

**Network Specialist
Information Specialist
Statewide Programs Officer
NPS Programs Coordinator**

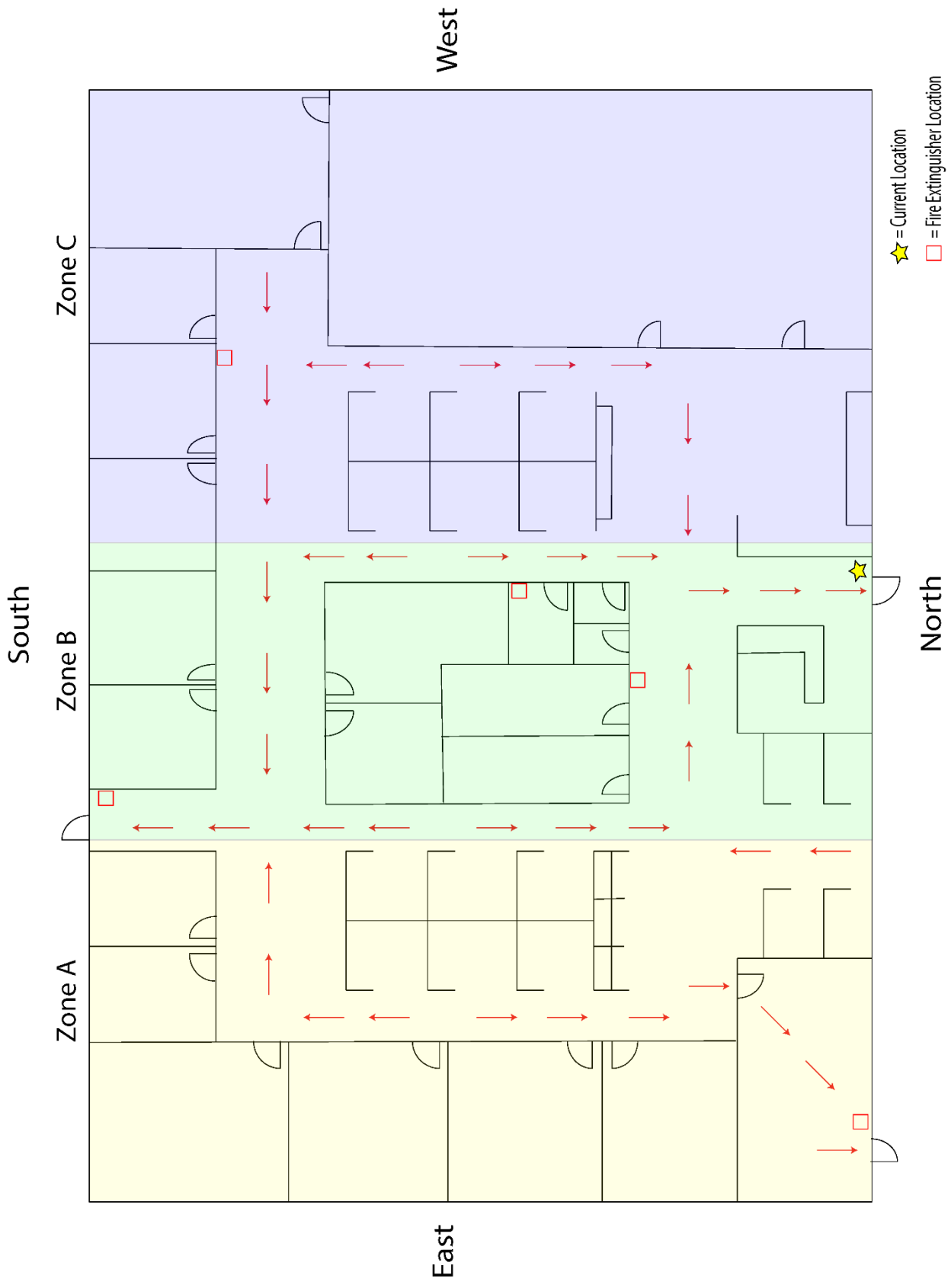
Zone C (Blue)

**Executive Director
Chief Fiscal Officer (Risk Manager)
3 Accountants
Engineer
Executive Assistant
2 Flood Control Project Managers
Regional Office Coordinator**

The evacuation diagram is color-coded. Note the color codes of building locations and their corresponding exit designations. Questions should be directed to your safety officer.

FIRE

The evacuation plan is for use during a fire. Follow the designated path from the location you are in when the alarm is given, or when fire is detected. The designated meeting area for the staff after building evacuation will be in our parking lot away from the building close to CEFCO. It is extremely important that you follow the instructions of the Safety Officer or Safety Representative in route to and at the designated meeting area, so that we may obtain a headcount of evacuated employees. **REMAIN AT THIS LOCATION** until the all-clear is given, or until you have received further instructions.



7. Traffic Safety

Traffic safety is extremely important to this agency and only safe drivers will be employed. The agency will conduct a three-year driving record verification on all newly hired employees. The agency will also verify the validity of motor vehicles operators' licenses of employees who drive agency or privately owned vehicles for official state business on an as needed basis. Employees who are found to no longer possess a valid driver's license will not be allowed to drive on agency business.

The maintenance of a valid driver's license and a safe driving record is a condition of employment. Agency supervisors will determine what action will be taken concerning personnel action as a result of an employee's driver's license or record status. Personnel action may be up to and including discharge, but any personnel action will be taken in accordance with agency personnel policies.

The following practices are adopted by the agency:

- All agency drivers must have a valid driver's license and an acceptable driving record.
- Applicable motor vehicle laws within the state, county, and city must be observed.
- Seat belts must be worn at all times by drivers and all passengers.
- All state travel rules and regulations must be followed without exceptions.
- In the event an employee is involved in a traffic accident, the following action(s) must be followed:
 - Stop the vehicle immediately at the scene. Move the vehicle to a safe location if the vehicle is blocking traffic and can be driven.
 - Aid any injured person(s) and request emergency assistance from police, firefighters, or emergency personnel.
 - Report the accident by telephoning law enforcement authorities having appropriate jurisdiction.
 - Report the accident to your supervisor and to the agency's safety officer. If driving a rental vehicle, also report the incident to the rental agency.
 - Do not admit any fault or liability to any other party involved in the accident.
 - Obtain insurance information from the driver of the other vehicle(s).
 - Do not transport non-agency personnel unless authorized to do so and in the course and scope of agency business.

8. Texas Hazard Communication Act

This chapter is based on the assumption that agency employees do not encounter hazardous chemicals or only in a non-routine, isolated instance. As such, the agency does not meet the definition of "employees" as defined in Chapter 502 of the Health and Safety Code, and therefore is not required to have a documented Hazard Communication Program. However, all new employees must be informed of the Texas Hazard Communication Act at the time of employment and be informed that they will not be exposed to hazardous materials in the course of their employment. This must be documented during New Employee Orientation.

If at any time, a change in operations or addition of materials does expose your employees to hazardous material, a Hazard Communication Program will have to be developed.

The definition of a hazardous material is extremely extensive and somewhat confusing. If you have any questions and need additional clarifications, refer to Risk Management for Texas State Agencies guidelines, Volume III, Section Two, Chapter 7.12. Also, the Hazards Communication Branch, Texas Department of Health, provides consultative visits to state agencies, as resources and schedule permit.

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

SAFETY AND HEALTH PROGRAM MANUAL

Safety Officer Appointment

Date: April 25, 2022
To: All Texas State Soil & Water Conservation Board Employees
From: Rex Isom, Executive Director
Subject: Appointment of Safety Officer

The following employee has been appointed as Agency Safety Officer in addition to other duties assigned.

Tory Matthys

The cooperation and support of each of you is requested in assisting Tory Matthys in the accomplishment of her duties.

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

SAFETY AND HEALTH PROGRAM MANUAL

Additional Duty Safety Officer Appointments

Date: October 1, 2023
To: All Texas State Soil & Water Conservation Board Employees
From: Rex Isom, Executive Director
Subject: Appointments of Additional Duty Safety Officers

The following employees have been appointed as Additional Duty Safety Officers in addition to other duties assigned.

| | |
|-------------------------------------|------------------------|
| Hale Center Regional Office | Marilyn Koelder |
| San Angelo Regional Office | Pam Blanton |
| Wharton Regional Office | Brian Koch |
| Harlingen Regional Office | Ronnie Ramirez |
| Mt. Pleasant Regional Office | Megan Cirkles |
| Dublin Regional Office | Mikel Thomas |

The cooperation and support of each of you is requested in assisting these Additional Duty Safety Officers in the accomplishment of their duties.

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

EMPLOYEE SAFETY INFORMATION FORM

This form is for use by employees who wish to provide a safety suggestion or report an unsafe workplace condition or practice.

To: Safety Officer

Description of unsafe condition or practice:

Causes or other contributing factors:

Employee's suggestion for improving safety:

Has this matter been reported to a supervisor? _____

Employee Name (OPTIONAL) _____

Department _____ Date: _____

FOR SAFETY OFFICER USE

Responsibility Assigned To:

Support Provided by:

Target Date for Completion: _____

Date Work Complete: _____

Reporter Notified (Date): _____

SAFETY AND HEALTH PROGRAM MANUAL

EMPLOYEES ARE ADVISED THAT THE USE OF THIS FORM OR OTHER REPORTS OF UNSAFE CONDITIONS OR PRACTICES ARE PROTECTED BY LAW. IT WOULD BE ILLEGAL FOR THE EMPLOYER TO TAKE ANY ACTION AGAINST AN EMPLOYEE IN REPRISAL FOR EXERCISING RIGHTS TO PARTICIPATE IN COMMUNICATIONS INVOLVING SAFETY.

APPENDIX D

EMPLOYEE GRIEVANCE POLICY

The following procedures are provided so that Texas State Soil and Water Conservation Board employees have an avenue through which they may address workplace concerns such as conflicts that arise between parties, work hours or conditions, policy or procedures, or other situations. Whatever the case, the Employee Grievance Resolution Process is designed to resolve reported problems quickly and, if possible, to the mutual satisfaction of the employee(s) and the agency.

Grievance Procedures

Employees may file their grievance in writing through their immediate supervisor for resolution. Employees are encouraged to resolve grievances through their chain of command. However, if the supervisor is the object to or a part of the issue, the employee should move to the next level of management to seek resolution. Employees may also file a complaint with the Human Resources Coordinator, who will act as a neutral third party and attempt to resolve the grievance in the most appropriate manner based on the nature of the grievance.

Possible actions include:

- investigating the grievance to determine recommended action(s);
- offering to facilitate a discussion between the employee and the other involved parties;
- requiring the employee to file a formal written grievance;
- referring the grievance to the Executive Director for review;
- returning the grievance to the submitting employee and declaring it invalid (Response to the employee will be in written form)

The grievance procedure is treated with the strictest confidence, use discretion when contacting other parties directly involved with the grievance, and information will be on a need-to-know basis only. If warranted, the employee who filed the grievance and/or any person accused of improper or illegal behavior may be placed on leave with pay while the investigation is conducted to avoid further misconduct or interference with the investigation or retaliation of the accused.

It is genuinely hoped that the decisions and actions that come out of the grievance process will be acceptable to the employee submitting the grievance. If not, however, the employee may pursue resolution through whatever means made available by agency policy, state law, or federal law.

APPENDIX E

COMPLAINT INVESTIGATION AND RESOLUTION

It is the policy of the Texas State Soil and Water Conservation Board (TSSWCB) to courteously receive and to investigate complaints, pursuant to §201.0231, Agricultural Code of Texas, concerning its policies, programs, services, employees, and issues concerning local soil and water conservation districts.

Any person expressing a desire to file a complaint against a TSSWCB employee or concerning a TSSWCB policy, program, or service should submit a written complaint to the agency designated Complaint Coordinator named below. Any person expressing a desire to file a complaint concerning a local soil and water conservation district should first attempt to have the concern addressed on the local level by the district. Local district addresses are available on the TSSWCB website, or you may call this office at 254.773.2250.

Complainants are urged to type or legibly write complaints with as much detail as possible regarding the issue or action that is the basis of the complaint, including specific reference to the time, date and place and reference to any policy, rule, law, or regulation that may have been violated. Those complainants who wish to provide oral complaints will have their complaints recorded on paper and will be requested to provide appropriate details.

Any written complaint received from a non-employee by any TSSWCB employee will be referred directly to the designated Complaint Coordinator. Any employee of the TSSWCB that desires to file a complaint must follow the procedures contained in their Policies and Procedures Manual.

A person refusing to make a written complaint or who makes an anonymous complaint does not necessarily prevent an investigation from being initiated on the facts provided but does cause the matter to be more difficult to process to an effective conclusion. Persons making anonymous complaints will not receive automated responses concerning the status or disposition of a complaint.

Pursuant to §201.0231, Agricultural Code of Texas, the Texas State Soil and Water Conservation Board will maintain a complaint log to track the filing and disposition of complaints. The complainant and any involved employee or involved district will be given written notification of the outcome of the investigation. If the process is not complete within 90 days, a status notification will be sent to both the complainant and involved employee or district quarterly until the case is closed.

The designated Complaint Coordinator will work with Human Resources and the Executive Director to review all allegations directly involving employees and districts. Complaints involving policies, programs, and services will be coordinated with appropriate departments and/or the State Board. The designated Complaint Coordinator will normally conduct complaint investigations. If warranted, the Executive Director may determine when it is in the best interest of TSSWCB for other parties, internally or externally, to conduct an investigation involving a complaint.

All complaints of employee or district misconduct will be courteously received and carefully evaluated to determine whether the allegations are valid or invalid and determine the appropriate response.

Whenever a complainant or other involved party deliberately gives false information in the complaint or during the course of a complaint investigation or other inquiry, this information will be presented to the Executive Director who will evaluate the information presented and make the appropriate decision concerning the response including presentation of the case to the appropriate prosecutor under the appropriate Texas statutes.

A complainant, who expresses the desire to withdraw the complaint, specifically saying they have no desire to pursue the complaint further, will be requested to make the request in writing. When a complaint has been withdrawn the designated Complaint Coordinator, after consultation with the Executive Director, shall determine whether the investigation should continue.

All complaints and related documents may be subject to the Texas Public Information Act.

How To File a Complaint:

1. Complaints should be submitted in writing to the Texas State Soil and Water Conservation Board. All complaints will be investigated pursuant to §201.0231, Agricultural Code of Texas.
2. Provide as much detail as possible concerning the complaint.
3. Type or legibly write, in a narrative form, a concise statement of the nature of the complaint, including all relevant facts. The more information you can provide, the better it is for following up on the complaint. If known, provide the name of all TSSWCB employees or the local district involved with your complaint or give sufficient information to allow the agency to identify employee(s) or the district.
4. After you have completed the narrative portion of the complaint, please sign it, and include your address and telephone number so that we may follow up with you.
5. Your written complaint may be filed by mail, e-mail, fax or in person. Oral complaints may be given by phone or in person.
6. All complaints and related documents may be subject to the Texas Open Records Act.

You may contact the designated Complaint Coordinator at:

Tory Matthys
Texas State Soil and Water Conservation Board
1497 Country View Lane
Temple, Texas 76504
Phone: (254) 773-2250 ext. 227
Fax: (254) 773-3311
tmatthys@tsswcb.texas.gov

APPENDIX F

TEXAS STATE SOIL AND WATER CONSERVATION BOARD

INTEROFFICE MEMO

TO: TSSWCB STAFF
FROM: Human Resources Dept.
DATE: June 2022
SUBJECT: ADA GRIEVANCE PROCEDURES

The State Soil and Water Conservation Board has established the following internal grievance procedures to provide for the prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing title 11 of the Americans with disabilities Act (ADA). Title 11 states, in part, that "no qualified individual with a disability shall, on the basis of services, programs or activities of a public entity, or be subjected to discrimination by any public entity."

An individual who alleges any violation of the implementing regulations should file a written or verbal complaint with the following:

Tory Matthys, ADA Coordinator
Texas State Soil and Water Conservation Board
1497 Country View Lane
Temple, Texas 76504
(254) 773-2250x227
tmatthys@tsswcb.texas.gov

1. A complaint should contain the name and address of the person filing it and a description of the alleged violation of the implementing regulations.
1. A complaint should be filed within 20 working days after the date of the most recent alleged unlawful practice or discriminatory act, or within 20 working days after the date the complainant was notified or became aware of the alleged violation.
2. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the ADA coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 30 working days after its filing.
5. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made to the ADA Coordinator within 10 working days after receipt of the written determination.

6. The ADA Coordinator shall maintain the files and records of the State Soil and Water Conservation Board relating to the complaints filed.
7. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. The State Soil and Water Conservation Board shall not discriminate or retaliate against any individual who exercises his or her rights granted or protected by the ADA or the implementing regulations, or against any individual who aids or encourages any other individual in the exercise or enjoyment of their rights.
9. A copy of these grievance procedures may be requested in an alternate format by contacting the ADA Coordinator.

APPENDIX G

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XVII. Soil and Water Conservation Board

Chapter 518. General Procedures

Subchapter A. Employee Training Rules

- §518.1 Policy Statement: Use of state funds. The Texas State Soil and Water Conservation Board may use state funds to provide training and education for its employees in accordance with provisions of the Texas Government Code, §§656.044-656.049.
- (1) Training to be duty related. The training or education shall be related to the duties or prospective duties of the employee.
 - (2) Attendance may be required. A State Board employee may be required to attend, as part of the employee's duties, a training or education program related to the employee's duties or prospective duties.
 - (3) Training program outline. The training and educational program of the State Board may include the following elements:
 - (a) preparing for technological and legal development;
 - (b) increasing work capabilities; and
 - (c) increasing the competence of State Board employees.
 - (4) Purposes for which public funds may be used. The State Board may spend public funds as appropriate to pay the salary, tuition and other fees, mileage and per diem, training, expenses of training materials, and other necessary expenses of an instructor, or an employee in a training or education program.
 - (5) Interagency coordination. The State Board may contract with another state, local or federal department, agency, or institution, including a state-supported college or university, to train or educate its employees or may join in presenting a training or educational program.
 - (6) Approval subject to available funds and workload. Approval to participate in a training program is not automatic and may be subject to the availability of funds within the State Board's budget or the current or anticipated workload of the employee requesting a specific time period for a training program.
 - (7) Components of program. The employee training program for the board consists of training, seminars, and conferences, as set out and described in paragraph (8) and (9) of this section.

- (8) State Board-sponsored training. The State Board may pay for in-house training for State Board employees, as provided.
- (9) Seminars and conferences. The State Board may also pay for training seminars or conferences unavailable in-house and related to a current or prospective duty assignment. Requests to attend an external training program, seminar or conference must be approved by the employee's direct program director. Training, seminars, or conferences which are required to maintain a professional license will be considered a priority in allocating a program's training budget if the license is a requirement of the employee's job. Attendance at an approved training program, seminar or conference will be considered part of the employee's normal work duties. An employee will not be required to use accrued leave to attend an approved training program, seminar or conference.

§518.2 Approval to participate in a training program, including State Board-sponsored training, seminars or conferences shall not in any way affect an employees at will status. The approval of a training program is not a guarantee or indication that approval will be granted for subsequent training programs. Approval to participate in a training program, including State Board-sponsored training, seminars or conferences shall not in any way constitute a guarantee or indication of continued employment, nor shall it constitute a guarantee of future employment in a current prospective position.

APPENDIX H

SECURITY POLICIES

This information is located on the TSSWCB website. Employees can access it through the TSSWCB Intranet. Employees will need to provide their TSSWCB username and password when prompted to view the policies.

Logon at - <https://www.tsswcb.texas.gov/user>

Link to Policies - <https://www.tsswcb.texas.gov/intranet/policies/it>

APPENDIX I

RISK MANAGEMENT MANUAL

RISK MANAGEMENT POLICY STATEMENT

It is the objective of The Texas State Soil and Water Conservation Board to manage, control and, where appropriate, reduce or eliminate risk to the end that its employees and visitors are protected from hazards; its financial condition is not seriously jeopardized, and its material and natural resources conserved to the maximum extent possible and practicable. This policy establishes uniform programs and strategies in addressing risks faced by the system. These programs will provide effective ways to manage, eliminate, or transfer these risks.

1. MEDICAL EMERGENCIES

The Texas State Soil and Water Conservation Board will make every effort to ensure the workplace is safe and healthy for all employees. In this effort we are establishing a protocol for action and who to contact in the event of any medical emergency at each worksite.

Below are the steps and considerations for individuals who witness or respond to a medical emergency:

1st priority – Call 9-1-1 for any life-threatening emergency, which may include, but is not limited to severe chest pains, uncontrolled bleeding, loss of consciousness, or behavior that is violent. Request an ambulance. Be prepared to furnish the 911 dispatcher with as much information as you can about the emergency or person(s) involved. The 911 operator will want to know your building address, room name or number. Once you have given her/him all the important information, wait for them to either ask more questions or give instructions, and always let them hang up first.

2nd priority – Contact First Responders within the office who might be supervisors or employees who are first aid/CPR trained who may be able to provide basic first aid or CPR until EMS arrives. A list of First Responders within each office is located on the bulletin board by the front office area. Remain calm, stay with the sick or injured person and assist in any way possible until medical personnel arrive.

3rd priority – Someone will need to be stationed at the entrance of the building to direct EMS to the location of the medical emergency. Human Resources will then attempt to contact the employee's designated emergency contact person.

FOR VISITORS: If a visitor becomes sick, follow the above steps, and ask them if they would like you to call someone (if they are coherent).

2. WORKPLACE VIOLENCE

The Texas State Soil and Water Conservation Board wishes to do everything possible to anticipate and prevent incidents of violence in the workplace from arising. It is the goal of TSSWCB Workplace Violence Policy to eliminate threats and acts of violence and to communicate the Agency's commitment to a policy of "Zero Tolerance" for threats or acts of violence by anyone on State Property or at TSSWCB sponsored activities.

Examples of workplace violence:

- Verbal harassment - threat to engage in violence against persons or property.
- Physical harassment or assault - physical or sexual assaults by any means with or without a weapon.
- Assault - hitting, pushing, kicking, holding, or unlawfully impeding or blocking the movement of another person.

If there is a current threat of violence in the workplace, immediately call 9-1-1. Leave the area and get out of harms way. If unable to leave the area, stay at a safe distance, try to calm the individual, and try to get the attention of a co-worker so they can call 9-1-1. Listen to the individual and let them do most of the talking.

If you are a victim or a witness:

- Call the Temple Police Department at (254) 298-5500.
- Notify your immediate supervisor or human resources.
- Individuals with a personal protection or restraining order which identifies the workplace as being a protected area should provide that information to the Temple Police Department.

3. ACTIVE ATTACKER

The threat associated with acts of violence and most notably an active shooter on the premises presents an immediate danger to staff and visitors of TSSWCB. The presence of an active shooter creates a very dynamic situation. Decisions on what to do in an active shooter or active threat situation lies with YOU. Your best three options, depending on your situation, are: RUN, HIDE, FIGHT.

RUN: If there is an accessible escape path, leave the premises – if you can get out safely, do it.

1. Have a clear escape route and plan in mind.
2. Encourage others with you to also flee.

3. Evacuate regardless of whether others agree to follow.
4. Leave your belongings behind. Do not carry anything.
5. Keep your hands visible.
6. Help others escape, if possible, but do not attempt to move wounded people.
7. Call 9-1-1 when safe to do so.

HIDE: Sheltering in place may be the best option if you are unsure where the active shooter is located.

1. If you are able, go to a room that can be locked, barricaded, or secured, and ensure that all doors and windows are closed.
2. Get on the floor, turn off all lights, and make sure no one is visible from outside the room. Stay out of the active shooter's view.
3. Remain very quiet.
4. Silence your cell phone and/or pager.
5. Do not restrict your options for movement if needed.
6. Stay in your hiding place until YOU ARE SURE that it is safe – do not respond to any voice commands until you can verify with certainty that they are being issued by a police officer.

FIGHT: If evacuation and hiding are not possible, use only as a last resort and if your life is at risk.

1. Dial 9-1-1, if possible, to alert police to the active shooter's location.
2. As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter.
3. Act with physical aggression and throw items or improvise weapons to use on the active.
4. Yell, scream, and commit to your actions. Your life is at stake.

When Law Enforcement Arrives

- Remain calm and follow officer instructions.
- Put down any items in your hands, keeping them visible at all times.
- Avoid making quick movements towards officers such as attempting to hold on to them for safety.
- Avoid pointing, screaming, or yelling.

- Do not stop to ask officers for help or directions when evacuating – allow them to do their job.

4. BOMB THREATS

Bomb threats and other threats of violence are serious emergencies that require prompt attention. Although bomb threats are rare, the following sections offer guidance for handling bomb threats. How to handle a threatening phone call if you receive a bomb threat over the phone, remain calm and act courteous. If feasible, notify another person to listen on another extension. Remain calm and alert. Take notes of the caller's threat, tone and voice characteristics, and background noise. If the caller seems talkative, ask questions such as the following. **DO NOT HANG UP** if the bomb threat comes in by phone. Keep the caller talking for as long as you can.

Ask questions such as:

- When will the bomb go off?
- How much time remains?
- Where is the bomb located?
- What kind of bomb is it?
- How do you know about this bomb?
- What is your name?
- Write down the numbers that show up on the phone's caller ID screen.
- Document the exact words of the threat.
- Alert your supervisor and/or others around you that you are receiving a threat.

Listen for any distinguishing sounds in the background or in the caller's voice such as:

- Caller's Identity: Male or Female
- Approximate Age
- Voice Characteristics: Loud or Soft Voice
- High Pitched Voice or Low-Pitched Voice
- Intoxicated
- Accent: Local or Foreign
- Speech: Fast - Slow – Distinct - Slurred - Nasal - Normal
- Calm, Angry, Rational, Irrational, Emotional, or Laughing
- Coherent or Incoherent
- Language/Grammar: Excellent - Good - Fair - Poor - Foul Language
- Background Noises: Voices or Music in Background, Animals or Street Traffic

IMPORTANT: Immediately after the call is terminated, call 9-1-1 or if you can, signal a co-worker to call 911 while you are on the phone.

After notification of a bomb threat, a search will be conducted as well as an investigation of the incident. The building may be evacuated depending upon the evaluation. Do not touch any suspicious packages and notify the police immediately. In evacuating a building, avoid standing in front of windows or other potentially hazardous areas. Do not restrict the sidewalk or streets,

which will be used by emergency officials. Do not re-enter the building until authorized to do so by the Police Department or authorized personnel.

5. HANDLING OF SUSPICIOUS PACKAGES/MAIL

If you receive a suspicious letter or package:

- Do not handle the package.
- Don't shake or bump the package.
- Isolate it immediately.
- Don't open, smell, or taste it.
- Treat the package as suspect.
- Clear the building and avoid standing in front of any window or any other potentially hazardous areas.
- Contact your Safety Manager and CALL 9-1-1.

Common features of a suspicious packages:

- They are unexpected or from someone unfamiliar to you.
- They have excessive postage or have markings such as "Personal, Confidential, or DO NOT XRAY".
- They have protruding wires or aluminum foil, strange odors, or stains on the package.
- The return address may not match the city or state shown on the postmark.
- The package(s) are of unusual weight given their size or are lopsided or oddly shaped.
- They are marked with threatening language.
- They have inappropriate or unusual labeling.
- They have misspellings of common words.
- They are addressed to someone no longer with your organization or are otherwise outdated.
- They have incorrect titles or titles without a name.
- They are handwritten or poorly typed addresses.

6. CYBER ATTACKS

If a cyber-attack occurs, notify the information security officer.

Depending on the nature of the issue, one or more of the following actions may be taken.

1. Temporary isolation of a device from the network.
2. Malware removal.
3. Password changes.
4. Removal, upgrading or reinstallation of applications.
5. Event logging and reporting.
6. User education.

In cases where sensitive data or propagation to other systems is involved the information security officer will coordinate reporting and response activities with the Texas Department of Information Resources.

7. CIVIL DISTURBANCE

Civil disturbances may include riots, demonstrations, the threatening of individuals, or assemblies that have become significantly disruptive.

In case of civil disturbance:

- Call 9-1-1
- Secure your area (lock doors, safes, files, vital records, and expensive equipment).
- Avoid area of disturbance, as well as provoking or obstructing demonstrators.
- If disturbance is outside, **STAY INSIDE** and stay away from doors or windows.
- Continue with normal routines as much as possible.

8. PANDEMIC ILLNESS

A pandemic illness is a disease outbreak that spans several countries and affects a large number of people. Pandemics are most often caused by viruses, like COVID 19, which can easily spread from person to person, from a non-living object to a person and by people who are infected but don't have any symptoms. A pandemic illness can emerge from anywhere and quickly spread around the world.

Should the threat of a pandemic and/or other infectious disease threaten TSSWCB, we may institute emergency action procedures for social distancing, self-shielding or implementation of snow days. The need for social distancing will normally be known well in advance and will allow some time to prepare. Simple definitions of these terms are:

Social Distancing: Refers to measures such as enforcement of the three (3) feet to 6 feet of personal space rule or the postponement of special events to reduce the frequency of contact among people in order to mitigate the spread of communicable diseases.

Self-Shielding: Self-imposed exclusion from infected persons or those perceived to be infected.

Snow Days: A form of temporary closure where everyone is asked to stay at home.

If a Pandemic is declared:

- Wash your hands often with soap and water for at least 20 seconds and try not to touch your eyes, nose, or mouth.
- Keep a distance of at least six feet between yourself and people who are not part of your household.

- Cover your mouth and nose with a mask when in public.
- Clean and disinfect high-touch objects and surfaces.
- Stay at home as much as possible to prevent the spread of disease.
- Follow the guidance of the [Centers for Disease Control and Prevention](#) (CDC).
- If you believe you've been exposed to the disease, contact your doctor, follow the quarantine instructions from medical providers and monitor your symptoms. If you're experiencing a medical emergency, call 9-1-1 and shelter in place with a mask, if possible until help arrives.

9. UTILITY DISRUPTIONS (OUTAGES, GAS LEAKS, ETC.)

In the event of a utility disruption, the Executive Director will make the decision as to whether the office will close. If this happens, non-essential staff will be sent home until further notice. Employees should monitor the appropriate media including the internet, radio, and TV stations for situation updates.

- Remain calm.
- Follow directions from responding local authorities.
- Turn off electronic equipment and appliances.
- Do not light candles or other types of open flames.
- If instructed to evacuate by authorities, personnel will proceed to the nearest exit.

Building Evacuation Routes for each area of the building are displayed on the Bulletin Board beside each exit. Keep a flashlight and batteries in key locations throughout your work areas.

10. SHELTER IN PLACE

In an emergency, local authorities may or may not immediately be able to provide information on what is happening and what you should do. In these instances, you must use available information to assess the situation. If you see large amounts of debris in the air, or if local authorities say the air is badly contaminated, you may want to "shelter-in-place.

Bioterrorism or leaking hazardous chemicals (petroleum, biological, or radiological contaminants) from a laboratory, rail car or tanker truck on the street or highway may involve sheltering in place. Shelter-in-place means selecting an interior room or rooms within the building, or ones with no or few windows, and taking refuge there until given formal instruction that it is safe to leave. If you should need to shelter in place:

- Remain indoors.
- Notify facilities management to shut down all ventilation.

- Write down the names of everyone in the room, call 9-1-1 and report who is in the room with you, and their affiliation with TSSWCB.
- Shut all doors and windows.
- Seal cracks around doors and windows as best as possible.
- Unless there is an imminent threat, ask employees and/or visitors in the building to call their emergency contact (family member, etc.) to let them know where you/they are and that you/they are safe.
- Do not move until an official authority has made the all-clear announcement.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Gather essential disaster supplies, such as nonperishable food, bottled water, battery-powered radios, first-aid supplies, flashlights, batteries, duct tape, plastic sheeting, and plastic garbage bags.
- Select interior room(s) above the ground floor, with the fewest windows or vents. The room(s) should have adequate space for everyone to be able to sit. Avoid overcrowding by selecting several rooms if necessary. Large storage closets, utility rooms, pantries, copy and conference rooms without exterior windows will work well. Avoid selecting a room with mechanical equipment like ventilation blowers or pipes, because this equipment may not be able to be sealed from the outdoors.
- It is ideal to have a hard-wired telephone in the room(s) you select. Call emergency contacts and have the phone available if you need to report a life-threatening condition. Cellular telephone equipment may be overwhelmed or damaged during an emergency.
- You should watch TV, listen to the radio, or check the Internet often for information or official instructions as it becomes available. If you are specifically told to evacuate or seek medical treatment, do so immediately. Continue to listen to the radio, watch television, or use the Internet for further instructions until you are told all is safe or to evacuate.